



# **Bristol City Council – Constitution**

## Summary

### 1) What is the Constitution

The purpose of the Constitution is to set out how the Council operates, how decisions are made and the procedures that are followed to ensure that decisions are taken efficiently and transparently, and that those who make the decisions are accountable to local people. Some of these procedures are legal requirements while others are how the Council has chosen to conduct its business.

This part of the Constitution is a guide to the basic principles of how the Council works and what decisions can be made and by whom. It is a summary and does not seek to be comprehensive. You will need to look at separate parts of the Constitution for full details of decision-making procedures.

All elected members and officers of Bristol City Council are governed by this Constitution.

### 2) How the Council works

From 6 May 2024, the Council operates the Committee Model of governance and is led by 70 councillors, one of whom is appointed by the Council as the Leader of the Council.

#### Full Council

Full Council comprises of 70 Councillors, each of whom is elected for a 4 year term and who represent the 35 wards of the City. The overriding duty of Councillors is to the whole community, but they have a special responsibility to the constituents of their ward.

All Councillors meet together as the Full Council. These meetings are open to the public and the press and are also broadcast live on the Council's [webcast facility](#)

The Full Council sets the broad Policy and Budget Framework within which the Council and its committees operates. The Full Council is chaired by the Lord Mayor of Bristol. This role is a ceremonial and civic one. The Lord Mayor is a councillor and is chosen and appointed for a one-year term by the Full Council at its annual Council meeting in May.

#### Conduct and Behaviour

The 70 Councillors have agreed to follow the Member Code of Conduct to ensure high standards in the way they undertake their duties. Compliance with the Code of Conduct is overseen by the Value and Ethics Sub-committee. This code of conduct is included in Part 5 of this constitution.

### 3) How decisions are made

Decisions are taken either by Full Council, Policy Committees, Regulatory Committees, or officers, according to rules set out in this Constitution.

Councillors are personally responsible for taking major decisions about many aspects of what the Council does. Councillors will take these decisions collectively in Policy Committees and Regulatory Committees, or delegate decisions to officers. Certain types of decision have also been delegated by Full Council to Area Committees.

Certain business considered by Policy Committees is defined as a 'Key Decision'. These key decisions are included on the Forward Plans for each of the Policy Committees which is a document that is published every month with details of the decisions to be taken by Policy Committees over the coming months. The Constitution sets out a specific definition of what are key decisions. In summary these are decisions where the Council will incur significant expenditure/savings or which have a significant impact on communities in two or more wards in the City.

#### **4) Council Staff**

The Council employs officers to give professional advice to Full Council, Committees and Councillors, to implement decisions taken and to manage the day to delivery of services. The Head of Paid Service is a statutory role that every Council must have. This person has responsibility for managing all Council staff and decides how Full Council, Committees and Councillors should be supported by staff. There are other statutory posts including an officer who has responsibility for ensuring that the Council takes sound financial decisions (Service Director, Finance) and an officer who is responsible for ensuring the all decisions taken by the Council are lawful (Service Director, Legal and Democratic Services). There are also statutory officers with responsibility for Children's Services and for the Council's Adult Social Services functions.

#### **5) Citizens' Rights**

Citizens of Bristol have a number of rights in dealings with the Council.

A list of some of the other rights that citizens have is set out below which is in addition to any rights for example as a parent of a school student or a tenant of the Council which are beyond the scope of this Constitution.

Citizens have the right to:

- (a) Register and vote at elections
- (b) Contact their local Councillor about issues of concern within their ward
- (c) View the Constitution which is available on the Council website
- (d) Attend Council and other committee meetings
- (e) Attend Area Committees within their area to hear from and speak to their local councillors about local issues in their wards.
- (f) View the Forward Plan to see future decisions
- (g) View the agenda and papers for forthcoming meetings on the Council's website
- (h) Use the Council's complaints procedure if they are dissatisfied with a service after which if still dissatisfied they can complain to the Local Government Ombudsman
- (i) Contact the Monitoring Officer if they have a concern about the conduct of a Councillor under the Code of Conduct
- (j) Inspect the Council's Accounts and make their views known to the External Auditor

#### **6) Structure of the Constitution**

The Constitution is split into 'Parts' to help readers find relevant information. This introduction is Part 1.

Part 2 of the Constitution sets out Articles 1 – 17 which describe the basic rules governing the Council's business.

Part 3 describes how functions and responsibilities are allocated between the Full Council and the Policy Committees.

Part 4 sets out the various rules of procedure that govern how the Council makes decisions.

Part 5 incorporates a number of codes and protocols, including the Member Code of Conduct.

Part 6 contains the Member's Scheme of Allowances.

# **ARTICLE 1 – THE CONSTITUTION**

## **A1.01**

### **Powers of Bristol City Council**

Bristol City Council will exercise all its powers and duties in accordance with the law and this constitution and all its appendices.

## **A1.02**

### **Aims and Purpose**

The purpose of the constitution is to:

- (1) Enable the council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
- (2) Support the active involvement of councillors and citizens in the process of local authority decision-making;
- (3) Help councillors represent their constituents effectively;
- (4) Enable decisions to be taken efficiently and effectively;
- (5) Create a powerful and effective means of holding decision-makers to public account;
- (6) Ensure that no one will review or scrutinise a decision in which they were directly involved;
- (7) Ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
- (8) Provide a means of improving the delivery of services to the community.

And will be interpreted to give effect to those aims.

# **ARTICLE 2 – MEMBERS OF THE COUNCIL**

## **A2.01**

### **Composition and eligibility**

#### **(a) Composition**

Bristol City Council will comprise 70 elected councillors. Councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Electoral Commission.

The term “members of the council” is a reference to all councillors.

#### **(b) Eligibility**

Only registered voters of the city of Bristol or those living or working there, who are aged 18 or over, will be eligible to stand as a candidate to hold the office of councillor.

## **A2.02**

### **Election and terms of councillors**

The regular election of councillors is held on the first Thursday in May every four years. The term of office for all councillors will start on the fourth day after being elected and will end on the fourth day after the date of the next regular election.

## **A2.03**

### **Key roles and rights and duties**

#### **(a) Key roles**

Councillors who are elected to represent local wards must both represent the people of the ward which elected them and, when involved in decision making, act in the interest of the whole area. They are all expected to contribute to the good governance of the area and to encourage community participation. They must respond to their constituents’ enquiries fairly.

#### **(b) Rights and duties**

Councillors will have such rights of access to such documents, information, land and buildings of the council as are necessary for the proper discharge of their functions and in accordance with the law.

Councillors will not make public information which is confidential or exempt without the consent of the council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it, as set out in the Access to Information Rules at Part 4 of this constitution.

Councillors will make all decisions in accordance with the law and having taken and considered proper professional advice.

**A2.04**  
**Allowances**

Councillors will be entitled to receive allowances in accordance with the **Members' Allowances Scheme** set out in part 6 of this constitution.

# ARTICLE 3 – CITIZENS AND THE COUNCIL

## A3.01

### Citizens' rights

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the **Access to Information Rules** (APR) in part 4 of this constitution:

#### (a) Voting and petitions

Citizens on the electoral roll for the City of Bristol have the right to vote for their representatives as councillors.

#### (b) Information

Citizens have the right to:

- (i) Attend meetings of the Full Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- (ii) Find out from the forward plan what key decisions will be taken by the Policy Committees and when;
- (iii) See reports and background papers, and any records of decisions made by the council and committees with the exception of confidential or exempt information; and
- (iv) inspect the council's accounts and make their views known to the external auditor.

#### (c) Participation

Citizens have the right to ask questions, submit statements and present petitions at meetings of the Full Council and at most committee meetings.

Citizens can also contribute to council decision making, for example by responding to consultation programmes.

#### (d) Complaints

Citizens have the right to complain to:

- (i) The council under its complaints and whistleblowing scheme;
- (ii) The ombudsman after using the council's own complaints scheme;
- (iii) The council's Monitoring Officer about a breach of the councillors' code of conduct.



### **A3.02**

#### **Citizens' responsibilities**

In return for their rights, the council expects that citizens will conduct themselves in a reasonable way when dealing with council officers, councillors and when using council facilities.

Citizens are required to behave with courtesy, tolerance and respect.

# ARTICLE 4 – THE FULL COUNCIL

“Full Council” is the formal meeting of all the Councillors.

## A4.01

### Decisions reserved for Full Council; that only Full Council can take

Legally, there are a number of functions which must be discharged by Full Council, and these are set out in in Regulation 3 of the Local Authorities (Committee System) (England) Regulations 2012.

- (a) The approval or adoption of the following plans or strategies:
  - (i) Annual Library Plan;
  - (ii) Crime and disorder reduction strategy;
  - (iii) Development Plan documents;
  - (iv) Licensing Authority Policy Statement;
  - (v) Local Transport Plan;
  - (vi) Plans and alterations that together comprise the Development Plan;
  - (vii) Sustainable Community Strategy;
  - (viii) Youth justice plan;
- (b) Approval or adoption of a plan or strategy for the control of the local authority’s borrowing, investments, or capital expenditure, or for determining the authority’s minimum revenue provision;
- (c) Approval (where required) of the submission of any plan or strategy (whether in draft or not) referred to in (a) or (b) above to the Secretary of State or any Minister of the Crown for approval;
- (d) Making, amending or revoking a Members’ Allowances Scheme (to include basic, attendance and special responsibility allowances);
- (e) Determination of any allowance to be paid to the Chair or Vice-Chair of the council (allowances to the Lord Mayor/Deputy Lord Mayor);
- (f) Determination of any basic, attendance or special responsibility allowances under an approved Members’ Allowances Scheme;
- (g) Making a request to the Local Government Boundary Commission for England for single-member electoral areas;
- (h) Passing a resolution to change a scheme for elections (whole council, elections by halves or elections by thirds);
- (i) Making an order giving effect to recommendations made in a community governance review;

There are also a number of other responsibilities of custom and practice that should also be discharged by Full Council:

- (j) Approval of the annual budget and setting the Council Tax;
- (k) Approval of the Treasury Management Strategy;
- (l) Approval of the council's non-statutory plan for the delivery of the Council's policies and strategies (known as the "Corporate Plan");
- (m) Approval of the council's Constitution;
- (n) Approval of the council's Annual Pay Policy Statement;
- (o) Establishment of and appointment to committees, including chairs of committees;
- (p) Appointment of the Leader and Deputy Leader of the council;
- (q) Appointment of the Lord Mayor and Deputy Lord Mayor;
- (r) Appointment of the Head of Paid Service, Monitoring Officer, Chief Finance Officer, Returning Officer and Electoral Registration Officer;
- (s) Adoption of the scheme of delegation to officers.

Part 3.1 of the council's Constitution sets out in more detail the matters which are reserved to Full Council.

#### **A4.02**

#### **Full Council meetings**

There are three types of Full Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings (including a meeting to determine the budget);
- (c) extraordinary meetings

and they will be conducted in accordance with the **Council Procedure Rules (CPR)** in part 4 of this constitution.

# **ARTICLE 5 – THE LEADER OF THE COUNCIL AND THE DEPUTY LEADER OF THE COUNCIL**

## **A 5.01**

### **The roles and responsibilities of the Leader of the council and the Deputy Leader of the council**

The roles and responsibilities of the Leader of the council are set out in detail in Part 3.3 of the Constitution.

## **A5.02**

### **Election of the Leader of the council and Deputy Leader of the council**

- (a) At its Annual Meeting the council will appoint a Leader of the council, who shall be the political head of the council, and a Deputy Leader to assume the Leader's responsibilities in their absence.
- (b) Once appointed, the Leader and the Deputy Leader will hold office for a period of 4 years unless they either:-
  - (i) resign from the office;
  - (ii) are no longer a member of the council; or
  - (iii) are removed from office by resolution of the council.
- (c) Where there is a vacancy in the office of Leader, the Deputy Leader will assume the responsibilities of the Leader until a new Leader is appointed at an ordinary meeting of the council. Where both the Leader and Deputy Leader cease to hold office at the same time, the Lord Mayor shall call a meeting of the Full Council as soon as possible, to appoint a new Leader and Deputy Leader.

## **ARTICLE 6 – KEY DECISIONS**

The council has determined that Key Decisions will be taken by Policy Committees. Key Decisions will be recorded on the Forward Plan of Key Decisions for each Policy Committee. Details regarding the procedure for Key Decisions are given in the Access to Information Procedure Rules.

The council has determined that the definition of Key Decision is a decision, which is likely:

- (a) to result in the council incurring expenditure which is, or the making of savings which are, significant having regard to the council's budget for the service or function to which the decision relates; or
- (b) to be significant in terms of its effects on communities living or working in two or more wards in the city.

The threshold at which expenditure or savings will be regarded as significant has been set at £500,000.

For clarity, the following will also be reported to the relevant Policy Committee:

- (c) Any matters deemed to have a reputational risk to the council;
- (d) Any matter deemed to have significant financial or legal risk;
- (e) Any matter relating to cessation or significant change in service delivery or policy direction;
- (f) Any matter deemed significant by the Head of Paid Service, the Monitoring Officer, or s151 Officer;
- (g) Concession contracts with a value in excess of £500,000.

# **ARTICLE 7 – THE LORD MAYOR AND CHAIRING THE FULL COUNCIL**

The Lord Mayor will be elected annually.

The Lord Mayor, and in their absence the deputy Lord Mayor, will have the following roles and functions:

## **CHAIRING THE FULL COUNCIL MEETING**

The Lord Mayor will have the following responsibilities:

- (1) to uphold and promote the purposes of the Constitution and to interpret the constitution when necessary;
- (2) to preside over meetings of the Full Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
- (3) to ensure that the Full Council meeting is a forum for the debate of matters of concern to the local community and the place at which members are able to hold the committee chairs to account;
- (4) to promote public involvement in the activities of the Full Council;
- (5) to be the conscience of the Full Council; and
- (6) to attend such civic and ceremonial functions as the Full Council and they determine appropriate.

# **ARTICLE 8 – POLICY COMMITTEES**

## **A8.01**

### **Terms of reference**

Policy Committees will operate in accordance with the Terms of Reference set out in Part 3.2 of the Constitution.

## **A8.02**

### **General role**

The council will appoint the following Policy Committees:

- (a) Adult Social Care Committee;
- (b) Homes and Housing Delivery Committee;
- (c) Public Health and Communities Committee;
- (d) Economy and Skills Committee;
- (e) Strategy and Resources Committee;
- (f) Children and Young people Committee;
- (g) Transport and Connectivity Committee;
- (h) Environment and Sustainability Committee.

The council will appoint the following standing Sub-committees:

- (i) Finance Sub-committee as a sub-committee of the Strategy and Resources Committee
- (j) Health Scrutiny Sub-committee as a Sub-committee of the Public Health and Communities Committee

The Policy Committees will discharge the functions as set out in Part 3.2 of this Constitution.

# **ARTICLE 9 – REGULATORY AND OTHER COMMITTEES**

## **A9.01**

### **Terms of reference**

Regulatory and other committees will operate in accordance with the Terms of Reference set out in Part 3.2 of the Constitution.

## **A9.02**

### **General role**

The council will appoint the following Regulatory and other committees:

- (a) Development Control Committee “A”;
- (b) Development Control Committee “B”;
- (c) Public Rights of Way and Greens Committee;
- (d) Human Resources Committee;
- (e) Selection Committee;
- (f) Appeals Committee;
- (g) Audit Committee;
- (h) Value and Ethics Sub-committee;
- (i) Licensing Committee;
- (j) Public Safety and Protection Committee;
- (k) Escalation Panel.

The regulatory and other committees will discharge the functions as set out in Part 3.2 of this Constitution.



# **ARTICLE 10 – AUDIT COMMITTEE AND VALUE AND ETHICS SUB-COMMITTEE**

## **A10.01**

### **Terms of Reference**

The Audit Committee and the Values and Ethics Sub-committee will operate in accordance with the Terms of Reference set out in Part 3.2 of the Constitution, in particular:

- (a) the Audit Committee will oversee and assess the council's risk management, control and corporate governance arrangements and advise the council on the adequacy and effectiveness of these arrangements; and
- (b) the Value and Ethics Sub-committee will determine complaints under the Councillor Code of Conduct referred to it by the Monitoring Officer and promote high standards of councillor conduct.

## **A10.02**

### **General role**

The Audit Committee and the Value and Ethics Sub-committee will discharge the functions set out in Part 3.2 of the Constitution.

## **A10.03**

### **Independent oversight**

The Value and Ethics Sub-committee will have an independent non-voting co-opted Chair.

# ARTICLE 11 – AREA COMMITTEES AND FORUMS

## A11.01

### Area committees

The Full Council may appoint area committees as it sees fit, if it is satisfied that to do so will ensure improved service delivery in the context of best value and more efficient, transparent and accountable decision making.

The Full Council has appointed an area committee known as CIL/s.106 Committees for the following 9 areas:

No	Ward 1	Ward 2	Ward 3	Ward 4
1	Avonmouth and Lawrence Weston	Henbury and Brentry	Southmead	Horfield
2	Stoke Bishop	Westbury on Trym and Henleaze	Redland	Bishopston and Ashley Down
3	Clifton	Clifton Down	Cotham	Hotwells and Harbourside
4	Central	Ashley	Lawrence Hill	Easton
5	Lockleaze	Eastville	Hillfields	Frome Vale
6	St George West	St George Central	St George Troopers Hill	-
7	Southville	Bedminster	Windmill Hill	Filwood
8	Hartcliffe and Witherwood	Bishopsworth	Hengrove and Whitchurch Park	-
9	Knowle	Stockwood	Brislington West	Brislington East

## A11.02

### Form, composition, delegations and function

Full Council has determined the form, the composition and membership of the committees, budgets and any limitations on delegation, details of which are set out in Part 3.2 of the Constitution.

#### (a) Membership of Area Committees

The membership of each CIL/s.106 Committees comprises the councillors elected to serve the wards of the committee areas.

#### (b) Functions of CIL/s.106 Committees

The Terms of Reference of CIL/s.106 Committees are set out in Part 3 of the Constitution.

**A11.03**

**Area committees – access to information**

Area committees will comply with the **Access to Information Rules** (APR) in Part 4 of this Constitution.

# ARTICLE 12– JOINT ARRANGEMENTS

## A12.01

### Arrangements to promote well-being

The Full Council, in order to promote the economic, social or environmental well-being of its area, may:

- (a) enter into arrangements or agreements with any person or body;
- (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- (c) exercise on behalf of that person or body any functions of that person or body.

## A12.02

### Joint arrangements

- (a) The Full Council may establish joint arrangements with one or more local authorities to exercise functions that are functions of any other authority, or advise the Full Council of the other authority.
- (b) Such arrangements may involve the appointment of a joint committee with these other local authorities.
- (c) Details of any joint arrangements including any delegations to joint committees will be found in the council's scheme of delegations in part 3 of this constitution.

## A12.03

### Access to information

The **Access to Information Rules** (APR) in part 4 of this constitution apply.

## A12.04

### Delegation to and from other local authorities

- (a) The Full Council may delegate functions to another local authority.
- (b) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Full Council meeting.

## A12.05

### Contracting out

The Council may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, subsequent enabling legislation or under contracting arrangements where the contractor acts as the council's agent under usual contracting principles, provided there is no delegation of the Full Council's discretionary decision making.

# ARTICLE 13 – OFFICERS

## A13.01

### Management structure

#### (a) General

The council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

#### (b) Statutory Officers

The Full Council will designate the following posts as shown and each will nominate a deputy to act in their service. If no such deputy is identified, then the Head of Paid Service will designate a nominated deputy.

<b>Post</b>	<b>Designation</b>
Head of Paid Service	Head of Paid Service Section 4 Local Government & Housing act 1989
Director of Democratic and Legal Services	Monitoring Officer Section 5 Local Government & Housing Act 1989
Director of Finance	Chief Finance Officer Section 114 Local Government Finance Act 1988
Executive Director: Children and Education	Director of Children’s Services Section 18 Children Act 2004
Executive Director: Adults and Communities	Director of Adult Social Services Section 6 Local Authorities Social Services Act 1970 as amended
Head of Democratic Engagement	Scrutiny Officer 9FB Local Government Act 2000
Director of Communities and Public Health	Director of Public Health Section 30 Health & Social Care Act 2012

#### (c) Head of Paid Service, Monitoring Officer and Chief Finance Officer

The Full Council will approve these statutory posts.

Such posts will have the functions described in Article 13.02–13.04 below.

#### (d) Structure

The Head of Paid Service will determine and publicise a description of the overall departmental structure of the council showing the management structure and deployment of officers.

## **A13.02**

### **Functions of the Head of Paid Service**

- (a) The Head of Paid Service will have responsibility for:
- (i) Overall corporate management – and operational responsibility (including overall responsibility for all officers and staffing issues);
  - (ii) Professional advice – the provision of professional advice to all parties in the decision-making process;
  - (iii) Representing the authority – on partnership and external bodies as required by law or the council;
  - (iv) Report to council – the Head of Paid Service will report to Council where appropriate, on the co-ordination of the discharge of the council's functions, the number and grade of officers required for the discharge of functions and the organisation of officers.

### **(b) Restrictions on functions**

The Head of Paid Service may not be the Monitoring Officer, but may hold the post of Chief Finance Officer if a qualified accountant.

## **A13.03**

### **Functions of the Monitoring Officer**

#### **(a) Maintaining the Constitution**

The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for councillors, staff and the public.

#### **(b) Ensuring lawfulness and fairness of decision making**

After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the Full Council if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

#### **(c) Supporting Standards arrangements**

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Audit Committee and the Values and Ethics Sub-committee in delivering its responsibilities for standards.

#### **(d) Conducting investigations**

The Monitoring Officer will conduct investigations or take other action as he sees fit into alleged breaches of the **Members' Code of Conduct**.

#### **(e) Proper officer for access to information**

The Monitoring Officer will ensure that decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available

as soon as possible.

**(f) Advising whether Policy Committee decisions are within the budget and policy framework**

The Monitoring Officer will advise whether decisions of the Policy Committees are in accordance with the budget and policy framework.

**(g) Providing advice**

The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.

**(h) Restrictions on functions**

The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

**A13.04**

**Functions of the Chief Finance Officer**

**(a) Ensuring lawfulness and financial prudence of decision making**

After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the Full Council and the council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the council is about to enter an item of account unlawfully.

**(b) Administration of the Council's financial affairs**

The Chief Finance Officer will have responsibility for the administration of the financial affairs of the council.

**(c) Providing advice**

The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and will support and advise councillors and officers in their respective roles.

**(d) Give financial information**

The Chief Finance Officer will provide financial information to the media, members of the public and the community.

**A13.05****Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer**

The council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

**A13.06****Employment**

The recruitment, selection and dismissal of officers will comply with the **Officer Employment Rules** (OER) set out in part 4 of this constitution.



# ARTICLE 14 – DECISION MAKING

## A14.01

### **Responsibility for decision making**

The council will issue and keep up-to-date a record of which committee of the council or which individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is referred to as the Responsibility for Functions which is set out in part 3 of this constitution.

## A14.02

### **Principles of decision making**

All decisions of the council will be made in accordance with the following principles:

#### **(a) Proportionality**

The action must be proportionate to the desired outcome.

#### **(b) Due consultation**

- (i) It may be appropriate to consult with communities, businesses and other third parties who have an interest in the matter. In some cases, minimum consultation requirements are prescribed by law.
- (ii) However, it should be remembered that the council is required to act in the interests of the public as a whole, so the decision desired by consultees may not necessarily be the right decision to make.

#### **(c) The taking of professional advice from officers**

Professional advice from the council's legal, financial and other specialist staff should be taken.

#### **(d) Respect for human rights**

The Human Rights Act 1998 is of great importance to local authorities. Any decision which may breach an article or protocol of the Human Rights Act should be subjected to 'anxious scrutiny' and professional advice sought.

#### **(e) A presumption in favour of openness**

Decisions taken by officers should be taken under this presumption. Access to material contributing to a decision should be made available to anyone with a legitimate interest in it unless this would involve disclosing exempt or confidential information.

#### **(f) Clarity of aims and desired outcomes**

Decision makers must be clear as to what they are seeking to achieve and why. This will often require a thoughtful consideration of other options.

### **(g) Due regard to public sector equality duty aims**

The Equality Act 2010 requires that all decisions are taken with due regard to the need to:-

- (i) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
- (ii) advance equality of opportunity between equality groups; and
- (iii) foster good relations between equality groups.

### **(h) The highest standards of ethical conduct avoiding actual, potential and perceived conflicts of interest**

#### **A14.03**

##### **(a) Decisions reserved to the Full Council**

Decisions relating to the functions listed in Article 4.02 will be made by the Full Council and not delegated.

##### **(b) Key decisions and the Forward Plan**

###### **(i) Forward Plan**

Forward plans will be prepared for each of the Policy Committees and shall be published on a monthly basis, beginning with the first day of any month. The forward plans will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first day of the second month covered in the preceding plan and will accord with the **Access to Information Rules** (APR).

###### **(ii) Key decisions**

a. For the definition of a key decision refer to Article 6

b. A decision taker may only make a key decision in accordance with the requirements of the **Policy Committee Procedure Rules** (EPR) set out in part 4 of this Constitution.

#### **A14.04**

##### **Decision making by the Full Council**

Subject to Article 14.08, the Full Council will follow the **Council Procedure Rules** (CPR) set out in part 4 of this constitution when considering any matter.

#### **A14.05**

##### **Decision making by Policy Committees**

Subject to Article 14.08, the Policy Committees will follow the **Policy Committee Procedure Rules** (EPR) set out in part 4 of this constitution when considering any matter.

#### **A14.06**

##### **Decision making by the Escalation Panel**

The Escalation Panel will follow the **Escalation Panel Procedure Rules** (EPR) set out in part 4 of this constitution when considering any matter.

#### **A14.07**

##### **Decision making by other committees and sub-committees established by the Full Council**

Subject to Article 14.08, other council committees and subcommittees will follow those parts of the **Committee Procedures Rules** (CMR) set out in part 4 of this constitution as apply to them.

#### **A14.08**

##### **Decision making by council bodies acting as tribunals**

The council, a councillor or an officer acting as a tribunal or in a *quasi-judicial* manner or determining / considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

#### **A14.09**

##### **Decision making by Officers**

Officers may have delegated powers by the Full Council or by the Policy Committees to take managerial and operational decisions - see **Responsibility for Functions** - part 3.

Officer Decisions for spend between £100,000 and £499,000 are published on the council's website: [how council decisions are made](#)

#### **A14.10**

##### **Record of decisions**

All decisions of the council and its committees and sub-committees and any officers exercising delegated powers will be recorded in accordance with Part 4B – Access to Information Procedure Rules.

# **ARTICLE 15 - FINANCE, CONTRACTS AND LEGAL MATTERS**

## **A15.01**

### **Financial management**

The management of the council's financial affairs will be conducted in accordance with the **Financial Regulations** set out in part 4 of this constitution.

## **A15.02**

### **Contracts**

Every contract made by the council will comply with the **Procurement Rules** set out in part 4 of this constitution.

## **A15.03**

### **Legal Proceedings**

The Monitoring Officer is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to the decisions of the council, or in any case where the Monitoring Officer considers that such action is necessary to protect the council's interest, and where appropriate, to settle such proceedings or threatened proceedings.

## **A15.04**

### **Authentication of documents**

Where any document is necessary for any legal procedure or proceedings on behalf of the council, the Monitoring Officer is authorised to sign it, or to authorise another officer to sign it, unless any law requires otherwise, or the Monitoring Officer has specifically authorised another employee to sign it.

## **A15.05**

### **Common Seal of the council**

The common seal of the council will be kept in a safe place in the custody of the Monitoring Officer. A decision of the council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The common seal will be affixed to those documents which in the opinion of the proper officer should be sealed. The affixing of the common seal will be attested by the proper officer or some other person authorised by them. The common seal of the council may be affixed either by physical means or by such electronic means as the Director of Legal and Democratic Services may from time to time authorise.

# **ARTICLE 16 – REVIEW AND REVISION OF THE CONSTITUTION**

## **A16.01**

### **Duty to monitor and review the Constitution**

The Monitoring Officer will monitor and review the operation of the constitution to ensure that the aims and principles of the Constitution are given full effect.

### **Protocol for monitoring and review of constitution by Monitoring Officer**

A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the constitution adopted by the Full Council, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1.

In undertaking this task the Monitoring Officer may:

- (1) observe meetings of different parts of the member and officer structure;
- (2) undertake an audit trail of a sample of decisions;
- (3) record and analyse issues raised with them by councillors, officers, the public and other relevant stakeholders; and
- (4) compare practices in this authority with those in other comparable authorities, or national examples of best practice.

## **A16.02**

### **Changes to the Constitution**

#### **Approval**

Changes to the constitution will only be approved by the Full Council after consideration of the proposal by the Monitoring Officer.

# ARTICLE 17 – SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

## A17.01

### Suspension of the Constitution

#### (a) Limit to suspension

The Articles of this constitution may **not** be suspended. The **Council Procedure Rules** (CPR) specified below may be suspended by the full Council to the extent permitted within these **Council Procedure Rules** (CPR) and the law.

#### (b) Procedure to suspend

A motion to suspend any **Council Procedure Rules** (CPR) will not be moved without notice unless at least one half of the whole number of councillors are present (35 councillors). The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

#### (c) Rules capable of suspension

**Council Procedure Rules** (CPR) may be suspended in accordance with Article 17.01 provided they are not statutory requirements.  
*(CPR which are statutory are indicated as appropriate).*

## A17.02

### Interpretation

- (a) The ruling of the Lord Mayor as to questions regarding the construction or application of this constitution as may arise at meetings of the Full Council shall be final. Such interpretation will have regard to the purposes of this constitution contained in Article 1.
- (b) Any question or dispute as to the construction or application of this constitution other than such as may arise at a meeting of the Full Council shall be determined by the Monitoring Officer in consultation with the Head of Paid Service. The decision of the Monitoring Officer shall be final. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.
- (c) The Monitoring Officer in consultation with the Head of Paid Service shall have power to make typographical and other corrections and clarification amendments to the constitution (provided they do not make substantive changes to the meaning of the constitution) and to make updating amendments to the Constitution where required due to the provisions of new statutes or changes in the council's department structure.

## A17.03

### Publication

The Monitoring Officer will ensure a copy of this Constitution is available on the council's website.

## PART 3.1 - 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 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 as to contracts (section 135 of the Local Government Act 1972);
- (f) Electing the Lord Mayor and Deputy Lord Mayor;
- (g) The power to appoint and remove the Leader of the Council, the Deputy Leader of the Council and the Chairs and Vice-chairs of committees;
- (h) Establishing committees and agreeing their terms of reference, size and the allocation of seats on committees to political groups;
- (i) Adopting and revising a members' allowance scheme;

- (j) Power to change a name of a county, district or London borough (section 74 of the Local Government Act 1972);
- (k) Conferring Freedom of the City, or the title of Honorary Alderman, Honorary Alderwoman (section 249 of the Local Government Act 1972);
- (l) Confirming the appointment of the Head of Paid Service, Monitoring Officer, Section 151 Officer and Statutory Scrutiny Officer;
- (m) Duty to appoint an electoral registration officer (section 8(2) of the Representation of the People Act 1983);
- (n) Duty to appoint returning officer for local government elections (section 35 of the Representation of the People Act 1983);
- (o) Making, amending, revoking or re-enacting or adopting byelaws;
- (p) Promoting or opposing the making of local legislation (section 239 of the Local Government Act 1972);
- (q) Deciding not to issue a casino premises licence (section 166 of the Gambling Act 2005);
- (r) Making a request for single-member electoral areas (s. 14A(1) of the Local Government Act 1992);
- (s) Duty to divide constituency into polling districts (section 18A to 18E of, and Schedule A1 of the Representation of the People Act 1983);
- (t) Changing the name of an electoral area (s. 59 of the 2007 Act);
- (u) 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”));
- (v) All other functions which the council decides should be undertaken by itself;
- (w) Any other function under the Local Authorities (Committee System) (England) Regulations 2012
- (x) All other matters which by law must be reserved to Full Council.



## **PART 3.2 - TERMS OF REFERENCE AND FUNCTIONS OF COMMITTEES**

The Council has established Policy Committees and Regulatory Committees. Each committee has delegated authority from Full Council to undertake all responsibilities and actions falling within its terms of reference as set out in this part of the Council's Constitution.

### **A. POLICY COMMITTEES**

#### **Terms of Reference of Policy Committees**

All Policy Committees will have the following Terms of Reference:

1. To deliver its functions in accordance with the Corporate Plan and any other plan or strategy approved by Full Council;
2. To take decisions above the financial threshold of £500,000 for decisions of Policy Committees and in accordance with the Council's approved budget and policy framework and decisions that are significant in terms of its effects on communities living or working in two or more wards in the city;
3. To consider matters that are referred to the Committee by the Chair of the Committee or which are escalated to the Committee;
4. To develop and agree strategies, policies and plans in respect of the areas of responsibility of the Committee;
5. To approve fees and charges;
6. To exercise statutory scrutiny functions through the appropriate Policy Committee, or Sub-Committee established for that purpose (health, flood risk management and crime and disorder);
7. To review risk management, financial management and performance reports from service areas within the areas of responsibility of the Committee;
8. To establish Sub-Committees and delegate functions to them;
9. To conduct task and finish activities to consider policy development matters. It is recommended that this be two per Policy Committee per municipal year;
10. To foster relationships with residents, businesses and stakeholders within the city and encourage them to participate in the Council's democratic processes.

#### **Policy Committees carrying out Policy development**

11. Where a Policy Committee is carrying out Policy development it will do so in accordance with the following principles:
12. Policy development will be carried out within the framework of the Council strategic

priorities as set out in the Council's Corporate Plan

13. Policy development will consider the Council Budget and Policy Framework and review of their impact on service delivery and outcomes for people in Bristol.
14. Consider '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.
15. Consider organisational performance (ICT, legal, financial and HR services) and commission performance reviews

## **Functions of the Policy Committees**

The Council has established Policy Committees and they are responsible for the following functions.

### **Adult Social Care Committee**

The Adult Social Care Committee will be responsible for the following functions:

- Adult Social Care
- Safeguarding Adults (including safeguarding boards)
- Age Friendly City
- Better Lives Programme
- Family or Friend Carers
- Ethical Care Council
- Adaptable homes and Intergenerational housing
- Integrated Care System
- Departmental performance, budget and risk

### **Homes and Housing Delivery Committee**

The Homes and Housing Delivery Committee will be responsible for the following functions:

- Housing delivery and Innovation
- Social housing and support services
- Landlord services
- Homelessness
- Home-choice
- Self builds
- Estate renewal
- Private rented sector
- Living Rent City
- Housing Strategy and Project 1000
- Retro fit sustainability of homes - carbon and waste
- Modern methods of construction
- Departmental performance, budget and risk

## **Public Health and Communities Committee**

The Public Health and Communities Committee will be responsible for the following functions:

- Public Health including Mental Health Services and Health Partnerships
- Preventative Services
- Sport and Leisure
- Commissioning (Health)
- Domestic violence and abuse
- Community Safety, Community Cohesion and Safer Bristol Partnership
- Community Engagement and development
- Transferred community assets
- Community Safety, Community Cohesion and Safer Bristol Partnership
- Voluntary and Community Services and Community initiatives
- Libraries
- Parks and Green Spaces
- Events and Carnivals
- Public protection and environmental health
- Local decision making
- Departmental performance, budget and risk

## **Economy and Skills Committee**

The Economy and Skills Committee will be responsible for the following functions:

- Development of regional planning Strategy (including Spatial Development Strategy)
- Cross border responsibility for joint spatial planning
- Delivery of renewed Local Plan
- City resilience (delivery of City Resilience Strategy) and contingency
- Flooding and flood strategy
- The Harbour
- Development management
- Civil Contingency Planning - planning and control
- Apprenticeships, training and work experience
- Lifelong learning
- City Economy
- City Policy, Strategic Planning and Communications, Council Plan
- University Development and Student Accommodation
- Major development schemes
- Land and property allocated for housing development
- Departmental performance, budget and risk

## **Strategy and Resources Committee**

The Strategy and Resources Committee will be responsible for the following functions:

- Finance and Budgets (including corporate finance)
- Legal and statutory services

- Corporate services
- Performance
- Council owned Companies and Innovation
- Culture
- Council's assets and Property Board
- Commercialisation
- External Relations
- Devolution
- City Office and Bristol One City Plan
- United Nations (UN) Sustainable Development Goals
- City Funds
- Equalities
- Democratic Engagement
- Equality Commissions and Women's Safe City
- Departmental performance, budget and risk

### **Children and Young People Committee**

The Children and Young People Committee will be responsible for the following functions:

- Children's Social Care
- Corporate Parenting, Fostering and Adoption
- Children and families support services
- Youth Services
- Children's Centres and Pre-School
- Safeguarding Children (including safeguarding boards)
- Schools and Partnerships
- Further education
- Family and Child Friendly City
- Educational Catch up plan – NEETs (not in Education, employment or training)
- Diversification of teaching work force
- New schools and school places
- School exclusions
- School streets project
- Special Educational Needs and Disability (SEND)
- Personal, Social, Health and Economic education (PSHE)
- Departmental performance, budget and risk

### **Transport and Connectivity Committee**

The Transport and Connectivity Committee will be responsible for the following functions:

- Transport Policy
- Transport Maintenance
- Major Transport Projects
- Local Joint Transport Plan
- Major Projects
- Capital Programme (delivery)
- Departmental performance, budget and risk

## **Environment and Sustainability Committee**

The Environment and Sustainability Committee will be responsible for the following functions:

- Climate Emergency Strategy delivery
- Ecological Emergency Strategy delivery
- Waste and Recycling Strategy delivery
- Clean Streets Campaign and street cleansing
- Energy, Heat Networks and City Leap
- Carbon neutrality and Green New Deal
- Air Quality and Clean Air Plan
- Departmental performance, budget and risk

## **Finance Sub-committee**

A standing Finance Sub-committee will be established as a sub-committee of the Strategy and Resources Committee. It will be responsible for the development of the Council's annual budget which will be presented to the Strategy and Resources Committee and then Full Council for approval. There will remain a need for private Task and Finish meetings to take place as part of the formal budget development cycle. This Sub-committee will also have responsibility for cross-cutting financial monitoring. These arrangements will be reflected in the Budget and Policy Framework Procedure Rules.

## **Health Scrutiny Sub-committee**

A Health Scrutiny Sub-committee will be established as a Sub-committee of the Public Health and Communities Committee. It will be responsible for the exercise of the statutory scrutiny functions under sections 244 and 245 of the National Health Service Act 2006 and the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

## **B. 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.

### **C. TERMS OF REFERENCE OF THE WEST OF ENGLAND COMBINED AUTHORITY OVERVIEW AND SCRUTINY COMMITTEE (“THE WECA OVERVIEW AND SCRUTINY COMMITTEE”)**

The functions of the Overview and Scrutiny Committee primarily relate to scrutinising the work of the WECA and making appropriate recommendations as to the discharge of its function.

The WECA Overview and Scrutiny Committee shall have the power to:-

1. Review or scrutinise decisions made or other actions taken, in connection with the discharge of any functions which are the responsibility of the WECA;
2. Make reports or recommendations to the WECA on matters that affect the WECA area or the inhabitants of the area;
3. Make reports or recommendations to the WECA with respect to the discharge of any functions which are the responsibility of the WECA.
4. In so far as the business of the Local Enterprise Partnership Business Board (LEP) relates to the discharge of functions of the WECA, the WECA Overview and Scrutiny Committee shall have the power to scrutinise the LEP as set out in (i) – (iii) above.

Save for the provision in Section A – Standing Orders (Descriptions and Rules of Procedure), that can only apply to a meeting of the West of England Combined Authority, the rules of procedure will apply to meetings of the Overview and Scrutiny.

### **D. JOINT OVERVIEW AND SCRUTINY ARRANGEMENT**

Terms of Reference of the Joint Overview and Scrutiny Arrangement comprising of the Constituent Councils of the West of England Combined Authority, the Mayor and North Somerset Council (“The Joint Overview and Scrutiny Arrangement”)

Joint Overview and Scrutiny shall have the power to:-

1. Review or scrutinise decisions made or other actions taken, in connection with the discharge of any functions which are the responsibility of the Joint Committee;
2. Make reports or recommendations to the Joint Committee on matters that affect the Joint Committee area or the inhabitants of the area;
3. Make reports or recommendations to the Joint Committee with respect to the discharge of any functions which are the responsibility of the Joint Committee.

Save for the provision in Section A – Standing Orders (Descriptions and Rules of Procedure), that can only apply to a meeting of the West of England Combined Authority; the rules of procedure will apply to meetings of the Voluntary Joint Scrutiny Arrangement.

## **E. HARBOUR COMMITTEE**

The Council establishes a Harbour Committee to discharge the responsibilities as the statutory Harbour Authority.

The terms of reference of the Harbour Committee, to include details relating to responsibilities, membership, including co-opted members, voting rights etc, will be approved by the Harbour Committee at its first meeting in the municipal year 2024/25.

The majority of members of the Harbour Committee will be Bristol City Councillors.

## **F. DOWNS COMMITTEE**

The Downs Committee was created by The Clifton and Durdham Downs (Bristol) Act 1861 (the 'Downs Act') in order to manage the Downs. It is chaired by the Lord Mayor and six councillors are appointed to the committee each year.



## **G. REGULATORY COMMITTEES:**

### **G.1 DEVELOPMENT CONTROL COMMITTEES**

#### **Terms of Reference**

#### **Arrangements**

There are two Development Control Committees:

- **Development Control Committee “A”**
- **Development Control Committee “B”**

Each Development Control Committee shall have full authority to deal with all development control matters reserved to a Development Control Committee by virtue of this consultation.

#### **Functions**

Full Council has delegated to the Development Control Committees all functions relating to town and country planning and development control as specified in Regulation 2 and Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) under the following provisions and any related secondary legislation:

1. Power to determine applications for planning permission (section 70(1) (a) and (b) and 72 of the Town and Country Planning Act 1990 (c.8)).
2. Power to determine applications to develop land without compliance with conditions previously attached (section 73 of the Town and Country Planning Act 1990).
3. Power to grant planning permission for development already carried out (section 73(A) of the Town and Country Planning Act 1990).
4. Power to decline to determine application for planning permission (section 70A of the Town and Country Planning Act 1990).
5. 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).
6. 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 General Regulations 1992 (S.I. 1992/1492)).
7. 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).
8. Power to enter into agreement regulating development or use of land (Section 106 of the Town and Country Planning Act 1990).
9. 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).
10. Power to serve a completion notice (Section 94(2) of the Town and Country Planning Act 1990).
11. Power to grant consent for the display of advertisements (Section 220 of the Town and Country Planning (Control of Advertisements) Regulations 1992).

12. Power to authorize entry onto land (Section 196A of the Town and Country Planning Act 1990).
13. Power to require the discontinuance of a use of land (Section 102 of the Town and Country Planning Act 1990).
14. 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).
15. Power to issue a temporary stop notice (Section 171E of the Town and Country Planning Act 1990).
16. Power to issue an enforcement notice (Section 172 of the Town and Country Planning Act 1990).
17. Power to apply for an injunction restraining a breach of planning control (Section 187B of the Town and Country Planning Act 1990).
18. 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)).
19. 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 the Schedule 13 of the Environment Act 1995 (c.25) and paragraph 6(5) of Schedule 14 to that Act.
20. Power to require proper maintenance of land (section 215(1) of the Town and Country Planning Act 1990).
21. Power to determine application for listed building consent and related powers (sections 16(1) and (2), 17 and 33(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 (c.9).
22. Power to issue Certificate of Lawful Works to listed buildings The Planning (Listed Buildings and Conservation Areas) Act 1990: sections 26H and 26I, as inserted by section 61 of the Enterprise and Regulatory Reform Act 2013. The Planning (Listed Buildings) (Certificates of Lawfulness of Proposed Works) Regulations 2014
23. Duties relating to applications for listed building consent and Certificates of Lawful Works and conservation area consent (sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and 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 Department of Environmental, Transport and the Regions circular 01/01).
24. 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.
25. 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).
26. 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 Conservation Areas) Act 1990).
27. Power to apply for an injunction in relation to a listed building (section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990).
28. Power to execute urgent works to unoccupied listed buildings (section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990).
29. Power to authorize stopping up or diversion of highway (section 247 of the Town and Country Planning Act 1990).

30. Power to authorise stopping-up or diversion of footpath, bridleway or restricted byway (section 257 of the Town and Country Planning Act 1990).
31. Power to extinguish public rights of way over land held for planning purposes (Section 258 of the Town and Country Planning Act 1990).
32. Powers relating to the protection of important hedgerows (the Hedgerows Regulations 1997 (S.I. 1997/1160)).
33. Powers relating to the preservation of trees (sections 197 to 214D of the Town and Country Planning Act 1990 and the Trees Regulations 1990 (S.I. 1999/1892)).
34. Powers relating to complaints about high hedges (Part 8 of the Anti-Social Behaviour Act 2003).
35. Power to include modifications in other orders (Section 53A of the Wildlife and Countryside Act 1981).
36. Power to revoke or modify planning permission (Section 97 Town and Country Planning Act 1990).
37. Duty to enter land in Part 2 of the brownfield land register (Regulation 3 of the Town and Country Planning (Brownfield Land Register) Regulations 2017).
38. The making of Local Development Orders under Article 38 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.
39. Power to exercise functions relating to Nationally Significant Infrastructure Projects and Development Consent Orders as contained in the Planning Act 2008.

### **Code of Conduct**

The committee must follow the Council's Code of Conduct for Councillors and Officers dealing with development control and other appropriate planning matters (in part 5 of the constitution).

## **G.2 PUBLIC SAFETY AND PROTECTION COMMITTEE**

### **Terms of Reference**

#### **Functions**

Full Council has delegated to the Public Safety and Protection Committee all functions relating to public safety and protection as specified in Regulation 2 and Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) under the following provisions and any related secondary legislation:

1. Power to license Hackney carriages and private hire vehicles ((a) as to Hackney carriages, the Town Police Clauses Act 1847 (10 and 11 Vict. c. 89) as extended by section 171 of the Public Health Act 1875 (38 and 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).
2. 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).
3. Power to license operators of Hackney carriages and private hire vehicles (sections 55 to 58, 62 and 79 of the Local Government (Misc. Provisions) Act 1976).
4. Power to register pool promoters (Schedule 2 to the Betting, Gaming and Lotteries Act 1963 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 Order”)).
5. 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) of the Gambling Order Act 2005).
6. 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) of the Gambling Order Act 2005).
7. Power to grant permits in respect of premises with amusement machines (Schedule 9 to the Gaming Act 1968 as saved for certain purposes by article 3(3) of the Gambling Order Act 2005).
8. Power to register societies wishing to promote lotteries (Schedule 1 to the Lotteries and Amusements Act 1976 as saved for certain purposes by article 3(3) of the Gambling Order Act 2005).
9. 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) of the Gambling Order Act 2005).
10. Power to issue cinema and cinema club licences (section 1 of the Cinema Act 1985 (c.13)).
11. Power to issue theatre licences (sections 12 to 14 of the Theatres Act 1968 (c.54)).
12. 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 Entertainment (Licensing) Act 1967 (c.19) and Part I of, and Schedules 1 and 2 to, the Local Government (Misc. Provisions) Act 1982).
13. Power to license performances of hypnotism (the Hypnotism Act 1952 (c.46)).
14. Power to license pleasure boats and pleasure vessels (Section 94 of the Public Health Acts Amendment Act 1907 (c.53)).

15. 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.viii) and section 6 of the London Authorities Act 1994 (c.xii).
16. Power to license scrap yards (section 1 of the Scrap Metal Dealers Act 1964 (c.69)).
17. 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)).
18. Power to sanction use of parts of buildings for storage of celluloid (section 1 of the Celluloid and Cinematograph Film Act 1922 (c.25)).
19. Power to register motor salvage operations (Part 1 of the Vehicles (Crime) Act 2001).
20. 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)).
21. Power to license the use of moveable dwellings and camping sites (section 269(1) of the Public Health Act 1936) (c.49).
22. Power to enforce offences to the display of no-smoking signs (section 6(5) of the Health Act 2006 ("the 2006 Act").
23. Power to enforce offences relating to smoking in smoke-free places (section 7(4) of the 2006 Act).
24. Power to enforce offences of failing to prevent smoking in smoke-free places (section 8(4) of the 2006 Act).
25. Power to enforce offences of failing to prevent smoking in smoke-free places (section 8(4) of the 2006 Act).
26. Power to transfer enforcement functions to another enforcement authority (Smoke-free (Premises and Enforcement) Regulations 2006 (S.I. 2006/3368)).
27. Power to license premises for acupuncture, tattooing, ear piercing and electrolysis (section 13 to 17 of the Local Government (Misc. Provisions) Act 1982).
28. 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).
29. 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)).
30. 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 (c.32); s.2 to 16 of the Game Licensing Act 1860 (c.90), s.4 of the Customs and Inland Revenue Act 1883 (c.10), section 12(3) and 27 of the Local Government Act 1874 (c.73), and section 213 of the Local Government Act 1972 (c.70)).
31. Power to register and license premises for the preparation of food (section 19 of the Food Safety Act 1990 (c.16)).
32. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds (the Safety of Sports Grounds Act 1975 (c.52)).
33. 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 Sports Act 1987 (c.27)).
34. Power to issue fire certificates (section 5 of the Fire Precautions Act 1971 (c.40)).
35. 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)).
36. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business (section 1 of the Pet Animals Act 1951 (c.35); section 1 of Animal Boarding Establishments Act 1963 (c.43); the Riding Establishments Acts 1964 and 1970 (1964 c70 and 1970 c70); s.1 of the Breeding of

- Dogs Act 1973 (c.60) and subsection 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999).
37. Power to register animal trainers and exhibitors (section 1 of the Performing Animals (Regulation) Act 1925 (c.38)).
  38. Power to license zoos (section 1 of the Zoo Licensing Act 1981 (c.37)).
  39. Power to license dangerous wild animals (section 1 of the Dangerous Wild Animals Act 1976 (c.38)).
  40. Power to license knackers' yards (Section 4 of the Slaughterhouses Act 1974 see also the Animal By-Products Order 1999 (S.I. 1999/646)).
  41. Power to license the employment of children (Part II – Children and Young Persons Act 1933 (c.33), bylaws made under that Part and Part II – Children and Young Persons Act 1963 (c.37)).
  42. Power to grant consent for the operation of loudspeaker (Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c.40)).
  43. Power to license agencies for the supply of nurses (Section 2 of the Nurses Agencies Act 1957 (c.16)).
  44. Power to issue licences for the movement of pigs (Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (S.I. 1995/11)).
  45. Power to license the sale of pigs (Article 13 of the Pigs (Records, Identification and Movement) Order 1995).
  46. Power to license collecting centres for the movement of pigs (Article 14 of the Pigs (Records, Identification and Movement) Order 1995).
  47. Power to issue a licence to move cattle from a market (Article 5(2) of the Cattle Identification Regulations 1998 (S.I. 1998/871)).
  48. Power to approve meat product premises (Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994 (S.I. 1994/3082)).
  49. 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)).
  50. Power to approve dairy establishments (regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995 (S.I. 1995/1086)).
  51. Power to approve egg product establishments (regulation 5 of the Egg Products Regulations 1993 (S.I. 1993/1520)).
  52. 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)).
  53. Power to approve fish products premises (regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (S.I. 1998/994)).
  54. Power to approve dispatch or purification centres (regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998).
  55. 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).
  56. Power to approve factory vessels and fishery product establishments (regulation 24 of the Food Safety (Fishery Products and Shellfish) (Hygiene) Regulations 1998).
  57. Power to register auction and wholesale markets (regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998).
  58. Duty to keep register of food business premises (regulation 5 of the Food Premises (Registration) Regulations 1991 (S.I. 1991/2828)).

59. Power to register food business premises (regulation 9 of the Food Premises (Registration) Regulations 1991).
60. 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 Health and Safety at Work 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)).
61. Functions relating to sea fisheries (sections 1, 2, 10 and 19 of the Sea Fisheries Regulation Act 1966 (c.38)).
62. Power to make closing order with respect to take-away food shops (Section 4 of the Local Government (Misc. Provisions) Act 1982 (c.30)).

### **Code of Conduct**

The Constitution contains a supplement to the members’ code of conduct which deals with the role of elected members in relation to public safety and protection committee hearings (see part 5 of the constitution).

## **G.3 PUBLIC RIGHTS OF WAY AND GREENS COMMITTEE**

### **Terms of Reference**

#### **Functions**

Full Council has delegated to the Public Rights of Way and Greens Committee all functions relating to public rights of way and greens as specified in Regulation 2 and Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) under the following provisions and any related secondary legislation:

#### **List A**

1. Functions relating to the registration of common land and town or village greens (part 1 Commons Act 2006 and the Commons Registration (England) Regulations 2008);
2. Power to register variation of rights of common (Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471));
3. Power to apply for an enforcement order against unlawful works on common land (Section 41 Commons Act 2006);
4. Power to protect unclaimed common land and unclaimed town and village greens against unlawful interference (Section 45(2)(a) Commons Act 2006); and
5. 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).

#### **List B**

6. Power to grant a street works license (section 50 of the New Roads and Street Works Act 1991 (c.22)).
7. Power to permit deposit of builder's skip on highway (section 139 of the Highways Act 1980 (c.66) ("the Act")).
8. Duty to publish notice in respect of proposal to grant permission under section 115E of the Act (section 115E of the Act).
9. Power to license planning, retention and maintenance of trees etc. in part of highway (Section 142 of the Act).
10. Power to authorise erection of stiles etc. on footpaths or bridleways (section 147 of the Act).
11. Power to license works in relation to buildings etc. which obstruct the highway (Section 169 of the Act).
12. Power to consent to temporary deposits or excavations in streets (section 171 of the Act).
13. Power to dispense with obligation to erect hoarding or fence (section 172 of the Act).
14. Power to restrict the placing of rails, beams etc over highways (section 178 of the Act).
15. Power to consent to construction of cellars etc. under street (section 179 of the Act).
16. Power to consent to the making of openings into cellars etc. under streets and pavement lights and ventilators (section 180 of the Act).
17. Power to create footpath, bridleway or restricted byway by agreement (section 25 of the Act (C.66)).
18. Power to create footpaths, bridleways and restricted byways (section 26 of the Act).
19. Duty to keep register of information with respect to maps, statements and declarations (section 31A of the Act).
20. Power to stop up footpaths, bridleways and restricted byways (section 118 of the Act).



21. Power to determine application for public path extinguishment order (sections 118ZA and 118C (2) of the Act).
22. Power to make a rail crossing extinguishment order (section 118A of the Act).
23. Power to make special extinguishment order (section 118B of the Act).
24. Power to divert footpaths, bridleways and restricted byways (section 119 of the Act).
25. Power to make a public path diversion order (sections 119ZA and 119C (4) of the Act).
26. Power to make a rail crossing diversion order (section 119A of the Act).
27. Power to make a special diversion order (section 119B of the Act).
28. Power to require applicant for order to enter into agreement (section 119C(3) of the Act).
29. Power to make an SSSI diversion order (section 119D of the Act).
30. Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Act (section 121B of the Act).
31. Power to decline to determine certain applications (section 121C of the Act).
32. Duty to asset and protect the rights of the public to use and enjoyment of highways (section 130 of the Act).
33. Duty to serve notice of proposed action in relation to obstruction (section 115E of the Act).
34. Power to apply for variation of order under section 130B of the Act (section 130B(7) of the Act).
35. Power to authorize temporary disturbance of surface of footpath, bridleway or restricted byway (section 135 of the Act).
36. Power to temporarily divert footpath, bridleway or restricted byway (section 135A of the Act).
37. Functions relating to the making good of damage and the removal of obstructions (section 135B of the Act).
38. Powers relating to the removal of things so deposited on highways as to be a nuisance (section 149 of the Act).
39. Power to extinguish certain public rights of way (section 32 of the Acquisition of Land Act 1981 (c.67)).
40. Duty to keep definitive map and statement under review (section 53 of the Wildlife and Countryside Act 1981 (c.69)).
41. Power to include modifications in other orders (section 53A of the Wildlife and Countryside Act 1981).
42. 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).
43. Power to prepare map and statement (section 57A of the Wildlife and Countryside Act 1981).
44. Power to designate footpath as cycle track (section 3 of the Cycle Tracks Act 1984 (c.38)).
45. Power to extinguish public right of way over land acquired for clearance (section 294 of the Housing Act 1981 (c.68)).
46. Power to enter into agreements with respect to means of access (section 35 of the Countryside and Rights of Way Act 2000 (c.37)).
47. Power to provide access to absence of agreement (section 37 of the Countryside and Rights of Way Act 2000).
48. Power to make limestone pavement order (section 34(2) of the Wildlife and Countryside Act 1981 (c.69)).

49. 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).

## **H. OTHER COMMITTEES**

### **H.1 HUMAN RESOURCES COMMITTEE**

#### **Terms of Reference**

#### **Membership**

Nine members of the authority, politically balanced in line with usual proportionality rules.

#### **Overview**

The employment and remuneration of the Chief Executive (Head of Paid Service), Executive Directors and Directors. Full Council has delegated to the Committee the power to determine the terms and conditions on which employees hold office including procedures for their dismissal (s.112 Local Government Act 1972) and functions relating to local government pensions (regulations under s.7, 12 and 24 Superannuation Act 1972).

The oversight and scrutiny of the wellbeing, performance and employment practices of the council and its workforce, and the implementation of its equality policies relating to employees.

#### **Functions**

**A. Full Council has delegated the following functions to the Human Resources Committee to be discharged in accordance with the Officer Employment Procedure Rules:**

- 1. Organisational change affecting Executive Directors and Directors**
  - a. Consider the workforce implications of any proposal from the Chief Executive to change the organisational structure of the Council where Executive Directors or Directors may be at risk of redundancy.
- 2. Conduct and capability – Chief Executive, Chief Finance Officer and Monitoring Officer**
  - a. Consider any allegations/complaints regarding the conduct and/or any capability issues (performance or health) of the Head of Paid Service, Monitoring Officer, Chief Finance Officer, having regard to the model procedures and associated guidance of the Joint Negotiating Committee for Local Authority Chief Executives and Joint Negotiating Committee for Chief Officers. Where necessary, take action, except in relation to dismissal, where the Committee may recommend dismissal to Full Council.
  - b. The suspension of the Chief Executive, Monitoring Officer and Chief Finance Officer is delegated to the Chair of the Committee; the suspension of Executive Directors and Directors is delegated to the Chief Executive.
- 3. Severance Payments – Chief Executive, Executive Directors and Directors**

- a. Determine the preferred option(s) for resolution and parameters of any negotiation that may lead to a severance payment to the Chief Executive, Executive Director or Director.

#### **4. Grievances affecting the Chief Executive**

- a. Hear and determine any grievance submitted by the Chief Executive provided that it has been referred by the Monitoring Officer.
- b. Hear and determine any grievance submitted by an employee against the Chief Executive where referred by the Monitoring Officer or Director: Workforce and Change.

#### **5. Terms and conditions of employment including remuneration of the Chief Executive, Executive Directors and Directors**

- a. Oversight of contracts of employment for the Chief Executive, Executive Directors and Directors employed in accordance with the Joint Negotiating Committee Chief Executives or the Joint Negotiating Committee Chief Officers of Local Authorities.
- b. Setting the terms and conditions of employment for the Chief Executive, Executive Directors and Directors.
- c. Determining any changes to the pay of the Chief Executive during their employment in accordance with the Council's Pay Policy Statement.
- d. Consideration of requests for increases in pay of more than 10% above the minimum of the pay range during employment for Executive Directors and Directors, subject to a recommendation from the Chief Executive and Director: Workforce and Change.
- e. Consider and make recommendations to Full Council in relation to the annual Pay Policy Statement.

### **B. The Committee oversees and scrutinises the wellbeing, performance and employment practices of the Council, and the implementation of its equality policies relating to the workforce.**

#### **1. Safety Health and Wellbeing of the Council's Workforce**

- a. Receive the annual report on the safety, health and wellbeing of the Council's workforce.
- b. Monitor the development and implementation of the Council's safety, health and wellbeing plans.
- c. Receive monitoring reports on employee engagement and health and wellbeing

## **2. Workforce performance reporting**

- a. Monitor the development and implementation of the Council's Workforce Strategy.
- b. Receive monitoring reports on workforce diversity, employee engagement, performance management, workforce spend and any changes to HR policies.

## **3. The implementation of equality policies relating to the workforce.**

- a. Receive the Council's annual pay gap reports.
- b. Receive reports on the progress on workforce related actions in the Equality and Inclusion Policy
- c. Receive reports on the work of the staff led groups.

## **C. Other matters**

- a. Consider any matters referred to the Committee by the Chief Executive or Director: Workforce and Change which have significant workforce implications such as changes to terms and conditions of employment.
- b. Hear and determine any collective dispute from trade unions where referred by the Director of Workforce and Change.
- c. Approve the Senior Coroner's salary.
- d. Determine the annual work programme of the Committee.
- e. Produce an annual report to Full Council on the work of the Committee.

## **H.2 SELECTION COMMITTEE**

### **Terms of Reference - Overview**

The role of the committee primarily relates to the appointment and starting remuneration of chief officers and deputy chief officers. Full Council has delegated to the Committee the power to determine the terms and conditions on which employees hold office (s.112 Local Government Act 1972). The Chair, or in their absence, the Vice-chair, of the relevant policy committee will sit on a Selection Committee.

### **Functions**

Full Council has delegated the following functions to the Selection Committee to be discharged in accordance with the Officer Employment Procedure Rules:

1. Make recommendations to Full Council in relation to the appointment of the Head of Paid Service (s.4 (1) Local Government and Housing Act 1989), Monitoring Officer (s.5(1) Local Government and Housing Act 1989), Chief Finance Officer (s.151 Local Government and Housing Act 1989), Electoral Registration Officer (s.8(2) Representation of the People Act 1983) and Returning Officer for local government elections (s.35 Representation of the People Act 1983).
2. Appoint all other chief officers and deputy chief officers and agree their starting remuneration.
3. Appoint a senior coroner for the Avon coroner area, subject to prior consultation with the other authorities in the coroner area and the separate written consent of the Chief Coroner and the Lord Chancellor.

## **H.3 APPEALS COMMITTEE**

### **Terms of Reference**

#### **Overview**

The primary role of the Committee is to consider employee appeals against dismissal. The Committee also takes decisions on renewal and discharge of guardianship under the provisions of the Mental Health Act 1983.

#### **Functions**

Full Council has delegated the following functions to the Appeals Committee:

1. Hear and determine any appeal submitted by the Head of Paid Service, Monitoring Officer or Chief Finance Officer in relation to disciplinary action short of dismissal.
2. Hear and determine any appeal against dismissal submitted by employees (except the Head of Paid Service, Monitoring Officer and Chief Finance Officer, where a full Council hearing is required).
3. Hear and determine any grievance appeal submitted by an employee where the grievance is against the Head of Paid Service.
4. Hear and determine any grievance appeal submitted by chief officers or deputy chief officers. (Any grievance appeal submitted by the Head of Paid Service will be heard by full Council).
5. Hear and determine any appeal submitted by chief officers or deputy chief officers regarding the classification of posts and ring-fence arrangements in the Methods of Appointment under the Council's Managing Change Policy.
6. Decide on guardianship discharge or renewal under the Mental Health Act 1983.
7. Decide an appeal against any decision made by or on behalf of the authority, except where another Council body is in place to decide that appeal.

## **H.4 AUDIT COMMITTEE (AND VALUES AND ETHICS SUB COMMITTEE)**

### **Composition of the Committee**

The Audit Committee comprises nine members of the Council and up to two independent members. The independent members are appointed by the committee. The Chair and Vice-Chair of the committee shall be confirmed by the Audit Committee as per committee procedure rules. Party Group Leaders are not eligible to sit on the Audit Committee.

A minimum of three councillor members of the Audit Committee will be present for the meeting to be deemed quorate.

The Committee may not appoint any person as an independent member who is an active member of any political party, defined as any person who engages in political activities which would not be permissible if that person was an officer holding a politically restricted post within the Council. Independent membership may only be made if the person has particular knowledge or expertise in the functions for which the Committee is responsible.

The Committee will meet at least five times a year and will maintain the technical capability to discharge the Audit Committee responsibilities of the Council. The Chair of the Committee may convene additional meetings, as deemed necessary.

The Audit Committee may hold separate meetings with External / Internal Auditors without officer representation. The Committee should hold at last one such meeting annually with External and Internal Auditors.

### **Objectives or Purpose**

1. To provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects governance, the authority's exposure to risk and weakness of the control environment, and to oversee the financial reporting process.
2. To review matters relating to Internal Audit, external audit, risk management, governance, assurance statements, anti-fraud and anti-corruption arrangements.
3. To enhance and promote the profile, status and authority of the Internal Audit function and to demonstrate its independence.
4. To contribute towards making the authority, its committees and departments more responsive to the audit function.
5. To review compliance with the relevant standards, codes of practice and corporate governance policies of the Council.

#### **1. Audit Activity**

- 1.1 To approve the Internal Audit Charter and Strategy and monitor its progress.



- 1.2 To approve the Internal Audit annual plan of work and monitor unscheduled work that could potentially divert audit resources away from a plan, and monitor performance against those plans, ensuring that there are no inappropriate scope or resource limitations.
- 1.3 To suggest work for Internal and External Audit.
- 1.4 To consider the Annual Report and opinion of the Head of Internal Audit and a summary of Internal Audit activity and the level of assurance it can give over the Council's corporate governance arrangements prior to approving the Annual Accounts.
- 1.5 To oversee and provide assurance to the Council on the provision of an effective internal audit service and consider the main issues arising from summary Internal Audit reports, and seek assurance that action has been taken where necessary, particularly in areas of high risk.
- 1.6 To consider reports dealing with the management and performance of the Internal Audit function, including the external peer review and reports on the results of the Quality Assurance and Improvement Programme in order to gain assurance on the effectiveness of the Internal Audit function.
- 1.7 To monitor the implementation of agreed actions within reasonable timescales.
- 1.8 To consider the External Auditor's Annual Inspection Letter, relevant reports and the reports to those charged with governance in the process for the approval of the Annual Accounts.
- 1.9 To consider specific reports as agreed with the External Auditor to ensure agreed action is taken within reasonable timescales.
- 1.10 To comment on the scope and depth of the external audit work and to ensure it gives value for money.
- 1.11 To liaise with Public Sector Audit Appointments Limited over the appointment of the Council's External Auditor.
- 1.12 To consider the reports of inspection agencies relevant to the Council.
- 1.13 To undertake an annual review of the effectiveness of the system of Internal Audit.
- 1.14 To oversee the appointment / dismissal of the Chief Internal Auditor.

## **2. Regulatory Framework**

- 2.1 To receive assurance reports on the effectiveness of the Council's Constitution in respect of contract procedure rules, financial regulations, codes of conduct and behaviour and to periodically consider proposed changes to the Constitution in order to make recommendations for amendments to Full Council.

- 2.2 To review any issue referred to it by the Head of Paid Service or Executive Director or any Committee of the Council.
- 2.3 To monitor the effective development and operation of risk management and corporate governance throughout the Council.
- 2.4 To monitor Council policies on whistleblowing and anti-fraud and anti-corruption policies, including the Council's complaints process.
- 2.5 To review the Council's Annual Governance Statement prior to approval, considering whether it properly reflects the risk environment and supporting assurances, and recommend its adoption for publication with the annual accounts, together with associated plans for addressing areas of improvement and advising the Council as appropriate.
- 2.6 To review the arrangements for corporate governance, including the Code of Corporate Governance, to agree necessary actions to ensure compliance with best practice and to recommend to Full Council as appropriate.
- 2.7 To review the Council's framework of assurance, for example Assurance maps, and ensure that it adequately addresses the risks and priorities of the Council.
- 2.8 To review the Council's compliance with its own and published national standards and controls.
- 2.9 To review assurances and assessments on the effectiveness of the Council's arrangements to secure value for money.
- 2.10 To review the assessment of fraud risk and potential harm to the Council from fraud and corruption and to monitor the use of resources to address fraud risk.
- 2.11 To report as appropriate to Full Council on issues which require their attention or further action.

### **3. Accounts**

- 3.1 To approve the annual Statement of Accounts. Specifically to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
- 3.2 To consider, in the context of approving the Accounts, the External Auditor's report to those charged with the governance issues arising from the audit of the accounts.
- 3.3 To review the Council's Treasury Management Strategy and policies, and make recommendations to Full Council for approval.

### **4. Risk Management**

- 4.1 To consider the effectiveness of the Council's risk management arrangements including reviewing the Risk Management Policy and the Corporate Risk Register.
- 4.2 To provide assurance to the Council, in the Committee's Annual Report, on the effectiveness of risk management arrangements in place.
- 4.3 To seek assurances that action is being taken on risk-related issues.
- 4.4 To be satisfied that the Council's assurance statements, including the Annual Governance Statement, properly reflect the risk environment and any actions required to improve it.

## **5. Accountability Arrangements**

- 5.1 To report to Full Council on an annual basis on assurances received significant control issues, the Committee's performance in relation to the terms of reference and the effectiveness of the Committee in meeting its purpose.

## **Values and Ethics Sub Committee**

The Audit Committee shall appoint a Values and Ethics Sub-Committee

### **Composition of Values and Ethics Sub-Committee**

4 elected members of the Audit Committee (one from each political group represented on the committee), and one independent member, chaired by an independent member.

### **Terms of Reference for Value and Ethics Sub Committee**

To deal with all matters relating to the ethical framework affecting members of the Council under Part 1 Chapter 7 Localism Act 2011 as amended and all other relevant legislation including regulations, directions and guidance. This shall include, but not be limited to:-

1. The promotion of the highest standards of behaviour by members of the Council, including councillors, independent members and co-optees.
2. Advising the Council on the adoption and operation of the Member Code of Conduct, making recommendations for change as the Committee sees fit.
3. Training all members in the operation of the Member Code of Conduct and ensuring it is well publicised both within and outside the Council.
4. The adoption, implementation and maintenance of a procedure for dealing with allegations of breach of the Member Code of Conduct; including monitoring and review and amending it from time to time as the Committee sees fit.

5. Dealing with allegations of Breach of the Member Code of Conduct, where these are referred to them by the Monitoring Officer, and the imposition of sanctions as appropriate in accordance with the law, the Council's Constitution and relevant procedures adopted by the Council.
6. Consideration of applications for dispensation to allow members to participate in consideration of matters in which they would, but for a dispensation, not be able to participate, in circumstances permitted by law.
7. To adjudicate on any dispute relating to the payment of Members' Allowances or expenses under the Members' Allowances scheme in force from time to time.
8. To review the Council's use of the powers available to it under the Regulation of Investigatory Powers Act 2000.
9. Conferring of Alderman/Alderwoman status and the criteria for such awards.
10. To lead on member development and enhance the role of members as city leaders and community councillors.
11. To review compliance of Councillors in terms of mandatory training.
12. To have oversight of the Register of Members' Interests.
13. All things necessary or in the opinion of the Committee appropriate to fulfil the role and remit of a Values and Ethics Committee as defined by law or the Council's Constitution.

## **I. STATUTORY COMMITTEES**

### **I.1 LICENSING COMMITTEE**

#### **Overview**

Functions relating to licensing and gambling as set out below.

#### **Licensing Act 2003** (“the 2003 Act”)

1. All those matters relating to the discharge of licensing functions that are referred to that committee by virtue of section 7(1) of the 2003 Act;
2. Functions which, in exercise of its powers under section 7(3) of the 2003 Act, full council has arranged for the Licensing Committee to discharge, namely:
  - (a) Power to grant permission for provision etc of services, amenities, recreation and refreshment facilities on highway and related powers (sections 115E, 115F and 115K of the Highways Act 1980);
  - (b) 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));
  - (c) Power to make a revoke an order designating a locality as an alcohol disorder zone (section 16 Violent Crime Reduction Act 2006);
  - (d) The Council’s functions under the third schedule to the Local Government (Miscellaneous Provisions) Act 1982 (as amended); and
  - (e) Powers to make and cancel closure notices; make applications for closure orders; issue certificates of termination of closure orders; defend applications for the discharge of closure orders; appeal against the refusal to make closure orders; enforce closure orders or for offences in connection with closure orders (sections 19 to 28 of the Criminal Justice and Police Act 2001);

#### **Gambling Act 2005** (“the 2005 Act”)

3. All of those functions under Part 8 of the 2005 Act that are delegated to the Committee by virtue of section 154 of the 2005 Act;
4. Functions, which, in exercise of its powers under section 101 of the Local Government Act 1972, the full council has arranged for the Licensing Committee to discharge, namely:
  - (a) Duty to comply with requirements to provide information to the Gambling Commission (s.29 of the 2005 Act);
  - (b) Functions relating to exchange of information (s.30 of the 2005 Act);

- (c) Functions relating to occasional use notice (s.39 of the 2005 Act);
- (d) Power to designate officer of a licensing authority as an Authorised Person for a purpose relating to premises (section 304 of the 2005 Act);
- (e) Power to make order disapplying section 279 or 282(1) of the Act in relation to specified premises (s.284 of the 2005 Act);
- (f) Power to exchange information (section 350 of the 2005 Act);
- (g) Power to institute criminal proceedings (section 346 of the 2005 Act);
- (h) Functions relating to the determination of fees for premises licenses (the Gambling (Premises License Fees) (England and Wales) Regulations 2007 (S.I. 2007/479));
- (i) Functions relating to the registration and regulation of small society lotteries (Part 5 of Sch 11 to the 2005 Act);

### **Business and Planning Act 2020**

- 5. Functions relating to pavement licences (sections 1 to 7 of the 2020 Act).

### **Code of Conduct**

The Constitution contains a supplement to the members' code of conduct which deals with the role of elected members in relation to licensing committee hearings (see part 5 of the constitution).

## **I.2 HEALTH AND WELLBEING BOARD**

### **Terms of Reference**

#### **Arrangements**

The Membership of the Board shall be as follows:

- a. at least one elected member, to be appointed by the relevant Policy Committee,
- b. the director of adult social services,
- c. the director of children's services
- d. the director of public health,
- e. a representative of the Local Healthwatch,
- f. a representative of each relevant clinical commissioning group, and
- g. such other persons, or their representatives as deemed appropriate by a majority of the Board,
- h. The political requirements set out in sections 15, 16 and schedule 1 of the Local Government and Housing Act 1989 shall not apply to the membership of the Board.

#### **Schedule of meetings**

The Board will formally meet with such frequency as it shall determine.

#### **Voting**

1. The Health and Wellbeing Board will be a committee of the Local Authority.
2. All members of the Health and Wellbeing Board will have voting rights.
3. If the Health and Wellbeing Board appoints additional members to the Board, the Board itself will determine whether those members will have voting rights.

#### **Functions**

The function of the board will be to:

1. promote joint commissioning and encourage integrated working between commissioners of NHS, public health and social care services to improve the health and wellbeing of the local community;
2. encourage integrated working between commissioners of NHS, public health and social care services to improve the health and wellbeing of the local community;
3. encourage organisations who arrange for the provision of any health-related services to

work closely with the Health and Wellbeing Board to improve the health and wellbeing of the local community;

4. encourage organisations who arrange for the provision of services related to the wider determinants of health, such as housing or transport, to work closely with commissioners of health and social care;
5. assess the needs of the local community through the Joint Strategic Needs Assessment (JSNA) and consider the need or likely need capable of being met or affected by Local Authority or CCG functions;
6. agree and produce a Health and Wellbeing Strategy that addresses need and which commissioners will need to take into account when they develop plans for health care, social care and public health;
7. involve health watch and people living and working in Bristol in the preparation of the JSNA and JHWS;
8. have regard to the NHS Commissioning Board mandate and statutory guidance in the preparation of the JSNA and JHWS;
9. consider the suitability of current Pharmaceutical Needs Assessments (PNA) and prepare a statement of the needs for pharmaceutical services of the local population;
10. agree and produce a revised PNA by 1 April 2015;
11. provide such advice, assistance or other support as it thinks appropriate for the purpose of encouraging the making of arrangements under section 75 of the National Health Service Act 2006 in connection with the provision of such services;
12. be involved in the process of developing and signing-off Clinical Commissioning Group plans;
13. assess and provide an opinion on whether the commissioning plan has taken proper account of the JSNA and JHWS;
14. assess and provide an opinion on how well the commissioning plan has contributed to the delivery of the JHWS.

### **Code of Conduct and Declarations of interest**

All members of the Board will be bound by the Council's code of conduct for members and will complete the Register of Interests.



## **PART 3.3 - ROLES AND RESPONSIBILITIES OF COUNCILLORS**

The roles and responsibilities of councillors has been approved by Full Council and this part of the Council's constitution sets out in detail the roles and responsibilities of Councillors generally, as well as specific roles and responsibilities. It is not an exhaustive list for each role and other duties may also be required.

### **1. Roles and Functions of All Councillors**

Councillors will participate constructively in the good government of the local authority area in the interests of all residents. They will contribute actively to the formation and review of the Authority's policies, budget, strategies, plans and service delivery.

Councillors will deal with constituents' enquiries and representations and will effectively represent the interests of the Ward for which they were elected and the views of constituents.

### **Duties and responsibilities**

1. To fulfil the statutory and locally determined requirements of an elected Member of a Local Authority.
2. To participate effectively as a member of any meeting to which the Councillor is appointed, for example by regular attendance at meetings, ensuring that they are adequately briefed and prepared for the meeting, and examine and challenge issues as appropriate.
3. To participate in the activities of an outside body to which the Councillor is appointed and to provide update reports on the work of the relevant body to Bristol City Council as required.
4. To act as community champion for their ward and promote community cohesion. This will include being consulted about ward matters and participating in local decision-making arrangements. In addition, all Councillors should provide a voice and advice for local individuals and interest groups in their dealings with the Council and, where appropriate, to advise them on the pursuit of complaints.
5. To develop and maintain a working knowledge of the Authority's services, management arrangements, powers/duties and constraints and to develop good working relationships with relevant Officers of the Authority.
6. To contribute constructively to open government and democratic participation by encouraging community engagement in the governance of the area.
7. To keep up to date with all developments affecting the Local authority area and the Council including Government policies and prospective legislation.
8. To promote and uphold high standards of ethical conduct by the Council's Members and officers.
9. To uphold the public sector equalities duties set out in the Equalities Act 2010.

## **2. Lord Mayor**

The role and function of the Lord Mayor is set out in Article 7 of the Council's Constitution. In addition, the Lord Mayor will have the following duties and responsibilities:

### **Duties and Responsibilities**

1. To chair meetings of the Council and Downs Committee ensuring among other things that all points of view have a fair opportunity to be heard, that procedure rules are applied and observed, and that debate is guided towards clear and relevant decisions.
2. To represent the Council in the Local authority area and elsewhere on occasions where a civic representative is invited or otherwise required.
3. To participate in events, receptions, programmes and activities designed to recognise and encourage civic awareness in the community, where appropriate.
4. To attend and chair briefings for Council meetings, involving Leaders and Whips of the political groups and to be proactive in making proposals for the effective conduct of the agenda.
5. To host Council events of a non-party-political nature as required.
6. To promote good relationships between Councillors, between political groups and between Councillors and Officers.
7. To ensure that the Deputy Lord Mayor is kept informed of all relevant civic matters during their period of office.

## **3. Deputy Lord Mayor of Bristol**

The Deputy Lord Mayor will support the Lord Mayor in their role and in their absence undertake the duties within the role profile for the Lord Mayor.

## **4. Chair of a Regulatory Committee**

When the Council operates a Committee System, it will be necessary for the Council to establish Committees and for those Committees to elect a Chair and a Vice-chair. It is also necessary for each political group that is represented on a Committee to appoint a lead Member.

### **Role and Responsibilities of the Chair of a Regulatory Committee**

1. Lead the work of the Committee and make sure it carries out its business effectively and efficiently, lawfully and within its terms of reference.
2. Chair meetings of the Committee impartially and in such a way as to facilitate open discussion, obtain valid contributions from members and produce sound decisions.
3. Assist the public and press in terms of their rights of access.
4. Ensure respectful engagement between the Committee, its officers, guests and the public and maintain ethical conduct throughout the meeting.
5. Lead an agenda setting meeting for the Committee in association with the Vice-Chair and Party Group Leads on the Committee.
6. Act as consultee and spokesperson for their Committee in instances of exercise of delegated authority by an officer, where that delegation is subject to being in

consultation with the Chair of the Committee or where otherwise requested by a Chief Officer.

7. Have a working knowledge of the functions, policies, practices, procedures, services and budgets of the Committee which they chair.
8. Lead in the development of the work of the Committee which they chair in association with the Vice-Chair and Group Spokespersons, including the agenda management process, also taking into account the wider vision, such as corporate, cross-service and partnership issues.
9. Lead in the consideration and review of service delivery, policy development and in the implementation of policies approved by the Council where these relate to the Committee which they chair.
10. Be the Council's lead spokesperson in respect of the Committee's activities and act in liaison with the Leader and Deputy Leader in matters of Council policy.
11. Establish effective working relationships with the Party Group Leads on the Committee and with other Committee Chairs and the Leader and Deputy Leader of the Council.
12. Establish effective working relationships with the Chief Officers, and other key officers.
13. Represent and pursue the interests of the Committee which they chair in the community and at regional and national levels.
14. Ensure that meetings of the Committee which they chair are properly conducted and reports of proceedings are forwarded on as necessary, for example to full Council.

## **5. Role and Responsibilities of the Vice-chair of a Regulatory Committee**

The Vice Chair of a Committee will:

1. Have a working knowledge of the functions, policies, practices, procedures, services and budgets of the Committee.
2. Assist the Chair in carrying out their role and responsibilities as set out at above.
3. Undertake the responsibilities of the Chair in their absence.
4. Attend agenda setting meetings with the Chair and the Party Group Leads on the Committee.

## **6. Chair of a Policy Committee**

As the Council operates a Committee System, it is necessary for the Council to establish Committees. Full Council will appoint Chairs and a Vice-chairs of all Committees. It is also necessary for each political group that is represented on a Committee to have a Party Group Lead for that Committee.

### **Role and Responsibilities of the Chair of a Policy Committee**

*Responsibilities specific to the Policy Committee Chairs:*

1. Attend regular Policy Committee Chairs' briefings, in conjunction with the Vice Chair.
2. Provide political direction to officers, including on any urgent matters, in consultation with the Vice Chair and/or Party Leads as appropriate.
3. Sit on any relevant any outside bodies that relate to the Policy Committee's work area.

4. Act as the primary spokesperson for media inquiries relating to the Policy Committee's remit.
5. Liaise with key partners and stakeholders as appropriate (note, this may require a significant time commitment).
6. Understand and communicate policy and Council positions to residents and other stakeholders.
7. Recognise and contribute to issues which cut across portfolios or are issues of collective responsibility.
8. Work with other Policy Committee Chairs to lead policy and project development.
9. Represent and pursue the interests of the Committee which they chair in the community and at regional and national levels.

*Generic Chairs' Responsibilities:*

1. Lead the work of the Committee and make sure it carries out its business effectively and efficiently, lawfully and within its terms of reference.
2. Chair meetings of the Committee impartially and in such a way as to facilitate open discussion, obtain valid contributions from members and produce sound decisions.
3. Assist the public and press in terms of their rights of access.
4. Ensure respectful engagement between the Committee, its officers, guests and the public and maintain ethical conduct throughout the meeting.
5. Lead an agenda setting meeting for the Committee in association with the Vice-Chair and Party Group Leads on the Committee.
6. Act as consultee and spokesperson for their Committee in instances of exercise of delegated authority by an officer, where that delegation is subject to being in consultation with the Chair of the Committee or where otherwise requested by a Chief Officer.
7. Have a working knowledge of the functions, policies, practices, procedures, services and budgets of the Committee which they chair.
8. Lead in the development of the work of the Committee which they chair in association with the Vice-Chair and Group Spokespersons, including the agenda management process, also taking into account the wider vision, such as corporate, cross-service and partnership issues.
9. Lead in the consideration and review of service delivery, policy development and in the implementation of policies approved by the Council where these relate to the Committee which they chair.
10. Be the Council's lead spokesperson in respect of the Committee's activities and act in liaison with the Leader and Deputy Leader in matters of Council policy.
11. Establish effective working relationships with the Party Group Leads on the Committee and with other Committee Chairs and the Leader and Deputy Leader of the Council.
12. Establish effective working relationships with the Chief Officers, and other key officers.
13. Ensure that meetings of the Committee which they chair are properly conducted and reports of proceedings are forwarded on as necessary, for example to full Council.

## **7. Role and Responsibilities of the Vice-chair of a Policy Committee**

### *Responsibilities specific to the Vice Chair of a Policy Committee*

1. To attend regular briefings with the Chair of the Policy Committee.

### *Generic Vice Chair Responsibilities*

The Vice Chair of a Committee will:

1. Assist the Chair in carrying out their role and responsibilities as set out at above.
2. Have a working knowledge of the functions, policies, practices, procedures, services and budgets of the Committee.
3. Undertake the responsibilities of the Policy Committee Chair in their absence.
4. Attend agenda setting meetings with the Chair and the Party Group Leads on the Committee.

## **8. Role and Responsibilities of Party Group Leads on Committees**

Party Group Leads on a Committee will:

1. Have a working knowledge of the functions, policies, practices, procedures, services and budgets of the Committee.
2. Assist the Chair and the Vice-chair in the development of the work of the Committee.
3. Attend agenda setting meetings with the Chair and the Vice-chair of the Committee.

## **9. Leader of the Council**

When the Council operates a Committee System, no formal legal powers or duties are vested in the Leader or Deputy Leader under the Local Government Act 1972 or the Local Government Act 2000. In practice, however, all local authorities need to appoint a Councillor to hold the most significant elected Member role within the Council, to be seen as the political head of the Council and to provide a focal point for political leadership and strategic direction, both within the Authority, but also to outside organisations, partners, governmental bodies and the community at large.

### **Role and Responsibilities of the Leader of the Council**

The Leader of the Council will:

1. Be the political (rather than ceremonial) leader of the Council, for the benefit of all the Local authority area's communities - its residents, taxpayers, businesses, public bodies and other public authorities.
2. Represent and pursue the interests of the Council in the community and at international, national and regional levels.
3. Be the key contact for outside organisations (including Central Government, Local Authority Associations and Council partners) and internally for the Council's Chief Officers.

4. Be the representative voice of the Council, for example, in its dealings with Central Government, other Local Authorities and their Associations, and positively promote the Council as a whole to the media.
5. Promote the long-term financial, business and economic stability of the Council and the Local authority area.
6. Meet regularly to progress the Council's objectives with Committee Chairs, the Chief Officers, Group Leaders, partner organisations, stakeholders, community representatives, government representatives, local Members of Parliament, etc.
7. To chair meetings of the Strategy and Resources Policy Committee.
8. Promote high standards of corporate governance and ethical conduct throughout the Council including working with all political groups to seek to achieve, where possible, cross party co-operation.
9. Promote and maintain professional working relationships and mutual respect between all Members and officers.
10. Work across the Council, particularly with the Chairs and Vice-Chairs of its Committees and Sub-Committees, and be responsible for the development and implementation of the Council's strategic vision for the future, policy framework, budgets and other strategies.

### **Role and Responsibilities of the Deputy Leader**

The Deputy Leader will:

1. Assist the Leader of the Council in representing the Council to its residents, stakeholders, and partners and in providing political leadership for the Council and the Local authority area.
2. Assist the Leader in carrying out the key responsibilities associated with the role of Leader (as set out above).
3. Work with the Leader and Committee Chairs on budget and policy development.
4. Undertake the responsibilities of the Leader in their absence.

### **10. Political Group Leaders**

Political groups, and the leader (and any deputy group leader) of a political group, have a formal role under the provisions of the Local Government and Housing Act 1989 and The Local Government (Committees and Political Groups) Regulations 1990 in respect of political balance of Committees and appointments of the Council.

#### **Role and responsibilities of Political Group Leaders**

1. To provide the leadership of a political group.
2. To be the principal political spokesperson for the political group.
3. To nominate members of their Group to serve on Committees, Working Groups, outside bodies, etc.
4. To be a representative voice in dealings with government agencies, local authority associations etc.
5. To encourage the highest standards of conduct by members of the group and to work with the Monitoring Officer to resolve complaints informally where appropriate.
6. To appoint group spokespersons and allocate other responsibilities to group members as appropriate.

7. To assist in ensuring appropriate levels of attendance are maintained by group members.
8. To encourage a culture of learning and development among members, including the active participation of group members in briefings, seminars and other learning and development processes.
9. To maintain effective liaison with the other group leaders, including being a member of an informal Group Leaders' meeting, attending Group Leaders' briefings and so forth.
10. To establish and maintain effective working relationships with the Chief Officers and other senior officers and to meet regularly with them in order to keep fully apprised of relevant service issues.

## **11. Political Group Whip**

Political Groups rely on a Political Group Whip to support the Political Group Leader in the effective management of the political group and its relationship with other political groups on the Council.

### **Role and Responsibilities of a Political Group Whip**

1. To support the Political Group Leader in the effective management of the political group.
2. To contribute to the effective management of Council business.
3. To support Council officers in co-ordinating logistical matters for Council meetings and other events.
4. Support the Political Group Leader to encourage the highest standards of conduct by members of the group and to work with the Monitoring Officer to resolve complaints informally where appropriate.
5. To provide pastoral support to members of the political group and to raise confidentially any well-being matters with Council officers.
6. To attend regular Whips meetings.

## **PART 3.4 - DELEGATIONS TO OFFICERS**

### **STATUTORY OFFICERS AND PROPER OFFICERS**

FULL COUNCIL HAS MADE OR APPROVED THE APPOINTMENTS SET OUT BELOW

<b>Title / Responsibility (+ statutory derivation)</b>	<b>Officer Appointed</b>
Director of Children's Services (S18 Children Act 2004)	Executive Director Children and Education
Director of Adult Social Services (S6 Local Authority Social Services Act 1970)	Director, Adult Social Care
Director of Public Health (Health and Social Care Act 2012)	Director, Communities and Public Health
Officer Responsible for Financial Administration (S151 Local Government Act 1972)	Director of Finance
Head of Paid Service (S4 Local Government and Housing Act 1989)	Head of Paid Service
Monitoring Officer (S5 Local Government and Housing Act 1989)	Director, Legal and Democratic Services
Electoral Registration Officer (S8, (2A) Representation of the People Act 1983)	Director, Legal and Democratic Services
Returning Officer (S35 (1A) Representation of the People Act 1983)	Director, Legal and Democratic Services
Statutory Scrutiny Officer	Head of Democratic Engagement



<b>Legislation</b>		<b>Responsibility</b>	<b>Proper Officer</b>
Local Government Act 1972	Section 46	Transfer of securities	Director Finance
Local Government Act 1972	Section 83 (1) to (4)	Witnessing and receiving declarations of acceptance of office	Director Legal and Democratic Services
Local Government Act 1972	Section 84(1)	Receiving a councillor's resignation	Director Legal and Democratic Services
Local Government Act 1972	Section 88 (2)	Calling a full council meeting to elect a chair if there is a casual vacancy	Director Legal and Democratic Services
Local Government Act 1972	Section 89 (1)	Giving notice of a casual vacancy	Director Legal and Democratic Services
Local Government Act 1972	Section 100 except 100 (d)	Opening meetings to the public	Director Legal and Democratic Services
Local Government Act 1972	Section 100 (d)	Listing background papers for reports and making copies available for the public to look at	Director Legal and Democratic Services
Local Government Act 1972	Section 115 (2)	Receiving money due from officers	Director Finance
Local Government Act 1972	Section 146 (1)(a) & (b)	Making declarations and certificates about transferring securities	Director Finance
Local Government Act 1972	Section 191	Receiving applications under Section 1 of the Ordnance Survey Act 1841	Director Legal and Democratic Services
Local Government Act 1972	Section 225	Depositing documents	Director Legal and Democratic Services
Local Government Act 1972	Section 228 (3)	Making accounts available for councillors to look at	Director Finance
Local Government Act 1972	Section 229 (5)	Certifying photocopies of documents	Director Legal and Democratic Services
Local Government Act 1972	Section 234	Authenticating documents	Director Legal and Democratic Services
Local Government Act 1972	Section 238	Certifying byelaws	Director Legal and Democratic Services
Local Government Act 1972	Section 248	Keeping a list of freemen of the city	Director Legal and Democratic Services

<b>Legislation</b>		<b>Responsibility</b>	<b>Proper Officer</b>
Local Government Act 1972	Section 228	Accounts to be opened for inspection	Director Finance
Local Government Act 1972	Part V (a)	Access to reports, etc	Director Legal and Democratic Services
Local Government Act 1972	Section 96(1) & (2)	Notice of pecuniary interests	Director Legal and Democratic Services
Local Government Act 1972	Sections 100 B (2) & (7)	Circulation of reports and agendas and supply of papers to the press	Director Legal and Democratic Services
Local Government Act 1972	Section 100 D (1) (a)	Background papers	Director Legal and Democratic Services
Local Government Act 1972	Section 210 (6) & (7)	Exercise of residual charity functions	Director Finance
Local Government Act 1972	Section 100 C	Summaries of minutes	Director Legal and Democratic Services
Local Government Act 1972	Schedule 12, Para 4 (2) (b)	Signing the summons to full council	Director Legal and Democratic Services
Local Government Act 1972	Schedule 12 Para 4(3)	Being told where to send summonses to full council meetings	Director Legal and Democratic Services
Local Government Act 1972	Schedule 14 Para 25	Certifying resolutions passed under this paragraph	Director Legal and Democratic Services
Local Government Act 1974	Section 30 (5)	Giving notice that copies of an ombudsman's report are available	Individual appointed by Chief Executive
Local Government (Miscellaneous Provisions) Act 1976	Section 41 (1)	Certifying copies of resolutions and minutes	Director Legal and Democratic Services
Local Authorities Cemeteries Order 1977	Regulation 10	Signing exclusive burial rights	Individual appointed by Executive Director Growth and Regeneration
Representation of the People Act 1983	Section 67	Receiving declarations of election candidature	Director Legal and Democratic Services
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	Director Legal and Democratic Services

<b>Legislation</b>		<b>Responsibility</b>	<b>Proper Officer</b>
Local Elections (Principal Area) Rules 1986	Rule 46	Keeping documents after an election and making them available for the public to look at	Director Legal and Democratic Services
Local Government and Housing Act 1989	Section 2 (4)	Keeping the list of politically restricted posts	Director Legal and Democratic Services
Local Government (Committees and Political Groups) Regulations 1990	Regulation 14	Notification of allocated or vacated seat	Director Legal and Democratic Services
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	Director Legal and Democratic Services
Public Health Act 1936	Section 85 (2)	Serving a notice requiring action to deal with verminous people or things	Director of Public Health
Public Health Act 1961	Section 37	Controlling verminous things	Director of Public Health
Public Health (Control of Disease) Act 1984	Section 11	Being told about cases of notifiable disease or food poisoning	Director Management of Place
Public Health (Control of Disease) Act 1984	Section 18	Getting information about cases of notifiable disease or food poisoning	Director Management of Place
Public Health (Control of Disease) Act 1984	Section 20	Stopping of work to prevent disease spreading	Director Management of Place
Public Health (Control of Disease) Act 1984	Section 21	Excluding children from school if they are likely to carry a notifiable disease	Director Management of Place

<b>Legislation</b>		<b>Responsibility</b>	<b>Proper Officer</b>
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	Director Management of Place
Public Health (Control of Disease) Act 1984	Section 31	Certifying the need to disinfect premises	Director Management of Place
Public Health (Control of Disease) Act 1984	Section 32	Certifying the need to remove someone from an infected house	Director Management of Place
Public Health (Control of Disease) Act 1984	Section 36	Issuing certificates to get an order to examine people believed to be carrying notifiable diseases	Director Management of Place
Public Health (Control of Disease) Act 1984	Section 40	Getting a warrant to examine residents of a common lodging house	Director Management of Place
Public Health (Control of Disease) Act 1984	Section 42	Certifying a common lodging house to be free from infection	Director Management of Place
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	Director Management of Place
Public Health (Control of Disease) Act 1984	Section 48	Certifying that it would be a health risk to keep a body in a building	Director Management of Place.
Public Health (Control of Disease) Act 1984	Section 59	Authenticating documents about things they are responsible for	Director Management of Place
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	Director Management of Place

<b>Legislation</b>		<b>Responsibility</b>	<b>Proper Officer</b>
Public Health (Aircraft) Regulations 1979 and Public Health (Ships) Regulations 1979		Functions of the “Medical Officer”	Director Management of Place
National Assistance Act 1948	Section 47	Taking people in need of care and attention to a suitable place	Director Legal and Democratic Services
National Assistance (Amendment) Act 1951	Section 1	Certifying the need for immediate action	Director Legal and Democratic Services
Money Laundering Regulations 2003	Regulation 7	Being told about suspected money laundering	Director Legal and Democratic Services
Housing Act 2004	Section 4	Complaint as to condition of residential premises	Individual appointed by Executive Director Growth and Regeneration
Food Safety Act 1990	Section 49(3)(a)	Authentication of documents, etc.	Individual appointed by Executive Director Growth and Regeneration
Building Act 1984	Section 93	Authentication of documents, etc	Individual appointed by Executive Director Growth and Regeneration
Building Act 1984	Section 78	Functions of the “surveyor”	Individual appointed by Executive Director Growth and Regeneration
Marriage Act 1949		Proper Officer for registrations	Director Legal and Democratic Services
Births and Deaths Registration Act 1953		Proper Officer for registrations	Director Legal and Democratic Services
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.	Director Legal and Democratic Services

<b>Legislation</b>		<b>Responsibility</b>	<b>Proper Officer</b>
Any legislation past or made before or during 1972		Any function of the "Treasurer"	Director Finance
General Data Protection Regulation		Statutory Data Protection Officer	Head of Information Assurance
Traffic Management Act 2004	Section 17(2)	Traffic Manager	Head of Traffic and Highways Maintenance
Regulatory Reform (Fire Safety) Order 2005		The 'responsible person' for ensuring that the council's premises comply with the duties imposed by the Order.	Chief Executive

## **C. DELEGATION OF FUNCTIONS TO OFFICERS**

**Any of the functions below may be exercised by the Head of Paid Service notwithstanding its delegation to another Executive Director.**

### **C.1 Human Resources Functions**

The 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) is delegated to the Head of Paid Service who, in accordance with “General Principles applying to the exercise of delegated powers by officers” set out in part 3 of the Constitution may arrange for the discharge of these functions through Executive Directors. All officers exercising HR functions must do so in accordance with the Council’s HR policies and any advice provided by the Director Workforce and Change

### **C.2 Licensing Functions**

All those functions set out in the terms of reference of the Licensing Committee which full council has arranged for that committee to discharge are the responsibility of the Executive Director Growth and Regeneration except for the power to institute proceedings (s. 346 Gambling Act 2005) which is the responsibility of the Director Legal and Democratic Services.

### **C.3 Planning and Development Control Functions**

All the functions set out in the terms of reference of the Development Control Committees are delegated to the Executive Director Growth and Regeneration except for the determination of any application where a member of the council for a ward containing the site of the application requests the matter be determined by a Development Control Committee (such request to be made on the appropriate referral form to one of the Development Management Managers within the published consultation period for the application, specifying the planning grounds on which the request is made).

### **C.4 Public Safety & Protection Functions**

All functions set out in the Public Safety & Protection Committee terms of reference are delegated to the Executive Director Growth and Regeneration.

### **C.5 Public Rights of Way & Greens Functions**

- (a) All the functions set out in List A of the Public Rights of Way & Greens Committee are delegated to the Chief Executive.
- (b) All the functions set out in List B of the Public Rights of Way & Greens Committee are delegated to the Executive Director Growth and Regeneration.

## **C.6 Miscellaneous Functions Delegated to the Chief Executive**

### Marriages and Registration

- (a) 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).

### Elections

- (b) Power to assign officers in relation to requisitions of the registration officer (section 52(4) of the Representation of the People Act 1983).
- (c) Duty to divide constituency into polling districts (Sections 18A and 18E of Schedule A1 to the Representation of the People Act 1983).
- (d) Power to divide electoral divisions into polling districts at local government elections (Section 31 of the Representation of the People Act).
- (e) Power in respect of holding of elections (Section 39(4) of the Representation of People Act 1983).
- (f) Power to pay expenses properly incurred by electoral registration officers (Section 54 of the Representation of the People Act 1983).
- (g) Power to fill vacancies in the event of insufficient nominations (Section 21 of the Representation of the People Act 1985).
- (h) Duty to declare vacancy in office in certain cases (Section 86 of the Local Government Act 1972).
- (i) Duty to give public notice of a casual vacancy (Section 87 of the Local Government Act 1972).
- (j) 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 People Act 2000 (Section 10 of the Representation of the People Act 2000).
- (k) 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")).
- (l) Duties relating to publicity (Sections 35, 41 and 52 of the 2007 Act).
- (m) Duties relating to notice to Electoral Commission (Sections 36 and 42 of the 2007 Act).
- (n) Power to alter years of ordinary elections of parish councillors (Section 53 of the 2007 Act).



- (o) Functions relating to change of name of electoral area (serving notice) (Section 59 of the 2007 Act).

### Pensions and Finance

- (p) Functions relating to local government pensions etc. (Regulations under section 7, 12 or 24 of the Superannuation Act 1972).
- (q) Functions under the Fireman's Pension Scheme relating to pensions, etc., as respects persons employed by the 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 1972).
- (r) Duty to make arrangements for proper administration of financial affairs etc. (Section 151 of the Local Government Act 1972).

### **C.7 Employment of Children Functions**

The power to license the employment of children is delegated to the Executive Director Children and Education (Part II Children and Young Persons Act 1933, byelaws made under that Part and Part II Children and Young Persons Act 1963).

### **C.8 Other functions delegated to all Executive Directors**

- (a) Power to enforce byelaws (any provision of any enactment (including a local Act), whenever passed and section 14 of the Interpretation Act 1978).
- (b) Power to make payments or provide other benefits in cases of maladministration (Section 92 Local Government 2000) in respect of functional areas administered within the particular department.

### **C.9 Appointment of proper officers**

Power to appoint officers for particular purposes is delegated to the Head of Paid Service, following consultation with the Director Legal and Democratic Services unless legislation indicates the appointment is made by full council or an Executive Director (appointment of "proper officers") (section 270 (3) of the Local Government Act 1972).

### **C.10 Children and Education Directorate Functions**

Any function of a Committee falling within the portfolio of the **Children and Education Directorate** including functions relating to:

- (a) Children and Families Services;
- (b) Educational Improvement;

shall be executed by the Executive Director – Children and Education notwithstanding its onward delegation in the officer schemes of delegation.

### **C.11 Adult and Communities Directorate Functions**

Any function of a Committee falling within the portfolio of the **Adult and Communities Directorate** including functions relating to:

- (a) Adult Social Care;
- (b) Public Health;

shall be executed by the Executive Director – Adults and Communities notwithstanding its onward delegation in the officer schemes of delegation.

### **C.12 Resources Directorate Functions**

Any function of a Committee falling within the portfolio of the Resources **Directorate** including functions relating to:

- (a) Finance management;
- (b) Workforce and Change;
- (c) Legal and Democratic Services;
- (d) Digital Transformation;
- (e) Policy, Strategy and Partnerships;
- (f) Commercialisation;

shall be executed by the Chief Executive notwithstanding its onward delegation in the officer schemes of delegation.

### **C.13 Growth and Regeneration Directorate Functions**

Any function of a Committee falling within the portfolio of the **Growth and Regeneration Directorate** including functions relating to:

- (a) Development of Place;
- (b) Economy of Place;
- (c) Management of Place;
- (d) Housing and Landlord Services;

shall be executed by the Executive Director – Growth and Regeneration notwithstanding its onward delegation in the officer schemes of delegation.

### **C.14 Delegation of functions to other officers**

Each delegated officer shall be entitled to discharge functions allocated to the department described in paragraphs C.10 to C.13 above for which they are the delegated officer, subject to the general provisions governing delegations contained in C.15 below:

- (a) The officer occupying the post of Director: Legal and Democratic Services (and members of the team under their direction) is authorised to do all things necessary to perform legal services in connection with the discharge of functions delegated under this section of the constitution. For the avoidance of doubt the conferring of the function on the officer occupying the post of Director: Legal and Democratic Services is not to intend or remove the power of any authorised officer engaged in

investigation to obtain or seek from a Justice of the Peace, or the court, a warrant of entry, Order under RIPA 2000 or other process ancillary to the investigation they are engaged in.

- (b) The officer designated as the Chief Finance Officer (and the team under their direction) is authorised to do all things necessary in the performance of financial services and insurance arrangements in connection with the discharge of functions delegated under this section of the constitution.
- (c) In addition to any other delegation to an officer contained in this section of the constitution, each council officer may discharge any function as necessary for them to perform such of the duties as are set out in their job description as they are required to undertake by the officer or officers responsible for their management and subject to the general provisions governing delegations contained in section 7 below.
- (d) The officers specified in this paragraph may institute criminal proceedings at designated police stations by requesting the custody officer to charge a suspect on the council's behalf, but only:
  - (i) in connection with offences the council has power to enforce; and
  - (ii) following consultation with the Director: Legal and Democratic Services or an appropriate member of their team, except when the officer is acting outside of normal council business hours.

The following officers in the trading standards team are so authorised: trading standards manager or acting manager; enforcement officer; accredited financial investigator; trading standards officer.

The following officers in the South West illegal money lending/scam-buster team are so authorised: South West regional enforcement manager or acting manager; senior investigator; investigator.

### **C.15 General provisions governing delegations to area committees, officers and members**

- (a) The conferring of a delegated power is not intended to and does not in fact supersede or replace any statutory requirement or override any provision of the city council's articles, procurement regulations, financial regulations and any other provision of the constitution.
- (b) Accordingly decision makers acting under delegated powers must do so in accordance with any such provision and having due regard to any relevant council policy or Government guidance.
- (c) Reference to any act, order or regulation etc. is deemed to be a reference to any modification or re-enactment thereof.
- (d) Where there is a clear and pressing need for a key decision to be taken and it is not reasonably practicable, for any reason, for that decision to be taken by a relevant Committee then each Executive Director shall have authority to take key decisions within their directorate in conjunction with the Chief Executive. Before exercising such exceptional authority, the Executive Director must, so far as is practicable, consult with the Monitoring Officer, the Chief Finance Officer, the relevant Committee Chair and the relevant scrutiny chair. Any decision taken under this exemption will be reported to all members immediately and be subject of a formal

report to the next Committee meeting and of the relevant scrutiny committee.

- (e) It is recognised that delegated officers cannot personally undertake the discharge of every function conferred upon them. Delegated officers are accordingly entitled to arrange for the discharge by their subordinate officers of functions allocated to them provided that the delegated officer remains responsible for and accountable to the council for the exercise of their delegated powers and puts in place such measures as the delegated officer considers appropriate to ensure that those officers assisting him / her in the discharge of functions do so in accordance with the provisions of this constitution and do not exceed the limits of any authorisation made to them by the delegated officer to assist them in this task.
- (f) For the avoidance of doubt, any reference in this part to the discharge of any functions includes a reference to the doing of anything which is calculated to facilitate, or is conducive or incidental to, the discharge of those functions.
- (g) If any delegated officer receives any statutory notice which if contravened would give rise to a risk of prosecution, they shall immediately refer it to the Director: Legal and Democratic Services, who shall be entitled to call for a report on the matter to himself and as necessary, to a relevant Committee or Full Council.
- (h) For the avoidance of doubt, an officer seized of the power to make a decision, may, where they consider it necessary in the particular circumstances, refer the matter for decision by the relevant Committee Chair;
- (i) All delegated officers should seek and obtain appropriate professional advice from those employed or otherwise engaged by the city council for that purpose in connection with the matter under consideration. Any report made by officers to a Committee should state whether or not such advice has been obtained.
- (j) All decisions taken by CIL/s.106 committees and officers must be consistent with the council's budget and policy framework and in accordance with any policy, plan or criteria adopted by the the Council.

## **D. General principles applying to the exercise of delegated powers by officers**

- (a) Delegated officers must refer matters to the relevant committee as they consider appropriate having regard to the following factors:-
- i) whether the matter would have such an effect on communities, businesses or individuals such as the matter ought to be considered/determined by Councillors;
  - ii) whether a Councillor, applicant or other person with a significant interest has requested that the matter be determined by committee;
  - iii) whether there is evidence that the public or Councillors have a significant actual or potential interest in the matter such as would give rise to a desire or expectation that it be determined by Councillors;
  - iv) whether the matter is likely to involve consideration of disputed or uncertain matters of fact or law or whether the decision gives rise to a fine balance between various options such as might reasonably give rise to an expectation that the matter will be considered by Councillors;
  - v) where it is desirable that representations made in relation to the matter by an applicant, objector or other interested party should be heard and considered by Councillors;
  - vi) the need for consistency of approach in the council's decision-making process;
  - vii) whether there are any specific national or local policy or (in relation to development control decisions only) development plan implications arising from the matter under consideration which are of such significance that they might reasonably give rise to an expectation that they ought to be considered by Councillors;
  - viii) whether the legal consequences of the matter are of such significance that they should be considered by Councillors.
- (b) Delegated officers are entitled to arrange for the discharge of functions allocated to them by their subordinate officers, provided that the delegated officer remains responsible for and accountable to the council for the exercise of the delegated powers.
- (c) The Full Council have conferred delegated powers upon all of its officers to undertake, under management supervision, the tasks contained in their job description.
- (d) An officer with the delegated power to make a decision may, where they consider it necessary, refer the matter for decision by Full Council or by the relevant committee.
- (e) A committee may delegate to sub-committees and officers.

- (f) All delegated officers and delegated committees should seek and obtain appropriate professional advice from those employed by the council for that purpose. Any report made by officers to Councillors should record whether or not such advice has been obtained.
- (g) Committees and/or directors exercising the power to levy and/or determine fees or charges must not make a decision unless there has been prior consultation with the relevant member and scrutiny chair. Where the decision is being made by a delegated officer, they must also consult with the chair of any relevant committee. Where the proposal is not in accordance with the corporate charging policy or is the subject of an objection by one or more of those Councillors with whom the officer/committee is required to consult as above, then the matter should be reported to the relevant committee or Full Council.

# PART 3.5 - AREA COMMITTEES TERMS OF REFERENCE

## 1. Overview

1.1 There is an Area CIL/s.106 Committee for each of the following 9 Areas (each to be known as an “Area Committee”):

No	Ward 1	Ward 2	Ward 3	Ward 4
1	Avonmouth and Lawrence Weston	Henbury and Brentry	Southmead	Horfield
2	Stoke Bishop	Westbury on Trym and Henleaze	Redland	Bishopston and Ashley Down
3	Clifton	Clifton Down	Cotham	Hotwells and Harbourside
4	Central	Ashley	Lawrence Hill	Easton
5	Lockleaze	Eastville	Hillfields	Frome Vale
6	St George West	St George Central	St George Troopers Hill	-
7	Southville	Bedminster	Windmill Hill	Filwood
8	Hartcliffe and Witherwood	Bishopsworth	Hengrove and Whitchurch Park	-
9	Knowle	Stockwood	Brislington West	Brislington East

1.2 Area Committees will make decisions about the local element of CIL monies raised within the Area and devolved s.106 monies.

1.3 The Councillors elected to serve the wards in a neighbourhood are members of the corresponding Area Committee. For the purposes of the Council constitution, all of the Councillors on an Area Committee comprise a Council committee with delegated power to take certain local decisions on behalf of the council.

1.4 The Area Committee is expected to take its decisions as part of a public meeting, following consultation with the community and networks within the community to agree local Community Infrastructure Levy (CIL) priorities.

1.5 As a committee of council, Area Committees will be governed by the Committee Procedure Rules, subject to any amendments within these Terms of Reference.

## 2. Functions delegated to Area Committees

- 2.1 Decision-making in relation to devolved s.106 monies where there is a decision to made about in relation to what and where the monies should be spent (as opposed to when the funds have already been earmarked for a specific project as part of the agreement) and the expenditure of local CIL.
- 2.2 When s.106 monies have been earmarked for a specific project, the only decision relates to when that project should be delivered. Such decisions will be taken at Service Director level in consultation with the members of the Area Committee.
- 2.3 Area Committees will also have the following functions:

<b>Function</b>	<b>Description</b>
Community Investment Funds	Preparatory work can be done to understand how to ensure an equitable distribution of funding across the City in anticipation of the next round of grant funding allocations.
Delivery of services	An Area Committee can refer matters raised with it under Public Forum to a relevant officer in the Council for a response.
Highways Maintenance	A requirement to communicate with Area Committees about the prioritisation of highways maintenance works.
Road Safety Budgets	There should be greater involvement of Area Committees in prioritisation of road safety schemes. This is subject to a review of the resourcing requirements in the relevant departments, to include a review of the budgets that could be devolved to Area Committees in respect of road safety schemes.
Parks and Play Areas	Annual consultation role for Area Committees in respect of changes to front line services and provision, e.g. grass cutting frequency, play area equipment.
Disposal of local authority land, community buildings and community asset transfers	The Area Committee should be consulted on any proposal to dispose of local authority land, community buildings or any community asset transfer, recognising that some transactions will be commercially sensitive.
Allotments	The Area Committee should be consulted about any new allotment provision.
Street cleaning, provision of street bins and enhanced street recycling	This links to the current contractual arrangements with Bristol Waste Company. There should be liaison with BWC representatives at a local level.



### **3. Membership**

- 3.1 The membership of each Area Committee will include all Councillors who have been elected for wards in the Area and no other Councillors. It is expected that all Councillors will attend each meeting of their respective Area Committee.

### **4. Procedure rules**

#### **Meeting arrangements**

- 4.1 Area Committee meetings will normally be held in-person twice per annum, with the option of two further meetings to be held online when required. These meetings will be supported by Democratic Services. Formal decisions by the Area Committees can only be taken at in-person meetings.

#### **Election of Area Committee Chair**

- 4.2 An Area Committee Chair will be elected at a formal meeting of its members.
- 4.3 The Area Committee Chair will be elected by overall majority. Where there is no overall majority of votes, the Area Committee Chair shall be either: a member of the political group with the most Councillors on the Area Committee; or where there is no such largest group, a member of whichever political group represented on the Area Committee, is the largest group on the Council.
- 4.4 The Area Committee Chair shall remain in post until:
- (a) they resign;
  - (b) a motion is passed by the majority of the Area Committee members to remove the Chair; or
  - (c) a local election is held after which a chair shall again be elected at an informal meeting of the new members.

#### **Quorum**

- 4.5 The quorum for the Area Committee to take a delegated council decision is 50% of Councillors in the Area Committee.

#### **Voting**

- 4.6 Only elected Councillors are entitled to vote on delegated council decisions taken by Area Committees.
- 4.7 In the event of an equality of votes the Area Committee Chair will have a second, or casting vote.

#### **Substitute arrangements**

- 4.8 Area Committee Councillors cannot be substituted.

#### **Agenda**

- 4.9 The agenda for an Area Committee meeting will include the following:
- a) Apologies for absence
  - b) Approval of minutes from previous meeting.
  - c) Declarations of Interest (of Councillors)

- d) Public Forum petitions, statements and questions (maximum time of 30 minutes)
- e) Reports on proposed decisions for Councillors

### **Minutes of meetings**

- 4.10 The meetings of Area Committees shall be minuted and such minutes will be made available to the public in accordance with the Access to Information Procedure Rules (in part 4 of the Council's constitution).

### **Right to submit petitions, statements and questions**

- 4.11 Members of the public may submit statements and questions that relate to issues that are on the agenda for the meeting or any other issues within the terms of reference of the Area Committee, provided sufficient advance notice is given.
- 4.12 Anyone wishing to submit a petition is expected to submit their petition by no later than 12.00 noon 2 working days before the meeting. Where a petition has more than 200 signatures, a petition debate can be held in accordance with the BCC Petition Scheme.
- 4.13 Anyone wishing to submit a statement is expected to submit their statement by no later than 12.00 noon 2 working days before the meeting. Statements must be no longer than 1,000 words.
- 4.14 Anyone wishing to ask a question is expected to submit their question by no later than 5.00pm at least 3 clear working days before the meeting. Each questioner can ask a maximum of 3 questions. Questions will be referred to officers for a written reply following the meeting.
- 4.15 The Chair has the discretion to allow any member of the public, whether or not they have submitted a written statement or question, to speak during the meeting.
- 4.16 Statements and questions should be submitted by e-mail to:  
democratic.sevices@bristol.gov.uk.

## **5. Access to Information Rules**

- 5.1 Area Committees will comply with the Access to Information Rules contained in Part 4 of the Council's constitution, which means, among other things, that:
- (a) Meetings must be held in public;
  - (b) 5 days' notice of meetings must be given;
  - (c) Agendas and reports must be published 5 days in advance of meetings;
  - (d) Minutes and records of decisions with reasons must be published.

## **6. Code of Conduct**

- 6.1 Area Committee Councillors shall comply with the Members' Code of Conduct and any other code of conduct or protocol relating to the conduct of Councillors which may be adopted by the council (e.g. officer member protocol).

## **7. Decision making**

- 7.1 Area Committees must make decisions:
- (a) in accordance with the Council's budget and policy framework;
  - (b) in accordance with the approved local CIL/s.106 budget and requirements for its area;
  - (c) after due regard to the local priorities and consultation with the local community;
  - (d) in accordance with the Council's Equalities Duties;
  - (e) in accordance with all relevant procedure rules within the constitution including -
    - (i) financial regulations;
    - (ii) contract procedure regulations;
    - (iii) procurement rules;
  - (f) in accordance with any other Council policy, plan or criteria approved by cabinet and with any relevant contractual arrangements; and
  - (g) in a meeting following consideration of a report from the Chief Executive or an Executive Director or his/her nominee.
- 7.2 An Area Committee may only exercise a function in so far as the function impacts on its own area.
- 7.3 Area Committees may not make a decision which impacts in a significant way on another Area without first consulting with the committee for that Area. If they cannot secure the agreement of that neighbouring Area Committee, then the matter should be referred to the relevant Executive Director or the relevant Policy Committee for decision.
- 7.4 An Area Committee, or two or more Area Committees jointly, may refer a matter to either the relevant Executive Director or the relevant Policy Committee for a decision.
- 7.5 The decision-making power of Area Committees is delegated by the Full Council.
- 7.6 Where the Monitoring Officer or Chief Finance Officer is of the opinion that a proposal, decision, or omission of an Area Committee is or if made would be:
- (a) outside its terms of reference; or
  - (b) outside its approved budget; or
  - (c) outside any relevant policy, plan or criteria approved by the Council or with any relevant contractual arrangements; or
  - (d) outside the budget and policy framework; or
  - (e) not in accordance with any relevant procedure rules,

then the Monitoring Officer or Chief Finance Officer shall refer the matter to the relevant Policy Committee or Full Council, as appropriate, for consideration at the next available meeting.

- 7.7 Where a matter has been referred to the relevant Policy Committee or Full Council under section 7.6, the implementation of the proposal or decision shall be suspended until the matter has been considered by the relevant Policy Committee and/or Full Council.
- 7.8 Where a matter has been referred to the relevant Policy Committee under 7.6 (a) (b) or (c) the relevant Policy Committee may:
- (a) decide the matter itself; or
  - (b) endorse any decision already made; or
  - (c) refer the matter back to the Area Committee for determination; and/or
  - (d) make any other decision it considers appropriate.
- 7.9 Where a matter has been referred to the relevant Policy Committee under 7.6 (d) or (e), then the relevant Policy Committee may:
- (a) refer the matter to Full Council for consideration; or
  - (b) decide the matter within the budget and policy framework or in accordance with the procedure rules; or
  - (c) refer the matter back to the Area Committee for determination within the budget and policy framework, or in accordance with the procedure rules.
- 7.10 Before deciding any matter in accordance with section 7.6 to 7.8, the relevant Policy Committee will consider a report from a statutory officer or Executive Director.

## **8. The Local CIL Equity Fund**

- 8.1 The Council will establish an Equity Fund whereby 15% of the overall Local CIL is ringfenced to an Equity Fund.
- 8.2 The following procedure will be put in place for bids to the Equity Fund.
- (a) Bids to the Equity Fund would be made to the relevant Area Committee in line with current eligibility criteria for applications for the Local element of CIL;
  - (b) The relevant Area Committee would consider the application(s) as part of their annual decision-making process;
  - (c) The Area Committee would express their support or otherwise for each bid to the Equity Fund;
  - (d) If an Area Committee supports a bid then the Area Committee will submit the bid to the Council for consideration;
  - (e) If an Area Committee does not support a bid, then the bid will not be submitted to the Council (however in those circumstances, the bid may still be eligible for the Local element of CIL that is not part of the Equity Fund);
  - (f) The final decision on bids for the Equity Fund would be taken by the Public Health and Communities Committee on an annual basis, having considered all applications supported by the Area Committees.

# **PART 4.1 - COUNCIL PROCEDURE RULES (CPR)**

## **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) appoint such committees as the council considers appropriate to deal with matters which are not reserved to the full Council (as set out in part 3, of this constitution);
- (ix) 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);
- (x) approve a programme of ordinary meetings of the full Council for the year including a meeting to determine the budget and policy framework; and
- (xi) consider any business set out in the notice convening the meeting.

#### **CPR1.2**

##### **Selection of members of council on committees**

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 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 two hours 30 minutes excluding time taken for refreshments), unless otherwise agreed by the Lord Mayor at Agenda set, 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 or the Head of Paid Service;
  - (v) receive petitions, statements and questions (and provide answers) 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) a statement from the Youth Council/Youth Mayors
  - (ix) a progress report from Mayoral Commissions for information.
  - (x) receive reports from council committees;

**Time limit - 1 hour**
  - (xi) receive reports on the business of joint arrangements and external organisations;
  - (xii) consider motions; and

**Time limit - 30 minutes**
  - (xiii) 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 TIME AND PLACE OF MEETINGS**

The time and place of meetings will be determined by the proper officer notified in the summons, Start times will generally be either 14:00 or 18:00.

## **CPR5 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 six clear working days before a meeting, the proper officer will email a summons to every member of council. 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 - 6 clear working days

## **CPR6 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.

## **CPR7 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.

## **CPR8 DURATION OF MEETING**

### **CPR8.1 Interruption of the meeting**

If the business of the meeting has not been concluded within two 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.

### **CPR8.2 Motions and recommendations not dealt with**

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

The Council will continue with the 'golden motion' process whereby the first motion to be debated will rotate between the political groups with the allocation of golden motions over the municipal year being politically proportionate to the Full Council membership. Other motions may be debated subject to the 30 minute time allocation. This 'silver motion' will be determined by a ballot operated by the Proper Officer prior to the publication of the agenda 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.

### **CPR8.3 Recorded vote**

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

### **CPR8.4 Motions which may be moved**

During the process set out in CPR8.1, 8.2 and 8.3 above, the only other motions which may be moved are:

- (i) that a matter be withdrawn; or



- (ii) that a matter be delegated or referred to an appropriate body or individual for decision or report.

## **CPR8.5**

### **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.

## **CPR9**

### **PETITIONS, QUESTIONS AND STATEMENTS**

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

## **CPR9.1**

### **General**

#### **Public Petitions and statements**

- (a) Members of the public who live or own a business in Bristol, provided they give notice in writing or by electronic mail to the proper officer by no later than 12 noon two working days before a meeting, may present a petition or submit a statement at ordinary meetings of the full Council. The following applies:
  - (i) Submissions must include the name and address of the member of the public along with details of the wording of the petition, and in the case of a statement, a copy of the submission.
  - (ii) One statement per member of the public shall be admissible
  - (iii) A maximum of one minute shall be permitted for the presentation of each petition and statement.

#### **Notice required - 12 noon two working days before the meeting**

- (b) The total time allowed for dealing with petitions, statements (including questions under CPR 9.1g 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 published on the website. If requested, a written reply will be provided within 10 working days following the Council 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 if the petition organiser so requests. The Monitoring Officer will ensure that an appropriate signature verification process takes place before a petition debate is scheduled.

### **Public Questions**

- (g) Questions by members of the public may be asked of the Leader of the Council or the Chair of a Policy or Regulatory Committee;

#### **CPR9.2**

##### **Order of questions**

Questions will be listed in the order received, except that the Lord Mayor may group together similar questions and determine whether to take a limited number of supplementary questions.

#### **CPR9.3**

##### **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.

**Notice required - 3 clear working days before the meeting**

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

- (i) the question relates to urgent matters; and
- (ii) the consent of the Lord Mayor has been obtained; and
- (iii) 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**

#### **CPR9.4**

##### **Number of questions**

A member of the public may ask a maximum of three questions and a maximum of two supplementary questions.

#### **CPR9.5**

##### **Scope of questions, statements and petitions**

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

- (a) is not about a matter for which the local authority has a responsibility or which directly affects the city;
- (b) is defamatory, frivolous or offensive;

(c) requires the disclosure of confidential or exempt information.

### **CPR9.6 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.

### **CPR9.7 Supplementary questions**

A questioner who has put a question in person may also put without notice, one supplementary question to the Leader or Chair of a Policy or Regulatory Committee 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 CPR9.5 (scope of questions) above. A maximum of two supplementary questions may be asked by a member of the public, one supplementary question is permitted per original question asked.

### **CPR9.8 Response**

- (1) Replies to questions will be given verbally. All questions (including questions not reached due to lack to time) will also receive a written reply after the meeting.  
**Time limit – 10 working days following the meeting**
- (2) Oral answers will be given to urgent questions asked under CPR9.3 (b) (notice of questions).

### **CPR 9.9 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.

### **CPR10 MOTIONS ON NOTICE**

#### **CPR10.1 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 seven clear working days before the date of the meeting. These will be entered in a book open to public inspection.

**Notice required - 7 clear working days**

## **CPR10.2**

### **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.

## **CPR10.3**

### **Scope**

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

## **CPR11**

### **MOTIONS WITHOUT NOTICE**

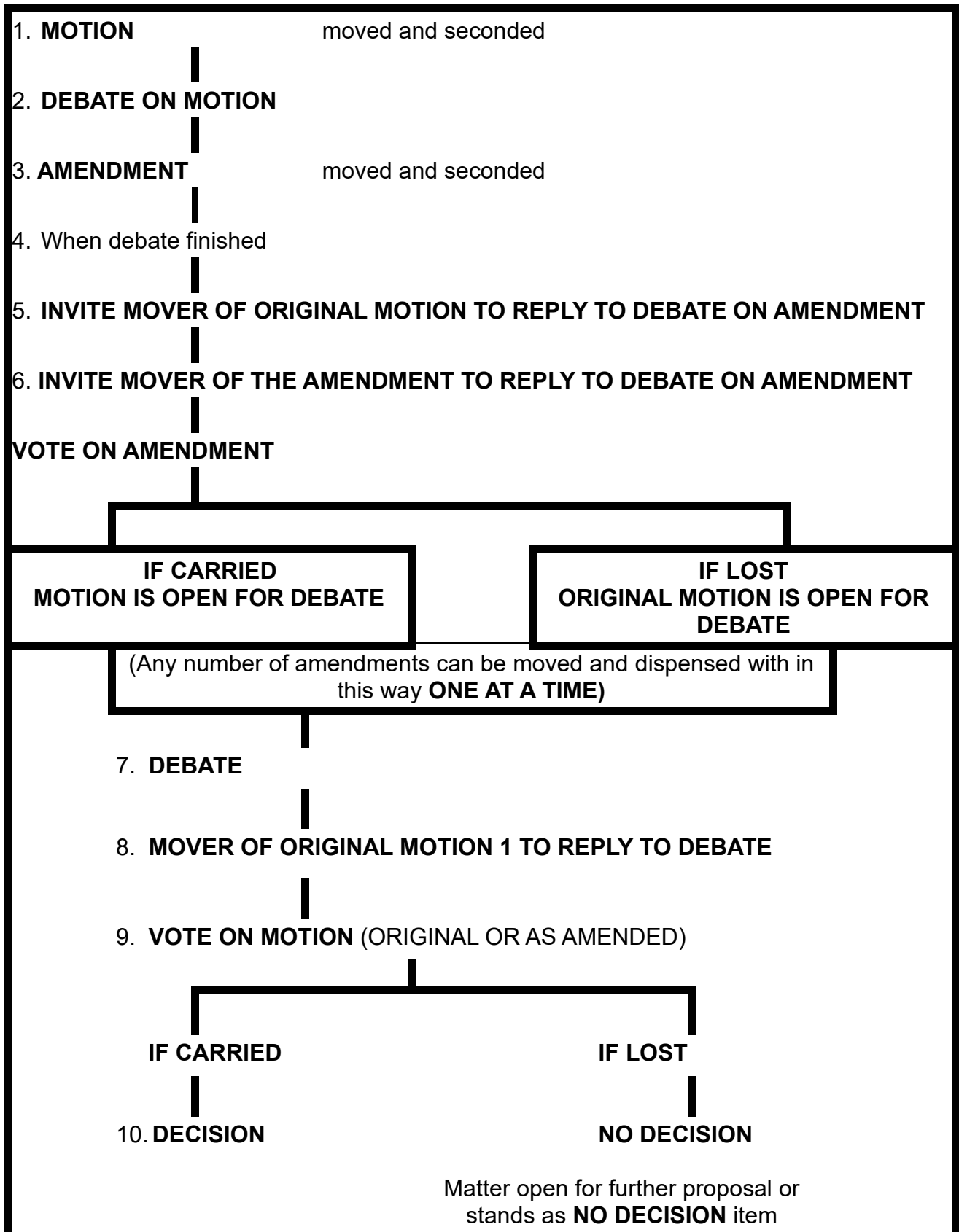
The following motions may be moved without notice:

- (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 two hours 30 minutes in duration, excluding time taken for refreshments.
- (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 17.3 or to exclude them from the meeting under CPR 17.4; and
- (q) to give the consent of the council where its consent is required by this constitution.

**CPR12  
RULES OF DEBATE**

Simplified diagram showing how decisions might be reached



### **CPR12.1**

#### **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. If a report is only for noting, a seconder is not required.

### **CPR12.2**

#### **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 sent electronically to the proper officer either before it is moved or immediately after it is moved. (See also CPR12.6 (g) re. amendments)

### **CPR12.3**

#### **Secunder's speech**

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

**Time limit - 3 minutes**

### **CPR12.4**

#### **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 from each speaker.

**Time limit - 3 minutes for moving a motion**  
**Time limit - 3 minutes for individual speeches**

### **CPR12.5**

#### **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 12.13).

## **CPR12.6**

### **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.
  - (v) an amendment must not:
    - 1) be a direct negative of a motion or:
    - 2) seek to introduce into the motion a new issue unrelated to the subject dealt with in 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) 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.

## **CPR12.7**

### **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.

## **CPR12.8**

### **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.

### **CPR12.9**

#### **Right of reply**

- (1) The mover of the amendment has a right of reply to the debate on their amendment.
- (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 a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

### **CPR12.10**

#### **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 two 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 CPR17.3 or to exclude them from the meeting under CPR17.4.

### **CPR12.11**

#### **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.

### **CPR12.12**

#### **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.

### **CPR12.13**

#### **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.

### **CPR13**

#### **PREVIOUS DECISIONS AND MOTIONS**

### **CPR13.1**

#### **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 that full Council meeting).

**Note required 15 minutes after meeting**

### **CPR13.2**

#### **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 CPR13.1 (motion to rescind a previous decision) above. Once the motion is dealt with, no one can propose a similar motion for six months.

## **CPR14 VOTING**

### **CPR14.1 Majority**

Any matter will be decided by a simple majority of those members voting and present at the time the motion or amendment is put.

### **CPR14.2 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.

### **CPR14.3 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.

### **CPR14.4 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.

### **CPR14.5 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.

### **CPR14.6 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;

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.

## **CPR15 MINUTES**

### **CPR15.1 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.

### **CPR15.2 No requirement to sign minutes of previous meeting at an 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.

### **CPR15.3 Form of minutes**

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

## **CPR16 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 18 (disturbance by public).

## **CPR17 MEMBERS' CONDUCT**

### **CPR17.1 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.

**CPR17.2**  
**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.

**CPR17.3**  
**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.

**CPR17.4**  
**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.

**CPR17.5**  
**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.

**CPR18**  
**DISTURBANCE BY PUBLIC**

**CPR18.1**  
**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.

**CPR18.2**  
**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.

**CPR19**  
**SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

**CPR19.1**  
**Suspension**

All of these Council Rules of Procedure (CPR) except CPR 14.4\* and 15.2\*\* 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.

\* *CPR14.4 - Right to require an individual vote to be recorded*

\*\* *CPR15.2 - No requirement to sign minutes of previous meeting if extraordinary.*

## **CPR19.2 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.

## **PART 4.2 - ACCESS TO INFORMATION PROCEDURE RULES (APR)**

### **APR1 SCOPE**

Save as mentioned below, these rules apply to all meetings of the Council, area committees and meetings of any committee or sub committee appointed by the Council. The rules set out in this Section shall not apply to meetings of the Licensing Committee or sub-committees which shall be governed by Regulations made under Section 9 of the Licensing Act 2003 and any future rules determined by the Licensing Committee under that Section.

### **APR2 ADDITIONAL RIGHTS TO INFORMATION**

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

### **APR3 RIGHTS TO ATTEND MEETINGS**

Members of the public may attend all meetings subject only to the exceptions in these rules.

### **APR4 NOTICES OF MEETING**

- (1) The proper officer will give at least five clear working days' notice of any meeting, with the exception of Full Council where the summons will be issued six clear working day in advance, by posting details of the meeting on the Council's website.

**Notice required - 5 clear working days  
Full Council – 6 clear working days**

- (2) Where it is necessary to hold a meeting in private and exclude the press and public in order to consider exempt or confidential information, notice of the intention to hold such a meeting will be published in the Forward Plan and the provisions of APR5 (access to agenda and reports before the meeting) will apply.

### **APR5 ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING (see also APR 9)**

- (1) The proper officer will make copies of the agenda and reports open to the public available for inspection on the Council's website not less than five clear working days before the meeting. If an item is added to the agenda later, the revised agenda

(where reports are prepared after the summons has been sent out, the proper officer shall make each such report available to the public as soon as the report is completed and sent to Councillors) will be open to inspection at the time the item was added to the agenda.

- (2) A summons to attend Council meetings will be emailed to members at least 6 clear working days before the meeting.
- (3) In respect of a meeting of a Policy Committee, or a Sub-committee of a Policy Committee the proper officer will:
  - (i) At least 28 clear days before a private meeting (e.g. where one or more of the reports on the agenda includes “exempt information”) a notice of the intention to hold part or all of the meeting in private must be included in the Forward Plan published on the website by the Proper Officer and be available for inspection. The notice must state the intention that the meeting is to be held in private.
  - (ii) At least 5 clear days before a private meeting a further notice of the intention to hold part or all of the meeting in private must be included in the agenda published on the website by the Proper Officer and be available for inspection. The notice must:
    - (a) state the reasons for the meeting to be held in private;
    - (b) provide details of any representations received about why the meeting should be open to the public; and
    - (c) include a statement of the Council’s response to any such representations.
  - (iii) Where the date by which a private meeting must be held makes compliance with (i) and (ii) above impracticable, the meeting may only be held in private where agreement has been obtained by the relevant Director from the Chair and Vice-chair of the relevant policy committee, the Monitoring Officer and the Section 151 Officer that the meeting is urgent and cannot reasonably be deferred. As soon as reasonably practicable after such agreement has been obtained, a further notice must be published on the agenda on the website and be available for inspection, setting out the reasons why the meeting is urgent and cannot reasonably be deferred.

## **APR6 SUPPLY OF COPIES**

The Council will supply copies of:

- (i) any agenda and reports which are open to public inspection;



- (ii) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (iii) if the proper officer thinks fit, copies of any other documents supplied to Councillors in connection with an item to any person on payment of a charge for postage and any other costs.

## **APR7**

### **ACCESS TO MINUTES ETC AFTER THE MEETING**

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

- (i) the minutes of the meeting or records of decisions taken, together with reasons, for all meetings, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (ii) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (iii) the agenda for the meeting; and
- (iv) reports relating to items when the meeting was open to the public.

**Time limit - 6 years**

## **APR8**

### **BACKGROUND PAPERS**

#### **APR8.1**

##### **List of background papers**

The report author will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in their opinion:

- (i) disclose any facts or matters on which the report or an important part of the report is based; and
- (ii) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined in APR 10) and in respect of executive reports, the advice of a political advisor.

#### **APR8.2**

##### **Public inspection of background papers**

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

**Time limit - 4 years**

## **APR9**

### **SUMMARY OF THE RIGHTS OF THE PUBLIC**

A written summary of the rights of the public to attend meetings and to inspect and copy documents must be kept at and available to the public on the Council's website.

## **APR10**

### **EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS**

#### **APR10.1**

##### **Confidential information – requirement to exclude public**

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

Confidential information means information given to the Council by a government department on terms which forbid its public disclosure or information which cannot be publicly disclosed by court order.

#### **APR10.2**

##### **Exempt information – discretion to exclude public**

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

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

Exempt information is information falling within one of the categories set out in APR 10.3. However, information which would otherwise be exempt will not be exempt if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 Town and Country Planning General Regulations 1992.

#### **APR10.3**

##### **Meaning of exempt information**

"Exempt information" means information for the time being defined in the Local Authorities (Access to Information) (Variation) Order 2006 which amends Part 1 Schedule 12A of the Local Government Act 1972. The categories of exempt information and relevant qualifications are:

	<b>Category</b>	<b>Qualifications</b>
1	Information relating to any individual.	

2	Information which is likely to reveal the identity of an individual.	
3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)	Information falling within this paragraph is not exempt information by virtue of this paragraph if it is required to be registered under: (a) the Companies Act 1985 (b) the Friendly Societies Act 1974 (c) the Friendly Societies Act 1992 (d) the Industrial and Provident Societies Act (e) the Building Societies Act 1986; or (f) the Charities Act 1993.
4	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour matters relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.	
5	Information in respect of which a claim for legal professional privilege could be maintained in legal proceedings.	
6	Information which reveals that the authority proposes: (a) to give any enactment under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.	
7	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	
8		Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

Information which falls within any of sections 1 to 7 above; and is not prevented from being exempt by virtue of the qualification in section 8 or the qualification to section 3 is exempt information if, and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

## **APR11**

### **EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS**

If the proper officer thinks fit, the Council may exclude access by the public to reports which in their opinion relate to items during which, in accordance with APR 10 (exclusions of press and public to meetings), the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

## **APR12**

### **APPLICATION OF RULES TO POLICY COMMITTEES**

- (1) Rules APR 13 – 18 apply to meetings of Policy committees. If a Policy Committee meets to take a key decision then it must also comply with APR 1 – 11 unless APR 15 (general exception) or APR 16 (special urgency) apply. A key decision is as defined in Article 14.03 of this constitution.
- (2) If a Policy Committee meets to discuss a key decision to be taken collectively, with an officer other than a political assistant present, within 28 days of the date according to the forward plan by which it is to be decided, then it must also comply with APR 1 – 11 unless APR 15 (general exception) or APR 16 (special urgency) apply. A key decision is as defined in Article 14.03 of this constitution.
- (3) This requirement does not include meetings, whose sole purpose is for officers to brief Councillors.

## **APR13**

### **PROCEDURE BEFORE TAKING KEY DECISIONS**

Subject to APR5 (access to agendas and reports before a meeting) and APR15 (general exception) and APR16 (special urgency), a key decision may **not** be taken unless:

- (i) a notice (called here a forward plan) has been published in connection with the matter in question;
- (ii) at least 28 calendar days have elapsed since the publication of the forward plan; and
- (iii) where the decision is to be taken at a meeting of a Policy Committee, notice of the meeting has been given in accordance with APR 4 (notice of meetings).

## **APR14 THE FORWARD PLAN**

Forward plans will be prepared in respect of each of the Policy Committees and published by the Proper Officer on a monthly basis.

### **APR14.1 Contents of forward plan**

- (1) The forward plan will contain matters which the Proper Officer, in consultation with the Chair and Vice Chair of the relevant Policy Committee, has reason to believe will be subject of a key decision to be taken by a Policy Committee. It will describe the following particulars in so far as the information is available or might reasonably be obtained:
  - (i) the matter in respect of which a decision is to be made;
  - (ii) where the decision taker is an individual, their name and title, if any and where the decision taker is a body, its name and details of membership;
  - (iii) the date on which, or the period within which, the decision will be taken;
  - (iv) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
  - (v) the means by which any such consultation is proposed to be undertaken;
  - (vi) the steps any person might take who wishes to make representations to the executive or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and
  - (vii) a list of the documents submitted to the decision taker for consideration in relation to the matter. The forward plan must be published at least fourteen days before the start of the period covered.

**Notice required - 14 days**

- (2) Exempt information need not be included in a forward plan and confidential information cannot be included.

## **APR15 GENERAL EXCEPTION**

If a matter which is likely to be a key decision has not been included in the forward plan, then subject to APR 16 (special urgency), the decision may still be taken if:

- (i) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next forward plan and until the start of the first month to which the next forward plan relates;
- (ii) the proper officer has given notice to the Leader of the Council in writing, of the matter to which the decision is to be made;
- (iii) the proper officer has made copies of that notice available to the public at the offices of the council; and
- (iv) at least five clear working days have elapsed since the proper officer complied with (i) and (ii).

**Notice required - 5 clear working days**

## **APR16 SPECIAL URGENCY**

If by virtue of the date by which a decision must be taken APR 15 (general exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the chair of the body making the decision, obtains:

- (i) the agreement of the chair and vice-chair of the relevant Policy Committee and the Monitoring Officer and the Section 151 Officer that the taking of the decision cannot be reasonably deferred.

## **APR17 REPORTS TO FULL COUNCIL**

### **APR17.1 Quarterly reports on special urgency decisions**

The Proper Officer will submit quarterly reports to the Full Council on the Policy Committee decisions taken in the circumstances set out in APR16 (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

## **APR18.1 OFFICER DECISION NOTICES**

Officer decisions as identified in (i) and (ii) below, will be published as soon as reasonably practical and will be made available for inspection on the Council's website. The record will include a statement of the reasons for each decision and any alternative options considered;

- (i) All officer decisions involving a resource commitment of between £100k and £500k shall be taken in consultation with the Chair of the relevant Policy Committee.

The officer decision notice published by the Officer taking the decision shall also include reference to the name of the Chair of the relevant Policy Committee to signify their agreement with the decision made.

- (ii) Officer decisions that raise issues of public importance having regard to the general principles applying to the exercise of delegated powers set out in Part 3 of the constitution.

The Chair or a relevant Policy Committee reserves the right, in consultation with the Vice-chair of a relevant Policy Committee and the Monitoring Officer and Section 151 Officer to refer a matter that would otherwise be the subject of an officer decision to the next available meeting of the relevant Policy Committee for decision.

## **PART 4.3 - POLICY AND BUDGET FRAMEWORK PROCEDURE RULES (PBR)**

### **PBR1**

#### **The framework for Policy Committee decisions**

The Full Council will be responsible for the adoption of its Policy and Budget framework as set out in Article 4. Once a budget or a policy framework is in place, it will be the responsibility of the Policy Committees to implement it.

### **PBR2**

#### **Process for developing the framework**

The process by which the Policy and Budget framework shall be developed is:

- (a) By a date designated by the Strategy and Resources Committee, where a plan that forms part of the Policy and Budget Framework needs to be adopted, the Proper Officer will include in the forward plan for the Strategy and Resources Committee, a timetable for making proposals to the Council for the adoption of any strategy or plan that forms part of the framework. This will include its arrangements for consultation pre or post the publication of those proposals. This will be published at the council's main office and also available on the council's web page - [www.bristol.gov.uk](http://www.bristol.gov.uk).

The designated date referred to in paragraph (a) of these Rules shall be three (3) months unless the Strategy and Resources Committee, in consultation with the Monitoring Officer and the Section 151 Officer, considers that there are special factors that make this timescale inappropriate. If it does, the reason shall be stated in publicising the Forward Plan in accordance with paragraph (a) of these Rules.

#### **Notice required - 3 months**

The Strategy and Resources Committee will draw up proposals having regard to representations made and these representations shall be reflected in any report dealing with them. If the matter is referred to the Finance Sub-committee to carry out a review or look at particular issues and bring forward recommendations for consideration to help the development of a strategy or plan that forms part of the Policy and Budget framework; then the outcome of that review will be reported to the Strategy and Resources Committee and considered in firming up the proposals for submission to the Council.

- (b) The Strategy and Resources Committee may canvass the views of local stakeholders if it considers it appropriate and undertake formal consultation in accordance with the matter under consideration.
- (c) Having considered the report of the Finance Sub Committee, outcome of the local stakeholder engagement or consultation report, the Strategy and Resources Committee if it considers it appropriate, may amend its proposals before submitting them to the Full Council meeting for decision. In that report the Strategy and Resources Committee should reflect how it has taken into account the deliberations of the Finance Sub-committee and responses to the stakeholder engagement and or consultation.
- (d) In reaching a decision on the Strategy and Resources Committee strategy or plan, the



Council may:

- (1) adopt or approve the strategy or plan;
- (2) ask the Strategy and Resources Committee to reconsider and amend the strategy or plan; or
- (3) accept the alternative recommendations agreed 'in principle' by the Council.

Pursuant to (i) this will include the submission (where required) to the Secretary of State or any Minister of the Crown for approval.

- (e) If the Council approves the Strategy and Resources Committee recommendation or accepts the alternative recommendations agreed 'in principle' the Council may make a decision which has immediate effect. The decision will be made on the basis of a simple majority of votes cast at the meeting.
- (f) If the Council rejects the Strategy and Resources Committee recommendations and 'in principle' alternative recommendations, the Strategy and Resources Committee will be given instructions requiring it to reconsider, in light of the objections to the strategy or plan.
- (g) Where the Council has given instructions in accordance with (f) above, the Strategy and Resources Committee will have 5 working days beginning on the day after the date of the Council decision, within which the Strategy and Resources Committee may:
  - (1) submit alternative proposals to the Council; or
  - (2) resubmit its proposals and provide written reasons why. The Strategy and Resources Committee may exercise this right by writing to the Monitoring Officer within the 5 working days permitted or it may waive this right by also writing to the Monitoring Officer.
- (h) If the Strategy and Resources Committee submits or resubmits proposals under rule (g) the Monitoring Officer will call a Council meeting within a further 10 working days and the Council shall consider these proposals.
- (i) The Council may approve the proposals of the Strategy and Resources Committee or any alternative proposal by a simple majority of votes cast at the meeting.
- (j) Once proposals are approved, the decision shall be made public in accordance with Article 4 and shall be implemented immediately.

### **PBR3**

#### **Process for developing the budget**

- (a) For the purposes of the Constitution, the Budget shall be defined as meaning the process whereby in any financial year, the Strategy and Resources Committee submits to the Full Council for its consideration for the following financial year:
  - (i) calculations in accordance with the following areas of the Local Government Finance Act 1992;

- (1) estimates of the amounts to be aggregated in the calculation of the budget requirement (sections 31A, 31B, 34 to 36A)
- (2) calculations for determining the council tax requirement for the year and taxation levels for different valuation bands (sections 42A, 42B, 45 to 49, 52ZF, 52ZJ)
  - (ii) estimates of other amounts to be used for the purposes of such a calculation;
  - (iii) estimates of such a calculation; or amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992; and a
  - (iv) report in accordance with Section 25 of the Local Government Act 2003; or report on robustness of estimates and adequacy of the financial reserves.
- (b) The Strategy and Resources Committee will publish in advance a timetable for the Budget. The timetable will be subject to variation dependent upon the timing of the Local Government Finance Settlement and the information available. This will be advised upon by the Chief Finance Officer.
- (c) The Strategy and Resources Committee (or delegated subgroup) will receive regular updates on financial matters and performance and may conduct such research that they wish to enable them to develop opinions and form comments for the relevant parts of the Budget for the forthcoming year.
- (d) The Strategy and Resources Committee shall publish its major budgetary proposals and / or Council Tax options in accordance with the timetable referred to in paragraph (2) above. The Major proposals (where necessary) and Council Tax options shall form the basis of any consultation process or exercise either individually or as a collective and will also be disseminated to the Political group leaders. The proposals may be updated from time to time by the Strategy and Resources Committee as further information becomes available.
- (e) The initial proposals shall be referred, in accordance with the timetable above, to Finance Sub-committee for consideration and comment. The Sub-committee shall have such time as the timescale provided for by the Strategy and Resources Committee to respond to the initial proposals. Having regard to representations made and comments received from Finance Sub-committee on the initial proposals, the Strategy and Resources Committee will finalise its proposals before submitting them to the Council for consideration and will include within its report to Council how it has taken into account any comments.
- (f) The Chairs of Policy Committees, Board Members and Senior Officers of the Council and its subsidiaries will, during the course of any meetings requested by the Strategy and Resources Committee update on the progress and the possible changes and pressures within their areas of responsibility.

### **Political Process**

- (g) Once the Strategy and Resources Committee's proposals have been approved, the political groups, can choose to prepare a budget amendment(s). The Finance function will specifically assign a senior finance officer to each political group to support this exercise.
- (h) Consistent information will be made available to all groups but discussions and requests for supplementary information within the groups are confidential to that

group. If similar requests are made by more than one group, officers will take steps to ensure there is no duplication of effort, whilst maintaining group confidentiality.

- (i) The budgets amendment(s) produced must have the effect of providing the Council with a “balanced budget” as determined by the Chief Finance Officer. Following which a budget motion can be submitted for presentation to Full Council
- (j) The process outlined above reflects historic practice; however failure to comply with the process outlined in paragraphs (7)-(9) will not in any way invalidate the budgetary process and this convention is not enforceable by the Council or any Political party in any manner.

#### **PBR4**

#### **Procedure for the budget fixing meeting**

- (a) A meeting of the Full Council will be held in February or March in each year:
  - (i) to approve the civic budget;
  - (ii) to pass the statutory resolutions in respect of the council tax including provision for collection of precepts, charges and other items included in the council tax or local taxation for the following financial year (i.e. the year commencing on 1 April after the budget meeting).

#### **Publication of the civic budget:**

- (b) The civic budget prepared by the Strategy and Resources Committee will be published not less than **fifteen** clear working days before the date of the budget fixing meeting.

**Notice Required - 15 clear working days**

- (c) At least **five** working days prior to the first council meeting any political group shall advise the Monitoring Officer of any amendments to the Strategy and Resources Committee’s proposals which are to be included in the agenda and presented at the first council meeting. Such requests shall detail the alternative/referral and must have the effect of providing the Council with a “balanced budget” as determined by the Chief Finance Officer. Any alternative proposals submitted will be circulated to all Councillors **four** working days before the first council meeting.

**Notice Required - 5 clear working days**

#### **Procedure at the budget fixing meeting:**

- (d) The Chair of the Strategy and Resources Committee will open the budget speech by moving: “That the proposed civic budget be approved”. Once the motion has been seconded each party group will be given the opportunity to respond to the budget proposals in order of size of group and the Chair of the Finance Sub-committee will then be given an opportunity to present comments on behalf of the Sub-committee. The Council may:-

- (a) Adopt the Strategy and Resources Committee’s proposals as presented
- (b) Consider the previously advised alternative proposals (referred to in 3 above) as

a request for a amendment to the proposals of the Strategy and Resources Committee for consideration.

**Amendments to the proposed civic budget:**

- (e) Once the motion has been seconded, any political group / member of council may move an amendment to the motion that the proposed civic budget be approved provided that the budget amendment to be proposed is in accordance with paragraph (c) above.
- (f) When considering the budget amendments referred to in 3 the Council shall consider the amendments presented by the political group in order by which they were submitted. Each amendment shall be moved and if seconded shall be debated.
- (g) There will be a time limit on the length of speeches and at the conclusion of the debate on that individual motion the budget amendment is voted on.
- (h) This process shall apply to each group amendment in turn. No amendments to the alternative budget amendments shall be allowed. and the vote on group amendment is carried on a simple majority of those voting.
- (i) As the amendments are voted on, the Lord Mayor will be advised as necessary if certain amendments effectively “fall by default” due to an earlier amendment(s) being carried. Once all amendments have been voted on, after consultation with the Chief Finance Officer the Lord Mayor will confirm the position as necessary in terms of which budget amendments were carried.
- (j) A vote shall be taken as to whether the Council wishes to:
  - (i) approve the budget as proposed;
  - (ii) accept the budget as now amended by the Council; or
  - (iii) ask the Strategy and Resources Committee to reconsider its proposals and resubmit with modification or clear written reason why not
- (k) In the event that no budget amendments were carried or following acceptance of the budget amendments by council, the budget recommendations (including amendments carried) can be put to the Council for a decision. The Lord Mayor (seconded by Deputy Lord Mayor) will then move that Full Council note the Chief Finance Officer’s statement as required under the Local Government Act 2003 and will invite the Monitoring Officer to put the question on the motion that the civic budget (amended or not)) be approved on a simple majority of votes cast at the meeting and the Council’s decision will be publicised in accordance with Article 4.
- (l) Where the Council resolves to refer proposals back to the Strategy and Resources Committee for re- consideration or the Strategy and Resources Committee in accordance with (11) above proposes to submit or resubmit proposals, the Monitoring Officer shall as soon as practicably possible summons a Second Council meeting to consider:-
  - (i) the Strategy and Resources Committee’s proposals following the referral back from the First Council meeting;

- (ii) adopting (with or without modification) the proposal;
  - (iii) such decisions required to comply with statutory requirements and/or Ministerial/ Governmental guidance/requirement as advised by the Chief Finance Officer
- (m) At the Second Council meeting, the Council must take into account the reasoning put forward by the Strategy and Resources Committee in considering its re-submitted budget and consider whether it wishes to approve an alternative budget to that now proposed.
- (n) At the Second Council meeting, the Chief Finance Officer will advise the Council of the minimum decisions and resolutions the Council must make at that meeting as required to comply with statutory requirements.
- (o) There will be no time limit on the length of this second meeting and the Council shall continue to meet until such matters as the Chief Finance Officer advises that the Council is required to make decisions in accordance with 13(c) above are determined. (Note: An example of a requirement to pass a resolution in law may include the setting of a lawful budget by a certain date, or the determination of the Council Tax). The Council shall at that meeting make its final decision on the matter on the basis of a simple majority and will continue until it is. The decision shall be made public in accordance with Article 4, and shall be implemented immediately.
- (p) On the approval of the civic budget, the Chair of the Strategy and Resources Committee will move the adoption of the statutory resolutions in respect of the levying of council tax or other local taxation for the ensuing year including the provision for the collection of precepts, charges and other items included in the council tax or other local taxation.
- (q) In approving the civic budget, the Council will also specify the degree of any in- year changes to the Budget which may be undertaken by the Strategy and Resources Committee, over and above the rules in paragraphs associated to PBR 7 and 8 of these Rules (virement, supplementary estimates and in-year adjustments). Any other changes to the Budget are reserved to the Council.

## **PBR5**

### **Decisions outside the budget or policy framework**

- (a) Subject to the provisions of paragraph PBR 7 (virement and supplementary estimates) the Policy Committees and any officers, area committees or joint arrangements may only take decisions which are in line with the Policy and Budget Framework. If any of these bodies or persons wishes to make a decision which is contrary to the framework, or contrary to or not wholly in accordance with the budget approved by the Full Council, then that decision may only be taken by the Full Council, subject to PBR 7 (urgent decisions) below.
- (b) If the Policy Committees and any officers, area committees or joint arrangements want to make such a decision, they shall take advice from the Monitoring Officer and Chief Finance Officer as to whether the decision they want to make would be contrary to the Policy and Budget Framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and / or Policy and Budget

framework, then the decision must be referred by that body or person to the Full Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph PBR 7 (urgent decisions outside the Policy and Budget framework) shall apply.

## **PBR6**

### **Urgent decisions outside the budget or policy framework**

This procedure covers decisions contrary to the Policy and Budget Framework and contrary to or not wholly in accordance with the budget.

- (a) The Policy Committees or officers, area committees or joint arrangements may take a decision which is contrary to the Full Council's Policy and Budget Framework or contrary to or not wholly in accordance with the financial budget approved by the Full Council if the decision is a matter of urgency. However, the decision may only be taken:
  - (i) if it is not practical to convene a quorate meeting of the Full Council; and
  - (ii) with the agreement of the chair and vice-chair of the relevant Policy Committee and the Monitoring Officer and the Section 151 Officer that the taking of the decision cannot be reasonably deferred on the basis that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of Full Council must be noted on the record of the decision and the agreement of the chair and vice-chair of the relevant Policy Committee and the Monitoring Officer and the Section 151 Officer to the decision being taken as a matter of urgency must be noted on the record of the decision.

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

## **PBR7**

### **Virement and Supplementary Estimates**

- (a) Steps taken by the Policy Committees or officers, area committees or joint arrangements to implement council policy shall not exceed those financial budgets allocated to each budget head. However, such bodies or individuals shall be entitled to transfer a budget allocated to a budget head for a particular purpose to be transferred across budget heads and used for another purpose (**virement**) across budget heads in accordance with the requirements set out in the council's **financial regulations**. Beyond the limits set out in financial regulations, approval to any virement across budget heads shall require the approval of the Full Council.
- (b) Where services wish to undertake an activity not originally identified in the approved budget, or there is an overall increase in the cash expenditure of the Council, approval must be sought for a **supplementary revenue estimate** in line with the limits set out in the financial regulations. Supplementary revenue estimates which are to be funded wholly or in part from the approved policy level of general reserves, regardless of value, must be approved by Council.

- (c) Where services wish to increase the level of capital expenditure on an existing or new allocation and new external funding is not available or the funding is not going to be vired from another existing allocation, approval must be sought for a **supplementary capital estimate** in line with the limits set out in the financial regulations. Where the funding includes prudential borrowing in excess of the borrowing level agreed in the budget or, are to be funded wholly or in part from the approved policy level of general reserves, regardless of value, must be approved by Council.
- (d) Council approval is also required where there are significant implications (as determined by the Chief Finance Officer) for future years' budgets arising from the supplementary estimates.

## **PBR8**

### **In-year changes to policy framework**

The responsibility for agreeing the Policy Framework lies with the Full Council, and decisions by the Policy Committees or officers, area committees or joint arrangements must be in line with it. No changes to any policy and strategy which make up the framework may be made by those bodies or individuals except those changes:

- (a) which will result in the closure or discontinuance of a service or part of service to meet a financial budgetary constraint;
- (b) necessary to ensure compliance with the law, ministerial direction or government guidance;
- (c) in relation to the policy framework in respect of a policy which would normally be agreed annually by the Full Council following consultation, but where the existing policy document is silent on the matter under consideration;
- (d) which relate to policy in relation to schools, where the majority of school governing bodies agree with the proposed change; and
- (e) which the Monitoring Officer and/or Chief Finance Officer agree is contrary to or not wholly in accordance with the Council's Budget.

# **PART 4.4 - OFFICER EMPLOYMENT PROCEDURE RULES**

## **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.

#### **(c) Equalities and employment legislation**

- (i) All appointments to the Council will be made in accordance with all relevant equalities and employment legislation.

## **OER2**

### **Recruitment of chief officers and deputy chief officers**

Where the council proposes to appoint a chief officer or deputy 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.*

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. All members of the committee or sub-committee must have received recruitment and selection training. The Chair, or in their absence, the Vice-chair, of the relevant policy committee will sit on a Selection Committee.
- (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:
  - (i) Head of Paid Service
  - (ii) Monitoring Officer
  - (iii) Chief Finance Officer
  - (iv) Returning Officer for local elections
  - (v) Electoral Registration Officer
- (d) In the case of those appointments designated in (c) above the committee will recommend to full council accordingly.

## **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 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.

## **OER6**

### **Disciplinary action**

Members of council will not be involved in 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) Members of council will not 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) Notice of dismissal of a chief officer or a deputy chief officer must not be given until the procedure set out in Annex 2 to these rules has been completed.
- (c) 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.
- (d) The chief finance officer, head of the authority's paid service or monitoring officer may not be dismissed by the authority unless the procedure set out in Annex 3 to these rules has been followed.

## **Annex 1**

### **Appointment of chief officers and deputy chief officers**

1. This procedure applies to the appointment of chief officers and deputy chief officers ("relevant officers").

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 the Leader of the Council and the Chairs of the Policy Committees 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 Leader of the Council and the Chairs of the Policy Committees to the proper officer; and
  - (c) either:
    - (i) the proper officer has notified the appointor that no objection was received by him/her within that period from the Leader of the Council or the Chairs of the Policy Committees; or
    - (ii) the appointor is satisfied that any objection received from the Leader of the Council or the Chairs of the Policy Committees within that period is not material or is not well-founded.

## Annex 2

### Dismissal of chief officers and deputy chief officers

1. This procedure applies to the dismissal of chief officers and deputy chief officers (“relevant officers”).
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 the Leader of the Council and the Chairs of the Policy Committees 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 the Leader of the Council and the Chairs of the Policy Committees to the proper officer; and
  - (c) Either:
    - (i) the proper officer has notified the dismissor that no objection was received by him/her within that period from the the Leader of the Council or the Chairs of the Policy Committees; or
    - (ii) the dismissor is satisfied that any objection received from the the Leader of the Council or the Chairs of the Policy Committees within that period is not material or is not well-founded.

## Annex 3

### Dismissal of the head of paid service, chief finance officer or monitoring officer

1. This procedure applies to the dismissal of the head of paid service, chief finance officer or monitoring officer and has been incorporated into these Rules, as required by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.
2. In the following paragraphs:
  - (a) “the 2011 Act” means the Localism Act 2011;
  - (b) “chief finance officer”, “disciplinary action”, “head of the authority’s paid service” and “monitoring officer” have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001;
  - (c) “independent person” means a person appointed under section 28(7) of the 2011 Act;
  - (d) “local government elector” means a person registered as a local government elector in the register of electors in the authority’s area in accordance with the Representation of the People Acts;
  - (e) “the Panel” means a committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;
  - (f) “relevant independent person” means any independent person who has been appointed by the authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the authority considers appropriate.
  - (g) “relevant meeting” means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and
  - (h) “relevant officer” means the chief finance officer, head of the authority’s paid service or monitoring officer, as the case may be.
3. The authority must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.
4. The authority must appoint to the Panel such relevant independent persons who have accepted an invitation in accordance with the following priority order:
  - (a) a relevant independent person who has been appointed by the authority and who is a local government elector;
  - (b) any other relevant independent person who has been appointed by the

authority;

- (c) a relevant independent person who has been appointed by another authority or authorities.
5. The authority is not required to appoint more than two relevant independent persons but may do so.
  6. The authority must appoint any Panel at least 20 working days before the relevant meeting.
  7. Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the authority must take into account, in particular:
    - (a) any advice, views or recommendations of the Panel;
    - (b) the conclusions of any investigation into the proposed dismissal; and
    - (c) any representations from the relevant officer.
  8. Any remuneration, allowances or fees paid by the authority to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the 2011 Act.

# **PART 4.5 - COMMITTEE PROCEDURE RULES (CMR)**

## **CMR1 ANNUAL MEETING OF COMMITTEES**

### **CMR1.1 Timing and business**

The annual meeting will:

- (i) note the election by Full Council of a person to chair the committee for the ensuing municipal year;
- (ii) note the election by Full Council a person to be vice-chair of the committee for the ensuing municipal year (if appropriate);
- (iii) establish any sub-committees considered necessary including:
  - (a) determining the membership of the sub-committee; and
  - (b) 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**

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 statements from local residents and to provide answers in respect of questions;
- (vi) receive petitions, questions and statements from members of council and to provide answers in respect of questions;
- (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.

## **CMR2.2**

### **Meetings of the Policy Committees**

Annex 1 to these rules sets out specific rules that relate to meetings of the Policy Committees.

## **CMR2.3**

### **Meetings of the Escalation Panel**

Annex 2 to these rules sets out specific rules that relate to meetings of the Escalation Panel.

## **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 which shall be limited to the matters set out in the requisition to call the meeting. 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 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.

### **CMR4.2 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 councillor will be absent for the whole of the meeting;

## **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 Chair of the Committee.

## **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 publish on the Council's website a summons which will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by all reports to be considered at the meeting.

**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.

<b>Committee Size</b>	<b>Quorum</b>
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**

**Further details of the Council's petition scheme is set out in part 4.10 of the Constitution.**

- (i) Save for the exceptions in CMR9.9, 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 the number of signatories to the petition, and in the case of a statement, a copy of the submission), by no later than 12 noon 2 working days 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 2 working days before the meeting**

- (ii) 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**

- (iii) Persons presenting petitions may be required to read out the objectives of the petition.

- (iv) Statements, provided they are no more than 1,000 words in length, will be circulated to all members and will be published on the Council's website no later than one hour before the meeting.

**Time limit no later than 1 hour before the meeting**

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

- (a) *"that the petition / statement be noted"*; or

if the content relates to a matter on the agenda for the meeting:

- (b) *“that the contents of the petition / statement be considered when the item is debated”*; or
- (c) *“that the petition/statement be referred to the relevant department within the Council for a response”*.

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

- (vi) 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**

- (vii) 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 that they were received, except that the chair may group together similar questions.

### **CMR9.3 Notice of questions**

- (i) 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 5pm, three clear working days before the day of the meeting.

**Notice required – no later than 5pm, 3 clear working days before the meeting**

- (ii) Late urgent questions **may** be asked of the chair of the committee provided:
  - (a) the question relates to urgent matters; and
  - (b) the consent of the chair has been obtained; and
  - (c) 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 a limit of three questions and two supplementary questions in total for each questioner.

## **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:

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

Rejected questions will be resent to the questioner and include reasons for rejection.

## **CMR9.6**

### **Record of questions**

Copies of all questions will be circulated to all members of the relevant committee and will be published on the Council's website no later than one hour before the meeting.

**Time limit – no later than 1 hour before the meeting**

## **CMR9.7**

### **Supplementary questions**

There will be a limit of two supplementary questions in total for each questioner. A questioner who has put a question in person may also put without notice, two supplementary questions 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**

- (i) Replies to questions (*for which three clear working days' notice has been given*) will be available on the Council's website at least **one hour** before the meeting

**Time limit – at least 1 hour before the meeting**

- (ii) 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:

- (i) the appointment or dismissal of first and second tier officers;
- (ii) appeals.

## **CMR10**

### **MOTIONS WITHOUT NOTICE**

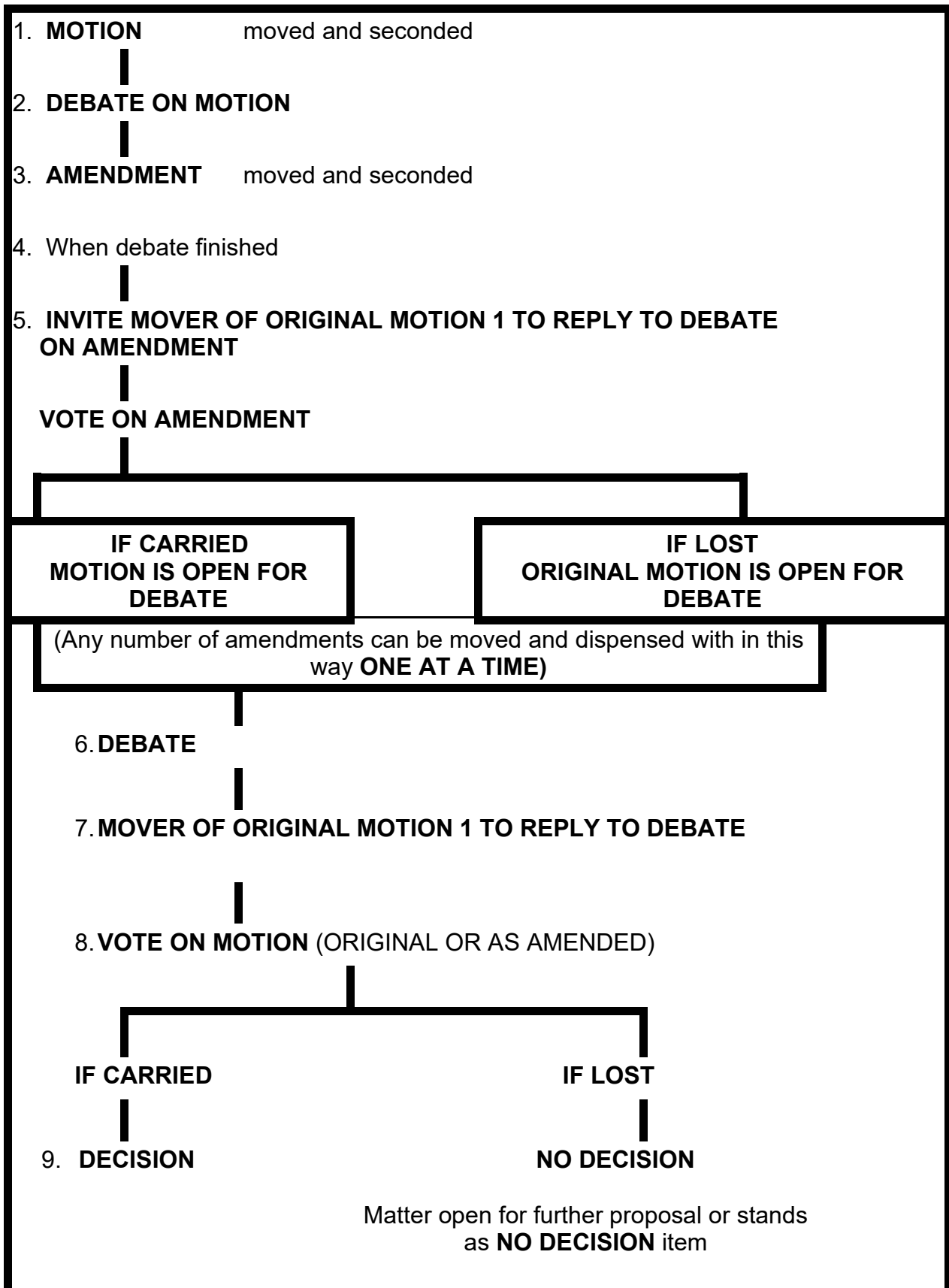
The following motions may be moved without notice:

- (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 copy of the motion must be put in writing and sent electronically 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 they last spoke;
- (c) if their first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which they spoke was carried);
- (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 copy of the amendment must be put in writing and sent electronically 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**

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.



## **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 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 decision) 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.

### **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-OPTees' 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 requirement 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.

## **Annex 1**

This Annex contains specific rules of procedure that relate to meetings of the Policy Committees and their sub-committee. In the event of a conflict between the rules in this Annex and the Committee Procedure Rules, the rules in this Annex shall apply.

The Policy Committees and their sub-committees shall have the following rules and procedures:

### **1. Frequency of meetings of Policy Committees**

Each Policy Committee will meet approximately 6-8 times per annum, with the exception of the Strategy and Resources Committee which will meet on a monthly basis.

### **2. Work Programme**

Each Policy Committee will set a Work Programme twice a year which sets out the matters that are likely to be considered by the committee in the next six months.

When drawing up its work programme, a Policy Committee will take into account the wishes of all members on that committee.

In setting its work programme, a Policy Committee 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.

### **3. Forward Plans**

Each Policy Committee will publish a Forward Plan in accordance with the rules set out in the Access to Information Procedure Rules.

### **4. Sub-committees**

Each Policy Committee can establish sub-committees to discharge any of the functions of the committee.

The Chair of a sub-committee shall be a member of the Policy Committee that established the sub-committee.

Membership of any sub-committee established by a Policy Committee may include any member of the Council.

The membership of any sub-committee shall be determined by the Party Group Whips and shall be based on the political proportionality of the Council.

### **5. Task and Finish Groups**

Each Policy Committee can establish up to two Task and Finish Groups (e.g. Working Groups, Inquiry Days) in each municipal year.

The terms of reference and working arrangements for a Task and Finish Group shall be determined by the Policy Committee, taking into consideration the overall resources

available to the Council following advice from officers.

When a Task and Finish Group has prepared its final report, it will submit its report and recommendations to the Policy Committee for consideration.

Where the report of the Task and Finish Group relates to a service which is provided directly by or is supported by the council, the appropriate senior officer(s) will then be invited to comment on the recommendations prior to the submission of the report to the Policy Committee.

Where the report of the Task and Finish Group relates to a service which is supplied by an external agency, then that agency will be invited to comment on the recommendations prior to the submission of the report to the Policy Committee.

## **6. Policy Development**

Each Policy Committee can undertake policy development work in respect of any matter within its terms of reference.

In carrying out policy development work, a Policy Committee shall take into consideration matters which are on its Work Programme or the Forward Plan for the Policy Committee.

Taking into consideration the overall resources available to the Council following advice from officers, a Policy Committee may hold inquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. 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.

## **7. Statutory scrutiny functions**

The following rules apply to the discharge of statutory scrutiny functions by the relevant Policy Committee or sub-committee.

### **7.1 Health scrutiny**

Where a Policy Committee is exercising its functions in relation to the planning, provision or operation of local health services and it 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, that 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).

Where a Policy 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 Policy Committee may require in accordance with the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 or any legislation that supersedes it.

## **7.2 Crime and disorder scrutiny**

Where a Policy Committee which is discharging a statutory crime and disorder function makes a report or recommendations to a responsible authority (including any part of the council) or cooperating person or body, the relevant Policy Committee 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.

Where a Policy 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.

## **7.3 Flood risk management scrutiny**

Where a Policy Committee is discharging a statutory flood risk management function, it can make a request for information and make reports and recommendations to a flood risk management authority.

A flood risk management authority must comply with a request made by a policy committee for information and have regard to reports and recommendations of a Policy Committee discharging flood risk management functions.

## **8. Referral of matters to a Policy Committee**

The Chair or a Policy Committee, in consultation with the Monitoring Officer and Section 151 Officer may refer a matter to a Policy Committee for decision.

The Head of Paid Service, the Monitoring Officer and Section 151 Officer, in consultation with the Chair of a Policy Committee, may refer a matter to a Policy Committee for decision.

## **9. Recording of decisions**

All decisions taken by a Policy Committee shall be recorded in a log and published on the Council's website within two working days of the date of the decision.

The Chair of the relevant Policy Committee shall confirm that the decision record is accurate prior to publication of the record of decision. In the absence of the Chair, the Vice-chair of the relevant Policy Committee shall confirm that the decision record is accurate prior to publication.

Nothing in this rule shall require the publication of 'exempt' or 'confidential' information as defined in the Access to Information Procedure Rules.



## **Annex 2**

This Annex contains specific rules of procedure that relate to meetings of the Escalation Panel. In the event of a conflict between the rules in this Annex and the Committee Procedure Rules, the rules in this Annex shall apply.

The Escalation Panel shall have the following rules and procedures.

### **1. Meetings of the Escalation Panel**

The Proper Officer shall call a meeting of the Escalation Panel when a decision of a Policy Committee has been escalated in accordance with these rules.

### **2. Membership of the Escalation Panel**

Any member of the Council is eligible to sit on an Escalation Panel provided that they did not participate in the consideration of the decision that is to be escalated to the Escalation Panel.

The membership of any Escalation Panel shall be determined by the Party Group Whips and shall be based on the political proportionality of the Council.

### **3. Chair of the Escalation Panel**

The Chair of an Escalation Panel shall be held on rotation by the Political Groups on the Council in an order to be determined by the Party Group Whips.

### **4. Procedure for escalation of a decision to the Escalation Panel**

- (a) When a decision is made by a Policy Committee or a key decision is made by an officer with delegated authority from a Policy Committee, the decision shall be published on the Council's website, within two clear working days of the decision being made.
- (b) That decision 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, unless the decision is escalated to the Escalation Panel by 5pm on the fifth clear working day from the date the decision was taken.
- (c) During that period, at least ten members of the Council may ask the proper officer to escalate a decision to the Escalation Panel using the appropriate 'escalation notice' pro forma.
- (d) Where an escalation notice has been received, the proper officer will first satisfy themselves that the following requirements have been met:
  - (i) the escalation 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 to escalate the decision to the Escalation Panel have identified those principles of Article 14 of the constitution which they

believe have been breached; and

- (iv) the proper officer is satisfied that none of the members seeking to escalate the decision participated in the consideration of the decision that is to be escalated to the Escalation Panel.
- (e) If the proper officer is satisfied that the requirements are met, then within five clear working days the proper officer will call a meeting of the Escalation Panel to consider the decision.

## **5. Suspension of a decision pending consideration by the Escalation Panel**

Where a decision has been escalated to the Escalation Panel, the implementation of the decision is suspended pending the outcome of the decision of the Escalation Panel.

## **6. Exclusion of urgent decisions from consideration by the Escalation Panel**

A decision is exempt from escalation to the Escalation Panel where the decision being taken is urgent. A decision will be urgent if any delay likely to be caused by the escalation to an Escalation Panel 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 Head of Paid Service and the Monitoring Officer, in consultation with the Chair of the relevant policy committee, 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 Chair of the relevant policy committee to the next available meeting of the Full Council, together with the reasons for urgency.

## **7. Procedure for a meeting of the Escalation Panel**

A meeting of the Escalation Panel shall have the following procedure:

- (a) The Chair explains the purpose of the meeting and the decisions which the Escalation Panel is able to take.
- (b) The members escalating the decision present their case, explaining reasons for escalating the decision.
- (c) Members of the Panel ask questions and seek clarification from the members escalating the decision.
- (d) The Chair of the relevant policy committee and the relevant Strategic/ Service Director will explain the background to the decision.
- (e) Members of the Panel ask questions and seek clarification from the the Chair of the relevant policy committee and the relevant and Strategic/Service Director.

- (f) General debate during which Panel members may ask questions of both parties with a view to helping them make up their mind.
- (g) The Chair sums up and identifies the key issues arising out of the debate.
- (h) The Panel resolves either;
  - (i) to take no further action;
  - (ii) to refer the matter back to the relevant Policy Committee for reconsideration with issues (to be detailed in the minute) for the relevant Policy Committee to consider before taking its final decision;
  - (iii) to recommend to Full Council that the decision is not implemented; or
  - (iv) to refer the matter to Full Council for consideration.

# **PART 4.9 - MEMBER FORUM PROCEDURE RULES**

## **1. TIMING AND BUSINESS**

Immediately before each Ordinary Council meeting except the Budget Meeting, the Council will hold a Member Forum. The meeting shall be webcast.

- (a) The purpose of the Member Forum shall be to facilitate Councillors in presenting statements to and asking questions of the Leader of the Council and the Chairs of Policy Committees and the Chairs of Regulatory Committees.
- (b) The Question Time will last for no more than one hour and will be subject to the Access to Information Rules applicable to meetings of the Council except as varied by these Member Forum Procedure Rules.
- (c) Subject to Council Procedure Rule 10.5 (Scope of Questions and Statements) there shall be no restriction on the subject matter of questions or statements.

## **2. CHAIR OF MEETING**

The Question Time will be chaired by the Lord Mayor, or in his absence the Deputy Lord Mayor or by a member elected by the members to preside if the Lord Mayor and Deputy Lord Mayor are not present.

## **3. STATEMENTS**

Councillors may, provided they give notice in writing by electronic mail to the Proper Officer (including details of the wording of the statement, and a copy of the submission) by no later than 12 noon of the working day before a meeting, submit a statement to the Member Forum. A maximum of one minute shall be allowed for the presentation of each statement.

There shall be no debate on the statements, and the Lord Mayor shall refer them to the Leader of the Council or the Chair of the relevant Policy or Regulatory Committee for consideration.

## **4. NOTICE OF QUESTIONS**

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 5pm on the working day after publication of the Full Council papers. Each question must give the name of the questioner. Copies of all questions and answers from the Leader of the Council and the Chairs of Policy Committees and the Chairs of Regulatory Committees will be published to all members and made available to the public attending the meeting if requested by no later than noon on the day before the meeting.

## **5. 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.

## **6. NUMBER OF QUESTIONS AND SUPPLEMENTARY QUESTIONS**

Members of Council shall be entitled to ask two questions and two supplementary questions.

A supplementary question must arise directly out of the original question or the reply.

## **7. RESPONSE**

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.

## **8. COUNCIL PROCEDURE RULES**

The Council Procedure Rules shall apply to the Member Forum except as expressly or impliedly varied by these Member Forum Procedure Rules.

# PART 4.10 - PETITIONS SCHEME

## 1. Introduction

- 1.1. The Council welcomes petitions and recognises that these are one way in which people who live, work or study in Bristol can let us know their concerns. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.
- 1.2. In this scheme there are 4 types of petitions:
  - (a) Petitions that trigger the right to a Full Council debate - these must be signed by at least 3,500 signatories.
  - (b) Petitions that trigger the right to a Policy Committee debate – these must be signed by at least 1,500 signatories .
  - (c) Petitions that trigger the right to an Area Committee debate – these must be signed by at least 200 signatories.
  - (d) Ordinary petitions (which can be submitted to any committee meeting via the public forum process ) - must be signed by at least 20 signatories.
- 1.3. Paper petitions can be sent via email to [democratic.services@bristol.gov.uk](mailto:democratic.services@bristol.gov.uk) or by post to Democratic Services, Bristol City Council, City Hall, PO Box 3176, Bristol, BS3 9FS
- 1.4. E-petitions can be created, submitted and signed online by following this link: [Bristol City Council's E-Petitions site](#) (see section 7 below)
- 1.5. There are other websites which offer e-petitions such as 38 Degrees and Change.Org. In this case, details of the e-petition should be sent to the email address above, once the closing date for the e-petition has passed.
- 1.6. If you would like to present your petition to a committee meeting, or would like your Councillor to present it on your behalf, please contact Democratic Services via [democratic.services@bristol.gov.uk](mailto:democratic.services@bristol.gov.uk) at least 10 working days before the meeting date and they will let you know the process and deadlines for this.
- 1.7. You can also submit petitions to committee meetings with 48 hours notice by following the public forum guidance and deadlines as set out in the published meeting agenda. Details of when these meetings take place can be found on the [Council's Website](#).

## 2. Petitions that are excluded from this Scheme

### Planning and Licensing decisions

- 2.1. The following matters are excluded from this petitions scheme:

- a. Any matter relating to a planning decision, including about a development plan document or community infrastructure levy (*a local levy that authorities can use to help fund infrastructure in their area.*)
  - b. Any matter relating to an alcohol, gambling or sex establishment licensing decision.
- 2.2. However, a petition that alleges a failure to deliver services in the above areas is within the scope of this Scheme (e.g. while a petition on an individual planning application could not be taken, a petition about the Council's failure to deliver an effective service for planning applications would be within the scope of this scheme).

### **3. Petitions that can be rejected under this scheme**

- 3.1. Petitions can be rejected based on the following grounds;
- a. Contains defamatory, frivolous, or vexatious language.
  - b. Is identical or too similar to a petition submitted in the past 6 months.
  - c. Discloses confidential or exempt information, including information protected by court order or government department.
  - d. Discloses material which is otherwise commercially sensitive.
  - e. Refers to an issue which is currently the subject of a formal Council complaint, Local Ombudsman complaint or any legal proceedings.
  - f. Provides information relating to the personal and private lives of individual officers of public bodies or makes criminal accusations.
  - g. Contains advertising statements.
  - h. Relates to a specific issue where there is already a right of appeal.
  - i. Relates to a specific and individual planning or licensing decision. Such 'petitions' will be referred to the relevant Officer or Regulatory Committee in accordance with existing procedures for representations.
  - j. Does not relate to something which is the responsibility of the authority, or over which the authority has some influence.

#### **Duplicate Petitions**

- 3.2. Where more than one petition is received in time for a particular meeting, each supporting the same outcome on one matter, the petition organisers will be asked to combine the petitions and for one petition organiser to address the meeting. If this is unacceptable to the petition organisers, the Monitoring Officer will determine which should proceed and who should be invited to address the relevant meeting.

### **4. What are the guidelines for submitting a petition**

- 4.1. Under the terms of this scheme a petition must include:
- a. A clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Council to take.

- b. The contact details and postcode of the petition organiser who must also live, work or study in the Bristol local authority area.
  - c. The name and postcode and signature of any person supporting the petition (you are deemed to have 'signed' the petition if you have added your name and postcode to it.)
  - d. A minimum of 20 signatures of people who live, work or study in the Bristol local authority area.
- 4.2. In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply.

## **5. What will the Council do when it receives my petition?**

- 5.1. An acknowledgement will be sent to the petition organiser within 15 working days of receiving the petition. It will let them know what options are available for the petition to be heard at a public meeting. It will also be published on our e-petitions site where all petitions received will be registered.
- 5.2. If you wish to submit your petition to a committee meeting it will follow the process as set out in the committee meeting agenda. .
- 5.3. If the petition has enough signatories to trigger a Council debate, a Policy Committee or an Area Committee debate, then the acknowledgment will confirm this and tell you when and where the meeting will take place.
- 5.4. We reserve the right to verify signatories as required. Please ensure you include a valid postcode that relates to your home address (if you live or study in Bristol) or work postcode (if you work or run a business in Bristol). These details will be taken into account when identifying if there are enough signatories from people who live, work or study in Bristol to trigger a Full Council debate or a debate at a Policy Committee or Area Committee.

## **6. Full Council, Policy Committee and Area Committee debates**

- 6.1. If a petition contains enough signatories (See 1.2 above) from people who live, work or study in Bristol it can then trigger the right to request a debate at Full Council (or at the relevant Policy Committee or Area Committee). This means that the issue raised in the petition will be discussed at a public meeting which Councillors attend.
- 6.2. If the petition organiser wishes to take up this opportunity, they will be given five minutes to present the petition at the next suitable meeting of the Full Council, which will be determined by the Lord Mayor, or at the next suitable meeting of the relevant Policy Committee or Area Committee, which will be determined by the relevant Chair of that Committee. The petition will then be discussed by Councillors for up to 15 minutes. Full Council, or the relevant Policy Committee or Area Committee, will decide how to respond to the petition at this meeting.



- 6.3. The petition organiser will receive written confirmation of the outcome of the Full Council debate or the debate at the relevant Policy Committee, of the Council's decision and any explanation in the event of Council not being able to take the action which has been requested. This information will also be published on our e-petitions website.

## **7. E-petitions**

- 7.1. E-petitions must follow the same guidelines as paper petitions.
- 7.2. You will also need to decide how long you would like your petition to remain open. Most petitions run for six months, but you can choose a shorter or longer timeframe. You may wish to time the ending of the petition to coincide with a relevant meeting or decision. It may be helpful to discuss this with our petition administrator. If so, please contact us via email at [democratic.services@bristol.gov.uk](mailto:democratic.services@bristol.gov.uk)
- 7.3. When you create an e-petition, it may take up to ten working days before it is published online. This is because we have to check that the content of your petition is suitable for publication before it is made available for signature.
- 7.4. If we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be sent to you.
- 7.5. When an e-petition has closed for signature, Democratic Services will be notified. At this stage you must let us know if you would like to present your e-petition to a committee meeting please contact [democratic.services@bristol.gov.uk](mailto:democratic.services@bristol.gov.uk) within 10 working days of your receipt of the acknowledgement.

## **8. How do I 'sign' an e-petition?**

- 8.1. You can see all the e-petitions currently available for signature on [Bristol City Council's E-Petitions website](#)
- 8.2. When you sign an e-petition you will be asked to provide your name, your postcode and a valid email address. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete you will have been added as a signatory to the petition.

## **9. What can I do if I feel my petition has not been dealt with properly?**

- 9.1. If you feel that the Council has not dealt with your petition properly, please contact the Democratic Services Manager at [democratic.services@bristol.gov.uk](mailto:democratic.services@bristol.gov.uk) with a short explanation of the reasons and the action you would like us to take.

**Local Government Association**  
**Model Councillor Code of Conduct 2020**

**Joint statement**

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviors and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

## **Introduction**

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

## **Definitions**

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

## **Purpose of the Code of Conduct**

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

## **General principles of councillor conduct**

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

## **Application of the Code of Conduct**

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring

Officer.

## **Standards of councillor conduct**

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

### **General Conduct**

#### **1. Respect**

##### **As a councillor:**

**1.1 I treat other councillors and members of the public with respect.**

**1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

#### **2. Bullying, harassment and discrimination**

##### **As a councillor:**

**2.1 I do not bully any person.**

**2.2 I do not harass any person.**

**2.3 I promote equalities and do not discriminate unlawfully against any person.**

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and

contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

### **3. Impartiality of officers of the council**

**As a councillor:**

#### **3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.**

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

### **4. Confidentiality and access to information**

**As a councillor:**

#### **4.1 I do not disclose information:**

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
  - i. I have received the consent of a person authorised to give it;**
  - ii. I am required by law to do so;**
  - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
  - iv. the disclosure is:**
    - 1. reasonable and in the public interest; and**
    - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
    - 3. I have consulted the Monitoring Officer prior to its release.**

#### **4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.**

#### **4.3 I do not prevent anyone from getting information that they are entitled to by law.**

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

## **5. Disrepute**

### **As a councillor:**

#### **5.1 I do not bring my role or local authority into disrepute.**

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

## **6. Use of position**

### **As a councillor:**

#### **6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

## **7. Use of local authority resources and facilities**

### **As a councillor:**

#### **7.1 I do not misuse council resources.**

#### **7.2 I will, when using the resources of the local authority or authorising their use by others:**

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport

- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

## **8. Complying with the Code of Conduct**

### **As a Councillor:**

**8.1 I undertake Code of Conduct training provided by my local authority.**

**8.2 I cooperate with any Code of Conduct investigation and/or determination.**

**8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**

**8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

### **Protecting your reputation and the reputation of the local authority**

## **9. Interests**

### **As a councillor:**

**9.1 I register and disclose my interests.**

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority .

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

**Appendix B sets** out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.



## **10. Gifts and hospitality**

### **As a councillor:**

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
  
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
  
- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

## **Appendices**

### **Appendix A – The Seven Principles of Public Life**

The principles are:

#### **Selflessness**

Holders of public office should act solely in terms of the public interest.

#### **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

#### **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

#### **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

#### **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

#### **Honesty**

Holders of public office should be truthful.

#### **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## Appendix B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

“**Disclosable Pecuniary Interest**” means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

**"Partner"** means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

### Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. [Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it ]

### Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest.

## Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
  - a. your own financial interest or well-being;
  - b. a financial interest or well-being of a relative or close associate; or
  - c. a financial interest or wellbeing of a body included under Other Registerable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:
  - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
  - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. [Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it ]

### Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

<b>Subject</b>	<b>Description</b>
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain.
<b>Sponsorship</b>	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
<b>Contracts</b>	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the

	<p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
<b>Land and Property</b>	<p>Any beneficial interest in land which is within the area of the council.</p> <p>‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
<b>Licenses</b>	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
<b>Corporate tenancies</b>	<p>Any tenancy where (to the councillor’s knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
<b>Securities</b>	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor’s knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were</p>

	spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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\* 'director' includes a member of the committee of management of an industrial and provident society.

\* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

**Table 2: Other Registrable Interests**

You must register as an Other Registerable Interest :

- a) any unpaid directorships
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body
  - (i) exercising functions of a public nature
  - (ii) directed to charitable purposes or
  - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

of which you are a member or in a position of general control or management

## Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

**Best practice 1:** Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

**Best practice 2:** Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

**Best practice 3:** Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

**Best practice 4:** An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

**Best practice 5:** Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

**Best practice 6:** Councils should publish a clear and straightforward public interest test against which allegations are filtered.

**Best practice 7:** Local authorities should have access to at least two Independent Persons.

**Best practice 8:** An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to



review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

**Best practice 9:** Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

**Best practice 10:** A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

**Best practice 11:** Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

**Best practice 12:** Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

**Best practice 13:** A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

**Best practice 14:** Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

**Best practice 15:** Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

***The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.***

# PART 5 - PROTOCOL ON MEMBER/OFFICER RELATIONS

## Introduction

1. An effective working relationship between elected Members of the Council ('Members') and Council staff ('Officers') is critical to the successful operation of Council business. Excellent working relationships are required to deliver best value services to local citizens and to maintain confidence in local government in Bristol. This protocol is designed to help Members and Officers to perform effectively by giving guidance on their respective roles and their relationship with each other. This protocol applies to independent Chairs and Members of committees when they are acting in that capacity.

## Respective roles

2. Members and Officers are public servants. They are indispensable to each other, but their responsibilities are distinct. All Members are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council as a corporate body and not to any single Member. Their job is to give advice to all Members and to the authority, and to carry out the authority's work under the direction and control of the Council and relevant Committees. Officers are accountable to the Head of Paid Service.

The role of Political Assistants is covered under specific legislation.<sup>1</sup>

3. Respect between Members and Officers, both personally and for their different roles, is crucial to the successful operation of the Council's business.

## Members' roles

4. Members generally have six main areas of responsibility:
  - (a) Determining Council Policy, Budget and Strategy;
  - (b) Making decisions within overall Council policy (for example on planning applications, or on the establishment or closure of a school);
  - (c) Monitoring and reviewing performance;
  - (d) Representing Bristol and the Local Authority;
  - (e) Community Leadership;
  - (f) Acting as advocates on behalf of constituents;

It is not the role of Members to involve themselves in the day-to-day management of the Council's services.

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<sup>1</sup> [S.9 Local Government and Housing Act 1989](#)  
[Reg.3\(7\) The Local Authorities \(Elected Mayor and Mayor's Assistant\) \(England\) Regulations 2002](#)  
[reg.3\(1\)\(c\) of The Local Government Officers \(Political Restrictions\) Regulations 1990](#)

5. The Leader, Deputy Leader Committee Chairs and Vice Chairs have additional powers or responsibilities. As a result, their relationships with Officers may differ from and have additional complexity compared to those of Members without those responsibilities. However, such Members must still respect that Officers have a duty to be impartial and therefore must not ask them to undertake work of a political nature.
6. All Members have the same rights and duties in their relationships with Officers.

### **Officers' Roles**

7. The role of Officers is to give advice and information to Members to inform their decision making and to implement the policies and decisions of the Council. In giving their advice, it is the responsibility of the Officer to present their professional views and recommendations. Members must not pressurise an Officer to make a recommendation contrary to their professional view or seek to persuade an Officer to withdraw a report.
8. In discharging their role as an Officer of the authority, staff must act in a politically neutral way.
9. Certain officers<sup>2</sup> hold statutory posts, which confer legal responsibilities over and above their obligations to the authority and its Members. Members must respect these obligations and must not obstruct them in the discharge of these responsibilities. Certain Officers hold politically restricted posts. Additional guidance can be found at Appendix A.

### **Expectations**

10. Members can expect from Officers:
  - (a) Commitment to the Council as a whole and not only to a part of it, or to any political group;
  - (b) Promote equality and treat others with respect and courtesy;
  - (c) The highest standards of integrity;
  - (d) A working partnership;
  - (e) An understanding of and support for respective roles, workloads and pressures;
  - (f) Timely responses to enquiries and complaints i.e. within the corporate standard of 7 working days;
  - (g) Professional advice, not influenced by political views or preference, which does not compromise the political neutrality of Officers;
  - (h) Regular up-to-date information that is appropriate and relevant to their needs, having regard to any individual responsibilities that they have;
  - (i) Awareness of and sensitivity to the political environment;
  - (j) Training and development in order to carry out their role effectively;
  - (k) Appropriate confidentiality;
  - (l) Support for the role of Members as the local representatives of the authority;

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<sup>2</sup> Head of Paid Service, Monitoring Officer, Chief Finance Officer, Director of Adult Social Services, Director of Children's Services, Director of Public Health and Statutory Scrutiny Officer.

- (m) Compliance with the Employees' Code of Conduct.

Officers can expect from Members:

- (a) Promote equality and treat others with respect and courtesy;
- (b) The highest standards of integrity, including maintaining confidentiality where required;
- (c) A working partnership;
- (d) An understanding of and support for individual Officers' roles, workloads and pressures;
- (e) Political leadership;
- (f) Not to be subject to bullying or to be put under pressure, taking into consideration the seniority of roles and potential vulnerability of Officers in junior roles;
- (g) That Members will not use their position or relationships with Officers to seek to advance their personal interests, or those of others, or to influence decisions improperly;
- (h) Compliance with the Members' Code of Conduct;
- (i) Participation in any mandatory training sessions e.g. before sitting on Selection or Regulatory Committees.

### **Close Personal Relationships**

- 11. Both Members and Officers must maintain public confidence in the separation of their roles. Close personal relationships between Members and Officers can cause confusion and get in the way of the proper discharge of the authority's functions. Members and Officer must declare to the Chief Executive any relationships which may be seen as influencing their work to avoid creating any appearance of improper conduct.

### **Political Groups**

- 12. The operation of political groups is an integral feature of local government. They have an important part to play in the development of policy and the political management of the authority. It is in the interest of the authority to support the effective operation of political groups.
- 13. The impartiality of Officers should not be compromised through their support of political groups. Officers may assist party groups if requested to do so, but must at all times maintain political neutrality. All Officers must, in their dealings with political groups and individual Members, treat them in a fair and even-handed manner. All groups must be informed of party briefings and offered an identical session.
- 14. Officers may not engage in political discussion when attending party group meetings. Information will be provided on the issue being considered and appropriate questions answered. Officers must withdraw after any briefing and questions, and before political discussion commences. Officers should not support political groups by writing political reports.

Party group meetings do not make decisions on behalf of the Council. Where

Officers provide information and advice to a party group meeting in relation to Council business, this is not a substitute for providing all necessary information and advice to the relevant Committee or Sub-Committee of the Council when the matter in question is considered.

15. Special care needs to be taken if Officers are providing information and advice to a party group meeting which includes people who are neither Members nor Officers of the Council, as they are not bound by the Council Code of Conduct. Officers must be cautious about attending and/or giving advice to such meetings and seek guidance from the Head of Paid service or the Monitoring Officer if they have any concerns about doing so.
16. Officers must respect the confidentiality of any party group discussions at which they are present and in particular they must not relay the content of any discussion to another party group.
17. The Council can only provide support services (e.g. stationery, typing, printing, photocopying, transport etc.) to Members to assist them in discharging their role as Members of the Council. It is recognised that some Members may need additional support. Council resources should not be used in connection with party political or campaigning activity or for private purposes, including the use of ICT and social media as set out in the Member Code of Conduct.

### **Decision-making by Full Council or Policy Committees and Officers**

18. The following arrangements will apply to formal decision-making by Full Council, Policy Committees and Officers.
  - (a) Under the Council's Constitution decisions may be made by Full Council, committees or sub-committees. The Council's Constitution provides that Member decisions may only be taken on the basis of a written report containing all relevant considerations. Reports to the Policy Committees or sub-committees should be written by the Executive Director or another officer authorised by them.
  - (b) Members of a committee or sub-committee shall take decisions within the remit of that committee or sub-committee and will not otherwise instruct Officers to act.
  - (c) At some committee or sub-committee meetings, a resolution may be passed which authorises a named Officer to take action between meetings in consultation with the Chair (or other Members). In these circumstances it is the Officer, not the Chair, who takes the action and is responsible for it.
  - (d) Senior Officers (including the Monitoring Officer and the Chief Finance Officer) have the right to attend meetings and to present reports and give advice to committees and sub-committees.

Additional guidance can be found at Appendix A.

### **Chair, Vice-chair and Group Spokespersons briefings**

19. The following arrangements will apply to Chair, Vice-chair and Group Spokespersons briefings.

- (a) Regular briefings will be given to the Chair and Vice-chair of Policy Committees by officers and the decision logs and actions from those briefings will be made available to all members of the relevant policy committee. Briefings for the Chair and Vice-chair are not formal decision-making meetings as decisions under the Committee Model of governance cannot be taken by individual members: they can only be made by a committee or delegated to officers.
- (b) Agenda setting meetings for policy committees will include the Chair, Vice-chair and Group Spokespersons and will be attended by senior officers.

### **Local Ward Member briefings**

20. The following arrangements will apply to Local Ward Member briefings.

- (a) Where Officers are dealing with a local ward issue, they shall ensure that all Local Ward Members are appropriately briefed on the issue.
- (b) Where a Local Ward Member requests a meeting on a local ward issue with Officers, Officers shall ensure that meetings are arranged in a timely way.
- (c) All briefings and meetings between Local Ward Members and Officers about a local ward issue will need to be mindful of any formal process that is being carried out.
- (d) General information regarding activities in a particular ward, should, where appropriate, be sent to all Local Ward Members for information.

### **Communications, including electronic communications**

21. The following arrangements will apply to communications on behalf of the Council and to the use of electronic communications.

- (a) Official letters written on behalf of the Council dealing with Council business should normally be in the name of the relevant Officer. It may be appropriate in some circumstances (e.g. representations to a Government Minister) for letters to appear in the name of the Leader of the Council or the Chair of a Policy Committee or other Committee of the Council.
- (b) Members should pass all correspondence relating to Council business to Officers, so that Officers can respond on behalf of the Council.
- (c) Correspondence between an individual Member and an Officer should not be shared with any other Member.
- (d) Correspondence which creates legally enforceable obligations or which give instructions on behalf of the Council should never be sent in the name of a Member.
- (e) Officers can provide Members with technical, Council information, which Members can use as part of their own correspondence and Members should correspond in their own name. When writing in an individual capacity, Members must make clear that fact.
- (f) Members and Officers should follow the Council's Electronic Communications Policy at all times.

## Access to Information

22. Members have a right to view Council documents (including both exempt and confidential material) in accordance with the statutory framework, i.e. where matters are to be considered at a formal committee meeting of the Council. Members may also be entitled to access information which is reasonably necessary to enable them to exercise their duties as a Member of the Council. Members with a particular role may have an additional (and in some cases statutory) right to access information, for example:
  - (a) Policy Committee Members - matters relating to any policy committee of which they are a member;
  - (b) Ward Members - matters with particular implications for the ward (i.e. significantly more than for the general city).
23. All Members are also entitled to be briefed, as appropriate, on the same basis and within the same constraints as set out above.
24. Access to information is also limited where:
  - (a) The information is primarily needed for a non-Council purpose;
  - (b) There is a conflict of interest;
  - (c) There is an over-riding individual right of confidentiality (for example, in a children's or employment matter).
25. The Proper Officer (Director of Legal and Democratic services) will make final decisions on Member access to information. Full Council appoints an officer to discharge certain statutory functions known as the Proper Officer. The relevant Proper Officer for access to information is the Director of Legal and Democratic Services<sup>3</sup>.
26. Members may have access to exempt information in reports or exempt appendices. Exempt information is defined in our Constitution in the Access to Information Procedure rules [APR10.3](#).
27. The presumption is that all information in formal reports should be open to the public but, where this is not possible, the public will be made aware of the nature of any information that is being discussed in exempt session. Any exempt information will, wherever possible, be contained in an exempt appendix.
28. The process for deciding on whether information in a report is exempt and the relevant Member access is as follows:
  - (a) Report authors must ensure that as much information as possible is open by using exempt appendices and/or redactions;
  - (b) Where an Officer considers that information may be exempt, the Proper Officer will decide based on the rules set out above;

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<sup>3</sup> A list of Proper Officer functions can be found in the [Constitution](#)

- (c) If the Proper Officer is satisfied that there is information that may need to be discussed in exempt session, they will consult with the Chair of the relevant Policy Committee;

Members of the relevant Policy Committee will be given access to the exempt information in the report once the papers are published.

29. Apart from information in reports, confidential material may be shared with Members if requested (except where there is an overriding Council interest e.g. protecting its legal and financial position) and natural justice requires disclosure (for example, giving an individual the chance to respond to allegations). All requests for access to confidential information will be considered by the Proper Officer.
30. The Chairs and Vice-chairs of Policy Committees are entitled to regular confidential briefings on matters relevant to their portfolios and in support of the policies they are developing, prior to the formulation of formal proposals. Informal briefings cannot be a substitute for providing all necessary advice in the formal decision-making process. Officers must ensure that their objective professional advice is robustly presented in the formal report.
31. Any unauthorised disclosure of Council documents will be treated as a breach of the Code of Conduct for Members (and Officers) and may also expose the Member to the risk of legal action from a third party.

## **Publicity**

32. The Council has a duty to publicise its services and activity and to explain its objectives and policies to citizens in an accessible manner.
33. The Government has issued a code of Recommended Practice on Local Authority Publicity which deals with the conventions that apply to publicity. It requires that all local authorities shall have regard to its provisions in reaching decisions relating to publicity.
34. Particular care should be taken in relation to any publicity in the run-up to an election. Prior to each pre-election period, specific guidance is provided by the Monitoring Officer to all Members and Officers on the necessary precautions required in relation to publicity.
35. The Code does not apply to press releases and publicity that Members may arrange and distribute in their individual political capacity. Members should refer to the Member Code of Conduct, which sets out the requirements related to publicity and communications. Members should neither use Council resources for party political purposes, nor ask officers to do so.



## **Dispute Resolution**

36. If an officer or a member feels that the protocol has not been followed, then they should raise it with the officer or member in question and if the matter is not resolved, it should be referred to the officer's line manager or the member's Party Group Whip or Leader as appropriate.

Further advice on the application of this Protocol can be obtained from the Monitoring Officer. This Protocol will be reviewed annually by the Values and Ethics Sub Committee of the Audit Committee and guidance on its application will be provided as appropriate.

## Additional Guidance Notes

### 1. Decision-making

- 1.1 Officer advice should be obtained, if possible, before the meeting on any alternative recommendation to be moved in order to ensure that relevant operational, financial and legal factors are taken into account.
- 1.2 The principle of unified advice requires that financial and legal and other implications of a decision are obtained and made clear in the report. The Article 14 principles of decision making must be taken into account when preparing the report.
- 1.3 The Chairs and Vice-chairs of Policy Committees will determine the timetable for developing their policies, including:
  - (a) The point at which confidential ideas become formal proposals for publication;
  - (b) Who to consult and to what deadline;
  - (c) The timing of executive reports.
- 1.4 The Chief Financial Officer and/or the Monitoring Officer may require a report to be withdrawn.

### 2. Councillor Involvement in Casework and Staff Issues

- 2.1 A Member pursuing a ward matter on behalf of a family member or friend should declare the relationship and consider whether to ask another Member to represent.
- 2.2 Members should not provide a reference in relation to staffing matters within the Council (other than in exceptional circumstances). They should avoid involvement in staff lobbying outside of formal procedures.
- 2.3 Officers may raise issues with their local Councillor as citizens. They should not lobby a Councillor inappropriately on personal employment or budgetary matters in accordance with the Code of Conduct for Employees.
- 2.4 Councillors should refuse to respond to inappropriate lobbying from Officers and inform the Head of Paid Service who can direct the individual to the appropriate channels.
- 2.5 Senior Officers should ensure their staff are aware of these requirements and ways that their views can be put forward.

### **3. Politically Restricted Posts**

3.1. The Local Government and Housing Act 1989 introduced a regime aimed at ensuring that key local authority employees are politically impartial. The Act designates certain posts as 'politically restricted' and those who hold such positions are disqualified from holding office as a Member of Parliament or Member of a local authority.

3.2 The following posts are politically restricted:

- (a) The Head of Paid service;
- (b) The Monitoring Officer and the Chief Financial Officer;
- (c) The Chief Officers and Deputy Chief Officers;
- (d) The Political Assistants and the advisor to the Mayor;
- (e) Any other posts that conduct the following activities:
  - (i) Giving advice on a regular basis to the authority themselves, to any committee or sub-committee of the authority or to any joint committee on which the authority are represented or to the executive of the authority, to any committee of that executive, or to any member of that executive who is also a member of the authority;
  - (ii) Speaking on behalf of the authority on a regular basis to journalists or broadcasters.

It is possible for Officers to apply to be removed from the list and details can be obtained from the Monitoring Officer.