Hart District Council

Constitution

October 2026

Hart
DISTRICT COUNCIL

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Part 1 Summary and Explanation

The Council's Constitution

Hart District Council has agreed a Constitution that sets out:

- how the Council operates
- how decisions are made
- the procedures which are followed to ensure that decisions are efficient, transparent, and accountable to local people. The law requires some of these processes, while others are up to the Council to choose.

The Constitution is divided into 16 articles, which set out the basic rules governing the Council's business. More-detailed procedures and codes of practice are provided in separate rules and protocols included elsewhere in the document.

What's in The Constitution?

Article 1 of the Constitution commits the Council to efficient and effective decision-making, which is transparent, accountable and encourages community involvement. Articles 2-15 explain the rights of residents and how the key parts of the Council operate. These are:

- Members of the Council (Article 2)
- The people of Hart and the Council (Article 3)
- Full Council (Article 4)
- Chairing the Council (Article 5)
- Overview and Scrutiny (Article 6)
- The Cabinet (Article 7)
- Committees of the Council (Article 8)
- The Standards Committee (Article 9A)
- The Audit Committee (Article 9B)
- Regulatory and other committees (Article 9C)
- The Staffing Committee (Article 9D)
- Joint arrangements (Article 10)
- Officers (Article 11)
- Decision-making (Article 12)
- Finance, contracts, and legal matters (Article 13)
- Review and revision of the Constitution (Article 14)
- Suspension, interpretation, and publication of the Constitution (Article 15)

How The Council Operates

The Council is composed of 33 councillors, who are elected as described in Article 2. Councillors are democratically accountable to residents of their ward. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow a code of conduct that will ensure high standards in the way they undertake their duties. The Standards Committee will advise them on the code of conduct.

All councillors meet together as the Council. Meetings of the Council are normally open to the public. Here councillors decide the Council's overall policies and set the budget each year. The Council provides a focus for debate about the performance of the Cabinet. The public has an opportunity to question the Council, during Question Time.

How Decisions are made

The Cabinet is the part of the Council that is responsible for most day-to-day decisions. The Cabinet (including the Leader) comprises the Leader and between two and nine other councillors who are appointed by the Leader. When major decisions are to be discussed or made, these are published in the Cabinet's forward plan in so far as they can be anticipated. If these major decisions are to be discussed with council officers at a meeting of the Cabinet, this will generally be open for the public to attend except when personal or confidential matters are being discussed. The Cabinet has to make decisions that are in line with the Council's overall policies and budget. If it wishes to make a decision that is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

Overview and Scrutiny

The Overview and Scrutiny Committee supports the work of the Cabinet and the Council as a whole. It allows citizens to have a greater say in Council matters by holding public inquiries into matters of local concern when appropriate. These can lead to reports and recommendations that advise the Cabinet and the Council as a whole on its policies, budget, and service delivery. The main responsibility of the Committee will be to provide an overview and scrutiny function in respect of decisions taken by the Cabinet, the Council, and the Council's committees. This Committee can 'call-in' a decision that has been made by the Cabinet but not yet implemented. It may also examine decisions made by the Council and, in some cases, officers, or where other councillors have "called in" these decisions. It will consider whether the decision is appropriate, and it may recommend that the decision be reconsidered. It may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

The Council's Staff

The Council has people working for it (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. There is a protocol, in Part 5, which governs the relationships between officers and Members of the Council.

People's Rights

Everyone who lives and works in Hart has a number of rights in their dealings with the Council; these are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau can advise on individuals' legal rights.

Part 2 Articles of the Constitution

Article 1 - The Constitution

1.1 Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

1.2 The Constitution

This Constitution, and all its appendices, is the Constitution of Hart District Council. The protocols referred to in the Constitution do not form part of the Constitution but give guidance and advice on the procedures the Council will follow.

1.3 Purpose of the Constitution

The purpose of the Constitution is to:

1.3.1 enable the Council to provide clear leadership to the community in partnership with citizens, businesses, and other organisations, as set out in Hart's corporate aims and objectives.

1.3.2 support the active involvement of people in the process of local authority decision-making;

1.3.3 help councillors represent their constituents more effectively in the appropriate forum;

1.3.4 enable decisions to be taken efficiently and effectively in the appropriate forum;

1.3.5 create a powerful and effective means of holding decision-makers to public account;

1.3.6 ensure that no-one will review or scrutinise a decision in which they were directly involved;

1.3.7 ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decisions;

1.3.8 provide a means of improving the delivery of services to the community;

1.3.9 provide a platform committed to the improvement, quality, and equality of service delivery for the people of Hart.

1.4 Interpretation and Review of the Constitution

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.

The Council will monitor and evaluate the operation of the Constitution as set out in Article 15.

Article 2 - Members of the Council

2.1 Composition and eligibility

(a) **Composition.** The Council will comprise 33 Members, otherwise called Councillors. Three Councillors will be elected by the voters of each ward.

(b) **Eligibility.** Only registered voters of the District or those living or working there (at the time when nominations are made for candidates for election) will be eligible to hold the office of councillor.

2.2 Election and terms of councillors

Election and terms. The election of a third (one per ward) of all councillors is usually held during the period May – June, and every fourth year there will be no election, although by-elections may arise from time to time to fill any casual vacancy. The term of office of councillors will usually be four years, starting on the fourth day after being elected and finishing on the fourth day after the date of the election.

2.3 Roles and functions of all councillors

The following sets out the key roles and duties of councillors. All elected councillors have a responsibility for the good governance of the local authority, and act as community leaders and as a link and point of mediation between the local authority and the community.

2.3.1 **Key roles**

All councillors will:

(i) collectively be the ultimate policymakers and carry out a number of strategic and corporate management functions;

(ii) contribute to the good governance of the District;

(iii) participate in the governance and management of the Council;

(iv) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;

(v) respond to constituents' enquiries and representations fairly and impartially;

(vi) balance different interests identified within the ward or electoral division and represent as a whole;

(vii) be involved in decision-making;

(viii) be available to represent the Council on other bodies;

(ix) maintain the highest standards of conduct and ethics.

Fuller information about the roles that councillors might expect to undertake is included in Part 8 of this Constitution, in the form of role descriptions. The role descriptions include those of the Chairman of the Council, Leader and Deputy Leader of the Council, Cabinet Member, Portfolio Holder, and Overview and Scrutiny Committee Members.

2.3.2 **Rights and duties**

(i) Councillors will have 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.

(ii) Councillors will not make information public 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.

(iii) For these purposes, “confidential” and “exempt” information is defined in the Access to Information Rules in Part 4 of this Constitution.

2.4 Conduct

Councillors will at all times observe the Members’ Code of Conduct and the Protocol on Member/Officer Relations set out in Part 5 of this Constitution.

2.5 Allowances

Councillors will be entitled to receive allowances in accordance with the Members’ Allowances Scheme set out in Part 6 of this Constitution.

2.6 A councillor may not hold the office of Chairman or Vice-Chairman of the Council, be the Leader, or be Chairman of any committee of the Council, for more than three consecutive years without the consent of the Council.

Article 3 - The People of Hart and the Council

3.1 Rights

People who live and/or work in Hart have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this Constitution:

3.1.1 **Voting and petitions.** If you are on the electoral roll for the District, you have the right to vote and sign a petition to request a referendum for an elected mayor form of Constitution.

3.1.2 **Information.** You have the right to:

(i) attend meetings of the Council, the Cabinet, and committees, except when 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 Cabinet and when (a definition of a “key decision” is contained in Article 12);

(iii) see reports and background papers and any records of decisions made by the Council, its committees, and the Cabinet and

(iv) inspect the Council’s accounts and make their views known to the external auditor.

3.1.3 **Participation.** You have the right to participate in question time at Council and contribute to investigations by the Overview and Scrutiny Committee. You also have the right to participate in the Council's Planning Committee meetings, in accordance with a public speaking scheme agreed by the Council from time to time.

3.1.4 **Complaints.** You have the right to complain to:

(i) the Council itself under its complaints scheme;

(ii) the Ombudsman after using the Council’s own complaints scheme;

(iii) the Monitoring Officer about a breach of the Councillors’ Code of Conduct.

3.2 Your responsibilities

You must not be violent, abusive, or threatening to councillors or officers and must not wilfully harm things owned by the council, councillors, or officers.

Article 4 - The Full Council

4.1 Meanings

4.1.1 **Policy Framework.**

4.1.1.1 The policy framework means the following plans and strategies: -

- Corporate Plan
- Local Plan
- Crime & Disorder Reduction Strategy
- Equality & Diversity Policy
- Medium Term Financial Strategy
- Revenue Budget
- Capital Programme

4.1.1.2 other plans and strategies that the Council may decide should be adopted by the Council meeting as a matter of local choice.

4.1.2 **Budget**. The budget includes the allocation of financial resources to different 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 requirement, the control of its capital expenditure and the setting of virement limits.

4.2 Functions of the full Council

The Council will exercise the following functions:

4.2.1 adopting and changing the Constitution;

4.2.2 approving or adopting the policy framework, the budget, and any application to the Secretary of State in respect of any housing land transfer;

4.2.3 subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget, 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;

4.2.4 appointing and removing the leader;

4.2.5 agreeing and/or amending the terms of reference of committees and deciding on their composition; and (subject to the Council and Committee Procedure Rules (Standing Orders) in Part 4 of this Constitution) making appointments to committees;

4.2.6 appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council;

4.2.7 adopting an allowances scheme under Article 2;

4.2.8 confirming the appointment of the Head of Paid Service;

4.2.9 making, amending, revoking, re-enacting, or adopting bylaws and promoting or opposing the making of local legislation or private Bills;

4.2.10 all other matters which, by law, must be reserved to Council *including (but not limited to):*

- *Statement of Licensing Policy*[1]
- *Statement of Licensing Policy (Gambling), and functions relating to a resolution not to issue casino premises licenses* [2]

4.3 Council meetings

There are three types of Council meeting:

- the annual meeting;
- ordinary meetings;
- extraordinary meetings;

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

4.4 Responsibility for functions

The Council will maintain the tables in Part 3 of this Constitution setting out the responsibilities for the Council's functions.

[1] SS5 and 7 Licensing Act,2003
[2] S.154(2)(c) Gambling Act, 2005

Article 5 - Chairing the Council

5.1 Role and function of the Chairman

The Chairman of the Council will be elected by the Council annually. The Chairman (and in their absence, the Vice-Chairman) will have the following responsibilities:

5.1 to uphold and promote the purposes of the Constitution and to interpret it when necessary;

5.2 to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;

5.3 to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not part of the Cabinet are able to hold the Cabinet to account;

5.4 to promote public involvement in the Council's activities;

5.5 to attend such civic and ceremonial functions as the Council and they determine appropriate.

(NB - In accordance with the provisions of the Local Government Act 2000, neither the Chairman nor the Vice-Chairman of the Council can be a member of the Cabinet.)

Article 6 - Overview and Scrutiny Committee

Terms of reference

6.1 The Council will appoint the Overview and Scrutiny Committees to discharge the functions conferred by section 21 of the Local Government Act 2000 or regulations under section 32 of the Local Government Act 2000.

General Role

6.2 Within its terms of reference, Overview and Scrutiny Committee will:

6.2.1 review and/or scrutinise decisions made, or actions taken in connection with the discharge of any of the Council's functions [3]

6.2.2 make reports and/or recommendations to the full Council and/or the Executive and/or any policy, joint or area Committee in connection with the discharge of any functions

6.2.3 consider any matter affecting the area or its inhabitants; and

6.2.4 exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Executive and/or any policy or area Committees

Specific Functions

6.3 Policy Development and Review

Overview and Scrutiny Committee may:

6.3.1 assist the Council and the Executive in the development of its budget and policy framework by in-depth analysis of policy issues

6.3.2 conduct research, community, and other consultation in the analysis of policy issues and possible options

6.3.3 consider and implement mechanisms to encourage and enhance community participation in the development of policy options

6.3.4 question members of the Executive and/or Committees and chief officers about their views on issues and proposals affecting the area; and

[3] The Overview and Scrutiny (Reference by Councillors) (Excluded Matters) (England) Order 2008 No 3261 excludes:
(a) any matter relating to a planning decision;
(b) any matter relating to a licensing decision;
(c) any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment;
(d) any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the overview and scrutiny committee or at a meeting of a sub-committee of that committee.

6.3.5 liaise with other external organisations operating in the area, whether national, regional, or local, to ensure that the interests of local people are enhanced by collaborative working

6.4 Scrutiny

Overview and Scrutiny Committee may:

6.4.1 review and scrutinise the decisions made by and performance of the Executive and/or Committees and Council officers both in relation to individual decisions and over time

6.4.2 review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas.

6.4.3 question members of the Executive and/or Committees and chief officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives, or projects

6.4.4 make recommendations to the Council, Executive or Committees arising from the outcome of the scrutiny process

6.4.5 review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Overview and Scrutiny Committee and local people about their activities and performance; and

6.4.6 question and gather evidence from any person (with their consent)

6.5 Finance

Overview and Scrutiny Committee may exercise overall responsibility for any finances made available to them

6.6 Annual Report

Overview and Scrutiny Committee must report annually to full Council on its workings and make recommendations for future work programmes and amended working methods if appropriate

6.7 Officers

Overview and Scrutiny Committee may exercise overall responsibility for the work programme of any officers employed to support their work

6.8 Proceedings of Overview and Scrutiny Committee

Overview and Scrutiny Committee will conduct its proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution

6.9 Power to co-opt people onto the Committee

Overview and Scrutiny Committee will have the power to co-opt any person or persons they think appropriate (except for a member of the Executive)

onto the Committee, on whatever basis they think appropriate. Co-opted members may speak in debates but not vote.

Article 6A - Crime and Disorder functions

These terms of reference relate to the discharge of functions by the Committee in relation to the duty on the local authority to establish a "Crime and Disorder" (Scrutiny) Committee as required by the Crime and Disorder Act 1998 and amended by the Police and Justice Act 2006 and the Local Government and Public Involvement in Health Act 2007.

6.10 Basingstoke and Deane, Hart and Rushmoor Councils Crime and Disorder Joint Scrutiny Committee

This Committee is the Crime and Disorder Committee for the purposes of section 19 of the Police and Justice Act 2006.

6.11 Terms of Reference

6.11.1 To scrutinise decisions made or other action taken, in connection with the discharge of the crime and disorder functions by the Joint Community Safety Partnership.

6.11.2 To act as a consultative body for the joint Community Safety Partnership and Police and Crime Commissioner responding to requests in relation to new and changed policies and services in relation to any matter within their purview.

6.11.3 To monitor and review the performance of the joint Community Safety Partnership.

6.11.4 To make reports or recommendations to the Local authorities, Joint Community Safety Partnership and Police and Crime Commissioner with respect to the discharge of the crime and disorder functions.

6.11.5 The committee shall prepare an annual report for the Councils.

6.12 Composition of the Committee

6.12.1 The committee shall consist of nine Councillors to be made up of three Councillors nominated from Basingstoke and Deane Borough Council, Hart District Council and Rushmoor Borough Council, respectively.

6.12.2 With the exception of Cabinet members and members of the Community Safety Partnership, Councillors of the respective Council may act as a substitute for the nominated member.

6.12.3 Each council may change their nominated Councillor at any time.

6.12.4 The committee may co-opt external representatives or appoint advisors as it sees fit.

6.13 Administration and proceedings of the Committee

6.13.1 The administration and chairmanship of the committee shall rotate between the councils on an annual basis.

6.13.2 The committee shall follow the procedures of the hosting council.

Article 7 - The Cabinet

7.1 Executive Functions

In this Council the functions of the Executive will be discharged by the Cabinet.

7.2 Role

The Cabinet will carry out all of the local authority's functions that are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

7.3 Form and composition

The Cabinet will consist of the Leader, a Deputy Leader, together with at least two, but not more than nine (such numbers to include the Deputy Leader), councillors appointed by the Leader. The Leader of the Council may assign portfolios to individual Cabinet members and approve the delegation of executive powers to individual Cabinet Members and officers.

7.4 Leader

The Leader will be a Councillor elected to the position of Leader by the Council. The Leader will hold office until:

1. The day when the Council holds its first annual meeting after the end of the Leader's term of office as a Councillor; or

2. They resign from office; or

3. They are suspended from being a Councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or

4. They cease to be a Councillor before the end of their term of office as a Councillor, including as a result of statutory provisions; or

5. They are removed from office by resolution of the Council.

If for any reason the Leader is unable to act the Deputy Leader must act in their place.

7.5 Procedures if the Leader Ceases to Hold Office for Whatever Reason

If the Leader ceases to hold office as mentioned in paragraphs (2), (3) or (4) above the functions of the Leader shall be discharged by the Deputy Leader until the election of a new Leader. In these circumstances, if an ordinary meeting of the Council is not scheduled to take place within the following 25 working days, an extraordinary meeting of the Council shall be held within 15 working days in order to elect a new Leader.

The exception to this is that if the Leader resigns within 3 months of the date of the next scheduled annual meeting the functions of the Leader will be

discharged by the Deputy Leader until a new Leader is elected at that next scheduled annual meeting.

7.6 Procedure if the Leader and Deputy Leader both cannot Act or both Cease to Hold Office for Whatever Reason

If for any reason the Leader is unable to act, or the office of the Leader is vacant and the Deputy Leader is unable to act, or the office of Deputy Leader is vacant, the Cabinet must act in the Leader's place or must arrange for a Member of the Cabinet to act in their place.

In the event of there being no Leader, Deputy Leader or Cabinet Members, executive functions shall in the interim be carried out by the Head of Paid Services in consultation with Group Leaders.

7.7 Procedures following Resolution of the Council to Remove the Leader from Office

If the Council resolves to remove the Leader from office and unless a new Leader is elected at the same meeting, the following procedures will be followed:

7.7.1 An extraordinary meeting of the Council shall be held within 10 working days to elect a new Leader.

7.7.2 Until the election of a new Leader, the executive functions of the Cabinet shall be discharged by the Head of Paid Services in consultation with Group Leaders.

7.8 Appointment of Cabinet

The Cabinet will consist of no fewer than three and no more than ten Members (inclusive of the Leader of the Council). Appointments to the Cabinet will be made by the Leader.

The precise number of Cabinet members, allocation of portfolios and term of office are for decision by the Leader and shall be set out in writing, except that the term of office may not extend beyond the third day after the expiry Leader's term of office as a Councillor. The Leader shall designate one of the Cabinet Members as Deputy Leader.

7.9 Other Cabinet Members

Other Cabinet members shall hold office until:

1. The expiry date of a fixed term specified by the Leader when appointing them; or

2. They resign from office; or

3. They are suspended from being Councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or

4. They are no longer Councillors; or

5. They are removed from office by the Leader, such a decision to be set out in writing and to have immediate effect; or

6. The day on which the Leader is removed from office by resolution of the Council.

7.10 Proceedings of the Cabinet

Proceedings of the Cabinet shall take place in accordance with the Cabinet and Executive Procedure Rules set out in Part 4 of this Constitution.

7.11 Responsibility

The Leader will maintain a list in Part 3 of the Constitution setting out which individual members of the Cabinet, officers or joint arrangements are responsible for the exercise of particular Cabinet functions.

7.12 Political balance

The Cabinet does not have to comply with the political balance rules in Section 15 of the Local Government and Housing Act 1989.

Article 8 - Committees of the Council

8.1 Committees of the Council

Part 3 of this Constitution contains a section entitled Responsibility for Functions containing three parts entitled Responsibility for Functions, Delegations to individual Cabinet Members, and Delegated powers to Officers.

All “Local Choice” functions (i.e., those specified in regulations under S.13(3)(b) of the Local Government Act 2000) are Executive Functions and are set out in Part 3B.

The Council will appoint the Committees set out in the left-hand column of the tables set out in Part 3 A in order to discharge the functions set out in the third column.

In furtherance of these provisions, the Council will:

8.1.1 appoint the Standards Committee and determine its membership in accordance with Article 9A and Part 3A of this Constitution.

8.1.2 delegate its audit functions to the Audit Committee, subject to Article 9B, statutory requirements and any functions reserved to Council or officers under this Constitution.

8.1.3 delegate its licensing functions to the Licensing Committee and Licensing Panel, subject to Article 9C, statutory requirements and any functions reserved to Council or officers under this Constitution.

8.1.4 delegate to the Development Management Committee the functions allocated to it in Part 3A of this Constitution, subject to applicable statutory requirements, the National Scheme of Delegation where applicable, and the officer delegations in Part 3C.

8.1.5 delegate its staffing functions to the Staffing Committee, subject to Article 9D, the Officer Employment Procedure Rules, statutory requirements and any functions reserved to Council, the Chief Executive or officers under this Constitution.

Article 9A - The Standards Committee

9A.01 Establishing the Standards Committee

The Council's annual meeting will establish a Standards Committee.

9A.02 Composition

Political Balance: The Standards Committees does not have to comply with the political balance rules in section 15 of the Local Government and Housing Act 1989 but shall be appointed as if in accordance with the political balance rules in Section 15 of the Local Government and Housing Act 1989.

Advisory Committee to Council: The Standards Committee shall be an advisory committee as defined by S.102 (4) Local Government Act 1972. It will not be subject to the provisions of Section 12 or 13(4) (e) of the Local Government Act 1989.

Membership: The Standards Committee will be composed of:

- five district councillors;
- three members of a town or parish council wholly in the Council's area (a parish member).

All Members of Standards Committee, including parish members of Standards Committee, will be entitled to vote at meetings.

Parish Members: At least one parish member must be present when matters relating to town or parish councils, or their members are being considered.

Chairing the Committee: any member of Standards Committee may be Chairman or Vice Chairman.

9A.03 Role and function

The Standards Committee will have the following roles and functions:

(a) promoting and maintaining high standards of conduct by councillors and co- opted members;

(b) assisting councillors and co-opted members to observe the Members' Code of Conduct;

(c) advising the Council on the adoption or revision of the Members' Code of Conduct;

(d) monitoring the operation of the Members' Code of Conduct;

(e) advising, training, or arranging to train councillors and co-opted members on matters relating to the Members' Code of Conduct;

(f) consider requests referred to it by the Monitoring Officer for the granting dispensations to Councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct;

(g) making recommendations on any report from the Monitoring Officer;

Article 9B - The Audit Committee

9B.1 Establishment

The Council will at its Annual Meeting establish an Audit Committee.

9B.2 Membership

The Membership shall consist of seven Members, or as may be determined each year by the Annual Meeting of Council, and appointed in accordance with the political balance rules in Section 15 of the Local Government and Housing Act 1989.

No Members of the Cabinet may be Members of the Committee.

9B.3 Substitutes

Substitute Members are allowed in accordance with the provisions of article.

9B.4 Role and Function

9B.4.1 To receive the Annual Audit Letter and make recommendations thereon to the Council.

9B.4.2 To receive all other reports from the Council's external auditors and make recommendations thereon to Council.

9B.4.3 To determine the work programme for internal audit activity.

9B.4.4 To receive summaries of all internal audit reports and such additional information as may be required.

9B.4.5 To receive reports on risk management and fraud.

9B.4.6 To receive and sign off the annual Statement of Accounts.

Article 9C - Regulatory and Other Committees

Regulatory and Other Committees

9C.1 The Council will appoint the committees and sub-committees identified in the first two columns of the table in Part 3A to discharge the functions allocated to them in the fourth column, subject to the delegations and limitations specified in this Constitution. Development management functions shall be exercised in accordance with applicable law, having regard to relevant statutory guidance, and subject to Part 3C and any local referral protocol approved under this Constitution.

Committee Membership

9C.2 Membership of these committees will be as set out in Column 3 of the Table. The appointment of members to these committees will be made in accordance with the Council Procedure Rules in Part 4 of this Constitution, the rules relating to political balance and, for the Development Management Committee and its sub-committees where applicable, any national requirements relating to planning committee size, membership, training or substitution.

Article 9D - Staffing Committee

9D.1 Establishment

The Council will at its Annual Meeting establish a Staffing Committee.

9D.2 Membership

The Membership shall comprise a minimum of five Members, or as may be determined each year by the Annual Meeting of Council appointed in accordance with the political balance rules in Section 15 of the Local Government and Housing Act 1989.

Any member may sit on the Staffing Committee, but it will include the Cabinet Member responsible for staffing matters.

Group Leaders

9D.3 Role and Function

9D.3.1 Subject to the appropriate statutory provisions and the Officer Employment Procedure Rules, to exercise the powers of the Council in relation to the appointment and dismissal of staff, and to exercise the function of an Investigating and Disciplinary Committee (IDC) on all matters associated with discipline, capability, and dismissals of the Monitoring Officer, the Head of Paid Service, and the Chief Finance Officer (S151 Officer) and includes acting as an Independent Persons Panel, and an Appeals Committee.

9D.3.2 To exercise the Council's functions in relation to staff pensions.

9D.3.3. To set tasks and targets for the Chief Executive and to appraise the performance of the Chief Executive.

9D.3.4 To recommend the Chief Executive's remuneration to full Council.

9D.3.5 To appoint officers for particular purposes (appointment of "proper officers")

9D.3.6 The Chairman of Staffing Committee/IDC has delegated authority to suspend a statutory officer.

Article 10 - Joint Arrangements

10.1 Arrangements to promote well being

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

10.1.1 enter into arrangements or agreements with any person or body;

10.1.2 co-operate with, or facilitate or co-ordinate the activities of, any person or body;

10.1.3 exercise any functions on behalf of that person or body.

10.2 Joint arrangements

10.2.1 The Council may establish joint arrangements with one or more local authority and/or their executives to exercise functions (which are not executive functions in any of the participating authorities) or to advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.

10.2.2 The Cabinet may establish joint arrangements with one or more local authority to exercise functions that are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.

10.2.3 Except as set out below, the Cabinet may appoint only Cabinet members to a joint committee, and those members need not reflect the political composition of the Council as a whole.

10.2.4 The Cabinet may appoint members to a joint committee from outside the Cabinet in the following circumstances:

10.2.4.1 The joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the Cabinet may appoint to the joint committee any councillor who is a member for a ward that is wholly or partly contained within the area;

10.2.4.2 The joint committee is between a county council and a single district council and relates to functions of the executive of the county council. In such cases, the executive of the county council may appoint to the joint committee any councillor who is a member for an electoral division that is wholly or partly contained within the area.

The political balance requirements do not apply to such appointments.

10.2.5 Details of any joint arrangements, including any delegations to joint committees, will be found in the Council's Statement of Functions of Decision-making Bodies in Part 3 of this Constitution.

10.3 Access to information

10.3.1 The Access to Information Rules in Part 4 of this Constitution apply.

10.3.2 If all the members of a joint committee are members of the executive in each of the participating authorities, then its access to information regime is the same as that applied to the executive.

10.3.3 If the joint committee contains members who are not on the executive of any participating authority, then the access to information rules in Part VA of the Local Government Act 1972 will apply.

10.4 Delegation to and from other local authorities

10.4.1 The Council may delegate non-executive functions to another local authority or, in certain circumstances, the executive of another local authority.

10.4.2 The Cabinet may delegate executive functions to another local authority or the executive of another local authority in certain circumstances.

10.4.3 The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.

10.5 Contracting out

The Council and the Cabinet, as regards their respective functions, 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, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision-making.

Article 11 - Officers

TERMINOLOGY

The use of the word “Officers” means all employees and staff engaged by the Council to carry out its functions. This word has also been used instead of “employees” to cover those engaged under short-term, agency or other non-employed situations.

11.1 Management structure

11.1.1 **General.** The full Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

11.1.2 **Chief Officers.** The full Council may engage persons for the following posts, who will be designated officers as follows:

Post	**Designation**
Chief Executive	Head of Paid Service[4]
Contracts and Procurement Manager	Monitoring Officer[5]
Executive Director - Corporate	Chief Finance Officer (“S151 Officer”)[6]

Such posts will have the functions described in Article 11.02 – 11.04 below.

Executive Director - Community	Non-Statutory Chief Officer[7]

11.1.3 **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. This is set out at Part 7 of this Constitution.

11.2 Functions of the Head of Paid Service

11.2.1 **Discharge of functions by the Council.** The Head of Paid Service will report to full Council on the manner in which the discharge of the Council’s functions is co-ordinated, and the number, grade and organisation of officers required for the discharge of functions.

11.2.2 **Restrictions.** The Head of Paid Service may not be the Monitoring Officer or the Chief Finance Officer (S151 Officer).

11.3 Functions of the Monitoring Officer

11.3.1 **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 consultation by members, staff, and the public.

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[4] Local Government and Housing Act 1989, s 4
[5] Local Government and Housing Act 1989, s 5
[6] Local Government Act 1972, s 151 and Local Government Finance Act 1988 s 113
[7] Local Government and Housing Act 1989 s 2

11.3.2 **Ensuring lawfulness and fairness of decision-making.** After consulting with the Head of Paid Service and Chief Finance Officer (S151 Officer), the Monitoring Officer will report to the full Council or to the executive in relation to an executive function 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.

11.3.3 **Supporting the Standards Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.

11.3.4 **Proper officer for access to information.** The Monitoring Officer will ensure that Cabinet decisions, together with the reasons for those decisions, and relevant officer reports and background papers are made publicly available as soon as possible.

11.3.5 **Advising whether executive decisions are within the budget and policy framework.** The Monitoring Officer will advise whether executive decisions are in accordance with the budget and policy framework.

11.3.6 **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.

11.3.7 **Restrictions.** The Monitoring Officer cannot be the Chief Finance Officer (S151 Officer) or the head of paid service.

11.4 Functions of the Chief Finance Officer (S151 Officer)

11.4.1 **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Head of Paid Service and the monitoring officer, the Chief Finance Officer (S151 Officer) will report to the full Council or to the executive in relation to an executive function and to 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.

11.4.2 **Administration of financial affairs.** The Chief Finance Officer (S151 Officer) will have responsibility for the administration of the financial affairs of the Council.

11.4.3 **Contributing to corporate management.** The Chief Finance Officer (S151 Officer) will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

11.4.4 **Providing advice.** The Chief Finance Officer (S151 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.

11.4.5 **Give financial information.** The Chief Finance Officer (S151 Officer) will provide financial information to the media, members of the public and the community.

11.5 Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer (S151 Officer)

11.5.1 The Council will provide the Monitoring Officer and Chief Finance Officer (S151 Officer) with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

11.6 Conduct

11.6.1 Officers will comply with the Officers' Code of Conduct and the Protocol for Member/Officer Relations set out in Part 5 of this Constitution.

11.7 Employment

11.7.1 The recruitment, selection and dismissal of officers will comply with the Officer Employment Procedure Rules set out in Part 4 of this Constitution.

Article 12 - Decision-making

12.1 Responsibility for decision-making

The Council will issue and keep up to date a record of what part of the Council, or which officer, has responsibility for particular types of decision or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

12.2 Principles of decision-making

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

12.2.1 proportionality (i.e., the action must be proportionate to the desired outcome);

12.2.2 due consultation and the taking of professional advice from officers;

12.2.3 respect for human rights (see below for further details);

12.2.4 a presumption in favour of openness;

12.2.5 clarity of aims and desired outcomes.

12.3 Recording of Decisions

12.3.1 As soon as reasonably practicable after a meeting of a decision-making body at which any executive decisions have been made, a written statement (the Minutes) will be produced containing:

12.3.1.1 a record of the decision, signed by the Leader or Chairman of the decision-making body;

12.3.1.2 a record of the reasons for the decision;

12.3.1.3 details of any alternative options considered and rejected by the decision-making body at the meeting at which the decision was made;

12.3.1.4 a record of any conflict of interest in relation to the matter decided which is declared by any member of the body which made the decision;

12.3.1.5 a note of any dispensation granted by the Monitoring Officer in respect of any declared conflict of interest.

12.3.2 As soon as is reasonably practicable after an officer has made a decision which is a key decision, a written statement will be produced containing:

12.3.2.1 a record of the decision, signed by the officer who made it (the decision);

12.3.2.2 a record of the reasons for the decision;

12.3.2.3 details of any alternative options considered and rejected by the officer at the time they made the decision;

12.3.2.4 a record of any conflict of interest declared, in relation to the decision, by any Cabinet member who was consulted by the officer who made the decision;

12.3.2.5 a note of any dispensation granted by the Monitoring Officer in respect of any declared conflict of interest in relation to the decision.

12.4 Types of decision

12.4.1 **Decisions reserved to full Council.** Decisions relating to the functions listed in Article 4.02 will be made by the full Council and not be delegated.

12.4.2 **Key decisions.**

A key decision means an executive decision which is likely to:

12.4.2.1 result in the Council incurring expenditure or making savings which amount to either £30,000 or 25% (whichever is the larger) of the budget for the service or function to which the decision relates; or

12.4.2.2 be significant in terms of its effect on communities living or working in an area comprising two or more wards within the district of Hart.

12.2.2.3 A decision-maker may make a key decision only in accordance with the requirements of the Cabinet and Executive Procedure Rules set out in Part 4 of this Constitution.

12.5 Decision-making by the full Council

Subject to Article 12.08, the Council meeting will follow the Council and Committee Procedures Rules (Standing Orders) set out in Part 4 of this Constitution when considering any matter.

12.6 Decision-making by the Cabinet.

Subject to Article 12.08, executive decisions will be made in accordance with the Cabinet and Executive Procedure Rules set out in Part 4 of this Constitution when considering any matter.

12.7 Decision-making by Overview and Scrutiny Committee

The Committee will follow the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution when considering any matter.

12.8 Decision-making by other committees and sub-committees established by the Council

Subject to Article 12.08, other Council committees and sub-committees will follow those parts of the Council and Committee Procedure Rules (Standing Orders) set out in Part 4 of this Constitution as apply to them.
The Development Management Committee and its sub-committees may determine a planning application only where that determination is permitted by applicable law and allocated to them under this Constitution. Applications shall be referred in accordance with the National Scheme of Delegation where applicable, having regard to relevant statutory guidance, and the Council's approved local referral protocol. The protocol shall not override any statutory requirement for officer determination.

12.9 Decision-making by Council bodies acting as tribunals

The Council, a councillor, a committee 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.

Article 13 - Finance, Contracts and Legal Matters

13.1 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.

13.2 Contracts

Every contract made by the Council will comply with the Contracts Procurement Rules set out in Part 4 of this Constitution.

13.3 Legal proceedings

The Solicitor to the Council is authorised to institute, defend, or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Solicitor to the Council considers that such action is necessary to protect the Council's interests.

13.4 Authentication of documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Solicitor to the Council or any other person authorised by them, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

13.5 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place. 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 Solicitor to the Council should be sealed. The affixing of the Common Seal will be attested by the Chief Executive or Solicitor to the Council, or some other person authorised by either of them.

Article 14 - Review and Revision of the Constitution

14.1 Duty to monitor and review the constitution

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

14.2 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 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:

14.2.1 observe meetings of different parts of the Member and officer structure;

14.2.2 undertake an audit trail of a sample of decisions;

14.2.3 record and analyse issues raised with them by Members, officers, the public and other relevant stakeholders;

14.2.4 compare practices in this authority with those in other comparable authorities, or national examples of best practice.

14.3 Changes to the Constitution

14.3.1 **Approval.** Changes to the Constitution can be made in accordance with the terms of Standing Order No. 116 - see Part 4 of this Constitution (Rules of Procedure – Council and Committee Procedure Rules (Standing Orders)).

14.3.2 **Change from a Leader and Cabinet to a mayoral form of executive.** This will require a referendum.

Article 15 - Suspension, Interpretation and Publication of the Constitution

15.1 Suspension of the Constitution

15.1.1 **Limit to suspension.** The Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the full Council or other decision-making body to the extent permitted within those Rules and the law.

15.1.2 **Procedure to suspend.** A motion to suspend any of the rules will not be moved without notice unless at least one half of the whole number of councillors is present. 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.

15.1.3 **Rules capable of suspension.** The Rules which may be suspended in accordance with Article 15.01, are those Rules of Procedure contained in Part 4 that Members consider it appropriate to suspend, in order to facilitate the conduct of meetings or the discharge of the Council's functions.

15.2 Interpretation

The ruling of the Chairman of Council, as to the construction or application of this Constitution or as to any proceedings of the Council, shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

15.3 Publication

15.3.1 The Constitution will be available on the website.

15.3.2 The Monitoring Officer will ensure that this document is published on the council's website.

Schedule 1: Description of Executive Arrangements

The following parts of this Constitution constitute the executive arrangements:

Article 6 (Overview and Scrutiny) and the Overview and Scrutiny Procedure Rules in Part 4.

Article 7 (The Cabinet) and the Cabinet and Executive Procedure Rules in Part 4.

Article 10 (Joint Arrangements)

Article 12 (Decision-Making) and the Access to Information: Procedure Rules in Part 4.

Part 3 (Responsibility for Functions).

Part 3

Responsibility for Functions

The Responsibility for Functions shall be as determined from time to time by the Council and in respect of executive powers by the Cabinet. The current Scheme is set out in this chapter.

Part A Responsibility for Functions

Part B Delegation to individual Cabinet Members

Part C Delegated Power to Officers

Part 3A

Council Functions

Council Functions

Responsibility for Functions and Delegation Arrangements

The following functions will be the responsibility of the Council itself but delegated to Committees or sub-Committees as specified. Except where prohibited or otherwise prescribed by law, the Council may choose to exercise any of these functions itself, either generally or in relation to a specific case.

A number of functions set out here are further delegated to officers of the Council. These further delegations are set out in the Officer Delegation Rules in Part 3C.

For the purposes of this Constitution, “National Scheme of Delegation” means the scheme prescribed by the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026, as amended or replaced from time to time.

Committee	Sub Committee	Membership	Functions	Delegation of Functions
Audit Committee		7 Members appointed by Council (Political balance under S15 LGHA 1989) *No Members of the Cabinet will be Members of the Audit Committee.*	All matters relating to the Audit function including receiving the Annual Audit letter, auditors' reports, and settling the internal audit work programmes.	Function delegated to the Audit Committee and the Chief Executive.
Development Management Committee		The Development Management Committee shall comprise 11 Members of the Council, appointed in accordance with the political balance requirements. Substitution shall be permitted for individual meetings in accordance with this Constitution. A substitute must have completed the required Development Management Committee training and may only	The Development Management Committee shall exercise the Council's development management and other regulatory planning functions under the Planning Acts and other relevant legislation, insofar as those functions are exercisable by elected Members, and in accordance with the statutory national scheme of delegation for planning functions from time to time in force. The Committee may: • determine applications, consents, approvals and other planning matters which may lawfully be determined by the Committee; • exercise planning enforcement and other regulatory planning functions which may lawfully be exercised by the Committee; • determine other development management and	Officer delegation All development management and regulatory planning functions shall be delegated to the appropriate authorised officer, except where a matter may lawfully be determined by the Committee and is referred to the Committee in accordance with the statutory national scheme of delegation and this Constitution.

		substitute in accordance with the Council's agreed arrangements	regulatory planning matters which legislation or this Constitution requires or permits the Committee to determine; and • delegate functions to a Development Management Sub-Committee where legally permitted and in accordance with this Constitution.	The nominated member and nominated officer for the purposes of the statutory national scheme of delegation shall be designated in accordance with arrangements approved by the Council. Sub-Committees The Development Management Committee may appoint Development Management Sub-Committees and delegate functions to them to the extent permitted by legislation, the statutory national scheme of delegation and this Constitution.
Development Management Committee	Development Management (Major Sites) Sub-Committee	Members shall be appointed by the Development Management Committee in accordance with its	These functions may be exercised only where the application or related function may lawfully be determined by a committee or sub-committee and has been allocated to this Sub-Committee in accordance	

		delegated authority, applicable political balance requirements and any statutory requirements governing membership. Members and substitutes must satisfy the applicable training requirements. The quorum shall be three, subject to any higher minimum required by law.	with the approved arrangements. 1. To determine applications for the approval of reserved matters relating to any development within the District, which would otherwise be determined by the Development Management Committee, where the land the subject of the application forms all or part of a larger development where that larger development is for a minimum of 30 dwellings or 3,000m^2 of commercial floorspace, or for any other application or site specifically referred to it by the Development Management Committee. 2. To determine applications for planning permission relating to any development within the district, which would otherwise be determined by the Development Management Committee, where: a. The land the subject of the application forms all or part of a larger development where that larger development is for a minimum of 30 dwellings or 3,000m2 of commercial floorspace; and b. Outline planning permission has already been granted for an equivalent or larger	

			scheme within the same or larger site and the proposal would be within the general overall terms of that outline planning permission or, for any other application or site specifically referred to it by the Development Management Committee. To vary such terms of any Section 106 legal agreement, which are in the public interest, as may prove to be necessary associated with any development referred to in paragraph 1 and 2 above.	
Development Management Committee	Development Management (Action) Sub-Committee	Any three Members of the Development Management Committee,	To determine urgent matters within its delegated remit where the decision cannot reasonably await the next available meeting of the Development Management Committee, provided that member determination is lawful and all applicable referral, notice, access to information and procedural requirements are met.	
Licensing Committee		Members appointed by Council Substitution of Members: Substitution of members will be for individual meetings only, and substitutes will be appointed by	To exercise the Council's licensing and registration functions, including its functions under the Licensing Act 2003 and Gambling Act 2005, together with other relevant licensing legislation, insofar as those functions are exercisable by the Committee, and to delegate those functions where permitted by legislation.	Functions delegated to Miscellaneous Licensing Sub Committee/ Panel and to Executive Director – Community Services

		group leaders or their representative for that political group. Only members who have attended Licensing Committee training during the previous three years will be eligible to attend as a substitute. 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 (this relates to a situation where the person substituted is currently the Chairman or Vice-Chairman of the Committee). Substitute members		

		may attend meetings in that capacity only to take the place of the ordinary member for whom they are the designated substitute, and where the ordinary member will be absent for the whole of the meeting.		
Licensing Committee	Licensing Panel	Any 3 Members of the Licensing Committee	To hold hearings and determine applications and other matters referred or delegated to the Panel in accordance with the Licensing Act 2003, Gambling Act 2005, other relevant licensing legislation and this Constitution, to the extent that those matters may lawfully be determined by the Panel.	Functions delegated to Executive Director – Community Services.
Staffing and Appeals Committee		Minimum of 5 Members appointed by Council (Political balance under S15 LGHA 1989) At least one but not more than two will be members of Cabinet	To exercise the Council's functions relating to its responsibilities as an employer insofar as those functions are reserved to the Committee under this Constitution. In relation to the Head of Paid Service, Chief Finance Officer (Section 151 Officer) and Monitoring Officer, and subject to the Officer Employment Procedure Rules and applicable statutory requirements: • to exercise the functions of the Investigating and Disciplinary Committee;	Functions delegated to the Appeals Committee and to the Chief Executive

			• to determine disciplinary action short of dismissal; • where dismissal is proposed, to make a recommendation to Full Council, with Full Council determining whether the dismissal should be approved; and • to exercise any other function expressly assigned to the Committee by the Officer Employment Procedure Rules. All other staffing and employment functions shall be exercised in accordance with the officer delegations and procedures set out elsewhere in this Constitution.	
Standards Committee		Comprising 5 members appointed by the Council, 2 Independent members (not councillors) and 3 Parish representatives.	The promotion and maintenance of high standards of conduct within the Council, including- • To advise the Council on the adoption or revision of its Code of Conduct • To monitor and advise the Council about the operation of its Code of Conduct in the light of best practice and changes in the law. Assistance to members and co-opted members of the authority: • To ensure that all members of the Council have access to training in all aspects of the member Code of Conduct, that this training is actively promoted, and that members are aware of the standards expected from	Functions delegated to Monitoring Officer

			local Councillors under the Code. Other functions • Any other standards, ethical governance or Member conduct functions delegated to the Committee by the Council. .	

Part 3B

Delegation to Individual Cabinet Members

Executive Functions

Responsibility for Functions and Delegation Arrangements

All functions other those listed in Part A (Council Functions) will be the responsibility of the Executive including those set out in the following table. It should be noted that all “Local Choice” functions (i.e., those specified in regulations under S13(3)(b) of the Local Government Act 2000) are Executive functions.

The Executive may at its discretion delegate decision-making powers for these functions, but they remain accountable to the Council for the decisions taken. The Council cannot choose to exercise such functions itself.

No executive functions have been delegated to Committees of the Executive.

A number of executive functions have been delegated (as allocated by the Leader) to individual Cabinet Members under S.15 of the Local Government Act 2000.

A number of executive functions have been delegated to officers of the Council. These further delegations are set out in the Officer Delegation Rules in Part 4 of this Constitution. The delegation of executive powers to officers is determined by the Leader and any changes will only take effect from the day the proper officer receives notification of any changes in writing.

Functions	Delegation of functions within Executive (Cabinet)	Delegation of functions outside Executive
The formulation, review and monitoring of the policy and budget framework, including- consultation with relevant Overview and Scrutiny Committees, members of the public and interested parties; and the submission of recommendations for amending the policy and budget framework to the Council.		Functions delegated to the Chief Executive and other officers in accordance with the Officer Scheme of Delegation
• The implementation of the Approved Policy and Budget Framework, except in relation to those functions set out in A above (Council functions), including the management, control, and supervision of: the Council's own financial and property resources housing and Council tax benefit • leisure, sports, arts, and tourism services • housing provision, homelessness, and the maintenance of the common waiting list • the preparation and review of the Development Plan and other planning policies and procedures environmental health and protection grounds maintenance refuse collection, recycling, and amenity cleansing measures to promote the economic, environmental, and social well-being of the district • measures to promote community safety and reduce drug abuse • measures to promote skills training and development • measures in pursuit of the Council's rural issues, anti-poverty, and environment/ sustainability strategies • measures to promote high quality, Best Value services to the communities of the district		Functions delegated to the Chief Executive and other officers in accordance with Officer Scheme of Delegation

Functions	Delegation of functions within Executive (Cabinet)	Delegation of functions outside Executive
Representing the Council and the district to the public, other organisations, and agencies, both within the district and at national level.		
To authorise capital expenditure of up to £50,000 on schemes that are in accordance with the Capital Programme.	All cabinet members in respect of matters within their terms of reference	
To authorise an acquisition or disposal of any interest in land where such interest is valued at less than £25,000.	All cabinet members in respect of matters within their terms of reference	
To respond to consultations by the Government, Government agencies and other local authorities on draft guidance, policies, regulations, or similar documents	All cabinet members in respect of matters within their terms of reference	
To take action to deal with urgent business that arises between meetings of the Cabinet when it is not expedient to call a special meeting of the Cabinet. Decisions taken under this power shall be reported to the next meeting of the Cabinet for information and record.	All cabinet members in respect of matters within their terms of reference	
To authorise the attendance of Members and attend conferences as an official duty.	All cabinet members in respect of matters within their terms of reference	
To write off debts and costs as irrecoverable	Cabinet Member with responsibility for Finance in consultation with the S151 Officer	
To agree fees and charges for Car Parking.	Cabinet Member with responsibility for Car Parking	
To prepare and approve development briefs in accordance with Development Plan policies (Statutory)	Cabinet Member with responsibility for Planning	

Functions	Delegation of functions within Executive (Cabinet)	Delegation of functions outside Executive
To publish for consultation, draft Supplementary Planning Guidance (Statutory)	Cabinet Member with responsibility for Planning	
To respond to proposals from Natural England Nature to designate Sites of Special Scientific Interest (Statutory)	Cabinet Member with responsibility for Planning	
To make Directions under Article 4 of the Town and Country Planning (General Permitted Development) Order 2015, or any replacement or re-enactment of that Order (Statutory)	Cabinet Member with responsibility for Planning	
To list an asset of community value following consultation with ward Members.	Cabinet Member with responsibility for Planning	
To make decisions to release S106 funds held for local parish projects where the requests from the respective Parish or Town Council meets the purposes for which the funds had been collected.	Cabinet Member with responsibility for Partnerships	

Notes:

(i) If a Cabinet Member shall not be available to exercise powers designated to them, then those powers may be exercised by the Leader

(ii) No decision shall be taken without it first being subject to consultation with the relevant Chief Officer.

(iii) The Chief Finance Officer (s 151 officer) or the Monitoring Officer may, if they regard a decision as unlawful, direct that it not be implemented and referred to the Cabinet.

(iv) Notwithstanding that a function may be the responsibility of the Executive except in the circumstances referred to in clause (v) below the Executive is not permitted to determine any matter in the discharge of such a Function if that determination is contrary to the Council's Budget or Policy Framework

(v) The circumstances referred to in (iv) above are that it can reasonably be considered that there is an urgent need for the determination, and the consent of the Chairman of the Council or the Chairman of the Overview and Scrutiny or the Vice Chairman of the Council.

Part 3C

Scheme of Delegation to Officers

General Provisions

1. Officers having delegated powers each have a power of sub-delegating those powers to a nominated Officer or Officers to such extent as they shall determine, but the officer granting the sub-delegation shall remain responsible for any decision taken by the nominated officer. Each sub-delegation shall be made in writing, a copy of which shall be provided to the Monitoring Officer.

2. In this Scheme a reference to any statute, regulation (whether domestic or EU (European Union)), EU directive, or Code of Conduct, or Practice, issued by any body discharging a public function, includes any subsequent amendment or replacement.

3. Exercise of delegated powers is without prejudice to the right of the Council, the Chief Executive or the body or person granting delegated powers to withdraw or amend any such delegation, and the person with a delegated power may decline to exercise it and refer the decision to the appropriate Committee, Cabinet or Cabinet Member or other authorised Officer.

4. In addition to these delegated powers, powers may also be exercisable by officers through Financial Regulations, Contract Standing Orders, and as elsewhere set out in the Council's Constitution.

5. Delegated powers shall be exercised in accordance with Standing Orders, Financial Regulations and any other guidance given by the Council, the Chief Executive, the Chief Finance Officer (S151 Officer), or the Monitoring Officer. Any expenditure shall be within the appropriate budgetary provision and otherwise in accordance with this paragraph and (save for emergency expenditure) delegated powers shall be so limited.

6. Where a delegated power is expressed to be exercisable after consultation with the Chairman of a Committee, or a Cabinet Member, and in the absence of that Chairman or Cabinet Member the consultation shall take place with the Vice-Chairman (where appropriate) the Leader of the Council, or the Deputy Leader.

7. Any variation to the proper or customary procedure will not of itself make ineffective any action or decision taken in good faith by an Officer in the exercise of his delegated authority.

8. For the effective discharge of Council business, the Chief Executive and in his absence any Executive Director (after consultation with the Monitoring Officer or his deputy) may determine the interpretation and scope of provisions in the Constitution generally and of the delegated powers in this Scheme and such determination when reduced into writing shall be conclusive. A copy of each such determination shall be given to the Monitoring Officer.

9. Officers should keep Ward Councillors informed of significant action proposed or taken in relation to their Ward

Planning delegations shall be exercised in accordance with the Council's Constitution, the National Scheme of Delegation for planning applications, the Officer Scheme of Delegation, any statutory requirements and any protocol approved under

this Constitution. Where national requirements provide that an application must be determined by officers or may be referred to committee only in prescribed circumstances, the officer delegation shall be read and applied consistently with those requirements.

A planning application shall only be referred to the Development Management Committee where it is capable of committee determination under the National Scheme of Delegation and the referral is made in accordance with any approved local referral protocol. Ward member requests, call-in requests or other referral requests shall not override any national requirement for officer determination.

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Ref No	Function	Delegated Power, Duty, or Responsibility	Officer(s) granted Delegation
1.	Appointment of Consultants and Contractors	Power to appoint consultants and contractors within budgetary provision, and in accordance with Financial Regulations and Contract Standing Orders.	Chief Executive, or any Executive Director, acting within their Service
2.	Budgets & Finance	Power to vire between detailed heads of expenditure within each cost centre in accordance with the Financial Regulations.	Chief Executive, or any Executive Director, acting within their Service
3.	Budgets & Finance	Power, in consultation with the Chief Finance Officer (S151 Officer) to vary relevant non-statutory or prescribed charges, except for car parking, and meals on wheels.	Chief Executive, or any Executive Director, acting within their Service
4.	Budgets & Finance	Power, after consultation with the relevant Cabinet Member, to authorise commencement of approved capital projects that are within the approved estimate, in accordance with the appropriate financial regulations and contract standing orders.	Chief Executive, or any Executive Director, acting within their Service
5.	Budgets & Finance	Power to authorise and incur expenditure subject to budgetary provision and in accordance with financial regulations.	Chief Executive, or any Executive Director, acting within their Service
6.	Building Control	Power, in consultation with the Cabinet member for Planning, to approve changes to the Building Control Scheme of Prices	Chief Executive, or Executive Director – Corporate Services
7.	Building Control	Power to take any action in respect of the demolition of retaining walls near streets.	Chief Executive, or Executive Director – Corporate Services
8.	Building Control	Power to maintain a register of work carried out by the Fenestration Self-	Chief Executive, or Executive

Ref No	Function	Delegated Power, Duty, or Responsibility	Officer(s) granted Delegation
		Assessment Scheme (FENSA) members in respect of double-glazing.	Director – Corporate Services
9.	Building Control	Power to maintain a register of work carried out in respect of cavity wall insulation	Chief Executive, or Executive Director – Corporate Services
10.	Building Control	Power to administer the provisions in respect of Building Regulation charges.	Chief Executive, or Executive Director – Corporate Services
11.	Building Control	Power to take action in connection with the control of demolition.	Chief Executive, or Executive Director – Corporate Services
12.	Building Control	Power to employ the services of private contractors to carry out plan vetting, site inspections and other related work to ensure the fulfilment of the Council's responsibilities under the Building Regulations.	Chief Executive, or Executive Director – Corporate Services
13.	Building Control	Power to exercise the following function relative to the Building Acts and Building Regulations: • to administer and enforce the regulations; • to administer and enforce the Building Regulations in respect of Approved Inspectors; • to administer reversions from Approved Inspectors; *(Explanation: power to take enforcement action on behalf of Approved Inspectors)* • to pass or reject a deposited plan in pursuance of any relevant statutory provisions and receive and validate Building Notices;	Chief Executive, or Executive Director – Corporate Services

Ref No	Function	Delegated Power, Duty, or Responsibility	Officer(s) granted Delegation
		• to make decisions on or to refer to the Secretary of State applications for regulations to be relaxed or dispensed with; • to engage qualified engineering consultants to check structural calculations where necessary; • to serve notices and to take any other action in respect of means of escape from fire, unauthorised work, and plans of no effect; • to authorise the institution of legal proceedings in respect of any contraventions of Building Regulations.	
14.	Building Control	Power to determine applications for the dispensation of Building Regulations, to attach conditions to approvals and to accept certificates from Approved Inspectors.	Chief Executive, or Executive Director – Corporate Services
15.	Building Control	Power to enforce provisions relating to insecure, derelict, and dilapidated buildings and sites.	Chief Executive, or Executive Director – Corporate Services
16.	Building Control	Power to enforce powers relating to provision of adequate means of escape from fire in existing and proposed buildings and to require modification to chimneys where they operate inefficiently.	Chief Executive, or Executive Director – Corporate Services
17.	Building Control	Power to take action in respect of dangerous buildings, structures, and excavations.	Chief Executive, or Executive Director – Corporate Services
18.	Building Control	Power to administer, after consultation with Hampshire Fire and Rescue, provisions with regard to access for the Fire Brigade and fire precautions in certain large buildings.	Chief Executive, or Manager

Ref No	Function	Delegated Power, Duty, or Responsibility	Officer(s) granted Delegation
19.	Building Control	Power to issue regularisation certificates under the Building Regulations. *(Explanation: Certificates that work has been carried out in accordance with the Building Regulations)*	Chief Executive, or Executive Director – Corporate Services
20.	Community Safety	Power to determine requests from Hampshire Police for authorisations to utilise the power to disperse groups under the Anti-social Behaviour Act 2003 s30; and;	Chief Executive
21.	Community Safety	Power to make Closure Orders in relation to noisy premises to which the Anti-social Behaviour Act 2003 ss40 & 41 apply and to authorise Environmental Health Officers to exercise the power or duty of the Chief Executive under ss40 & 41 of the Act.	Chief Executive
22.	Community Safety	Power to apply to the Courts for an Anti-Social Behaviour Order.	Chief Executive, any Executive Director, or Community Safety Manager
23.	Community Safety	Power to seek to obtain an Acceptable Behaviour Contract;	Chief Executive, any Executive Director, or Community Safety Manager
24.	Community Safety	Power to apply to the Courts for an Anti-Social Behaviour Order	Chief Executive, any Executive Director, or Community Safety Manager
25.	Community Safety	Power to lay information before a Court alleging that an Anti-Social Behaviour Order has been breached.	Chief Executive, any Executive Director, or Community Safety Manager
26.	Community Safety	Duty to administer, allocate, and authorise the disbursement of grant monies in relation to the Safer and	Community Safety Manager

Ref No	Function	Delegated Power, Duty, or Responsibility	Officer(s) granted Delegation
		Stronger Government Funding and other pooled partner resources.	
27.	Community Safety	Duty to undertake the Councils' functions and duties in accordance with the Crime and Disorder Act 1998.	Community Safety Manager
28.	Community Safety	Power to authorise and act with all services to give effect to the Crime and Disorder Act 1998 s17.	Chief Executive, any Executive Director, or Community Safety Manager
29.	Community Safety	Duty to manage the CCTV Control room and all related contracts.	Community Safety Manager
30.	Community Safety	Power to refuse entry to the building on security grounds and to order individuals to leave the building.	Chief Executive, any Executive Director, or Community Safety Manager
31.	Community Safety	Duty to be the single point of contact and authorise, co-ordinate, and disseminate information on potential security issues.	Community Safety Manager
32.	Conduct of Business	Power to settle the annual timetable of Meetings of Council, Cabinet, Committees, Sub-Committees and Panels.	Chief Executive
33.	Conduct of Business	Power to agree to changes in Committee and Sub-Committee membership during the Municipal Year requested by the Leader of a political group by way of notice under the Local Government (Committees and Political Groups) Regulations 1990 provided that the allocation of seats to the group is not disturbed.	Chief Executive
34.	Consultation	Power to engage and consult with the community on issues and matters relevant to their specific service.	Chief Executive, or any Executive Director acting within their Service

Ref No	Function	Delegated Power, Duty, or Responsibility	Officer(s) granted Delegation
35.	Council Tax & Non-Domestic Rates	Power to make refunds in cases of over payment to the Council as Billing Authority	Chief Executive, any Executive Director, or Chief Finance Officer (S151 Officer)
36.	Council Tax & Non-Domestic Rates	Powers in respect of premises partially unoccupied for short periods.	Chief Executive, any Executive Director, or Chief Finance Officer (S151 Officer)
37.	Council Tax & Non-Domestic Rates	Power to determine applications for mandatory or discretionary relief in accordance with any statutes, financial regulations, budgetary provision.	Chief Executive, any Executive Director, or Chief Finance Officer (S151 Officer)
38.	Council Tax & Non-Domestic Rates	Power to make Discretionary Rate Relief decisions or determinations under the Local Government Act 1988 in respect of charities or other organisations not established or conducted for profit provided that each applicant whose application is refused is given the right of appeal to Cabinet.	Chief Executive, any Executive Director, or Chief Finance Officer (S151 Officer)
39.	Council Tax & Non-Domestic Rates	Exercising powers following receipt of completion notices in respect of unoccupied property.	Chief Executive, any Executive Director, or Chief Finance Officer (S151 Officer)
40.	Council Tax & Non-Domestic Rates	Power to determine applications for relief of rating of property on the grounds of hardship, in light of Council Write Off Policy and subject to budgetary provision.	Chief Executive, any Executive Director, or Chief Finance Officer (S151 Officer)
41.	Council Tax & Non-Domestic Rates	Power to institute proceedings for non-payment of accounts including prosecution or defence in the Magistrates' Court including statutory recovery proceedings in respect of unpaid instalments and sundry debts of National Non-domestic Rates, Council Tax, including the power to make an agreement and register a charge to	Chief Executive, any Executive Director, or Chief Finance Officer (S151 Officer)

Ref No	Function	Delegated Power, Duty, or Responsibility	Officer(s) granted Delegation
		secure payment in accordance with the Local Government Planning and Land Act 1980 s40.	
42.	Council Tax & Non-Domestic Rates	Power to serve Notices, enter into agreements, give receipts, make adjustments, institute proceedings, and take any action available to the Council to collect or enforce the collection of the non-domestic rate, and the Council Tax from those persons liable.	Chief Executive, any Executive Director, or Chief Finance Officer (S151 Officer)
43.	Council Tax & Non-Domestic Rates	Power to employ commercial bailiffs in appropriate circumstances, subject to financial regulations and Contract Tendering Regulations.	Chief Executive, any Executive Director, or Chief Finance Officer (S151 Officer)
44.	Countryside	Power to agree the terms and conditions of hirings and lettings of those services and resources within the Countryside Service.	Chief Executive, Chief Finance Officer (S151 Officer), Executive Director - Community.
45.	Countryside	Power, after consultation with the appropriate Portfolio Holder, to set and levy fees and charges for those services and resources within the Countryside Service, including: • the negotiation of commercial and non-commercial fees and charges for services and resources and entering into contracts for such with third parties. the waiving of fees and charges in circumstances considered appropriate.	Chief Executive, any Executive Director.
46.	Countryside	Power to negotiate, agree terms and conditions of contracts and enter into contracts with third parties, for the delivery or sponsorship of services and resources either to or by the Countryside Service	Chief Executive, any Executive Director

Ref No	Function	Delegated Power, Duty, or Responsibility	Officer(s) granted Delegation
47.	Countryside	Power to negotiate and agree terms and conditions of contracts with third parties for the Joint Provision or Joint Use or partnership delivery of services provided to or by the Countryside Service.	Chief Executive, any Executive Director.
48.	Countryside	Power to issue licences for the recreational use of open water under the ownership or control of the Council.	Chief Executive, any Executive Director.
49.	Countryside	Power to act on behalf of the Council on all matters relating to the management of Common land, and Sites of Special Scientific Interest (SSSIs) under the Countryside and Rights Of Way Act 2000 s28, and any other legally designated sites.	Chief Executive, any Executive Director
50.	Covert Surveillance	Power to grant authorisations for directed covert surveillance as required by the Regulation of Investigatory Powers (Prescription of Offices, Ranks and Positions) Order 2000 made under the Regulation of Investigatory Powers Act 2000 s30.	Chief Executive
51.	Delegations	Power to determination any questions of interpretation in respect of the powers within this Scheme of Delegation.	Chief Executive
52.	Delegations	Power to override any decisions taken by other Officers, with the exception of the Chief Finance Officer (S151 Officer) in relation to the Council's financial affairs, and the Monitoring Officer in relation to issues of legality.	Chief Executive
53.	Delegations	Power to direct that any power delegated to another officer shall be withdrawn in whole or in part for a specified time or permanently, with the exception of the Chief Financial Officer (S151 Officer) in relation to the Council's financial affairs, and the Monitoring Officer in relation to issues of legality.	Chief Executive

Ref No	Function	Delegated Power, Duty, or Responsibility	Officer(s) granted Delegation
54.	Delegations	Power, in the absence of the Chief Executive, to exercise any powers delegated to the Chief Executive, subject to notifying the Chief Executive as soon as reasonably practical that those powers have been exercised.	Any Executive Director acting in the absence of the Chief Executive
55.	Delegations	Power, in the absence of the Chief Executive to exercise any powers delegated to the Chief Executive, subject to notifying the Chief Executive as soon as reasonably practical that those powers have been exercised.	Executive Director acting in the absence of the Chief Executive
56.	Delegations	Power, in the absence of the Chief Financial Officer, to exercise all powers delegated to them so far as the law permits.	Chief Executive or any Executive Director
57.	Delegations	Power to require an Officer not to exercise a delegated power in whole or in part, with the exception of the Chief Financial Officer in relation to the Council's financial affairs, and the Monitoring Officer in relation to issues of legality.	Chief Executive
58.	Planning	Power to number and/or name properties and name streets and to carry out any Council function in respect of the official naming of streets and the numbering of properties.	Chief Executive, or any Executive Director
59.	Drainage	Power to take any action judged necessary to secure public health and land drainage, where flooding has occurred or is likely to occur.	Chief Executive, or any Executive Director
60.	Drainage	Power to determine strategic watercourses to be maintained at public expense.	Chief Executive, or any Executive Director
61.	Drainage	Power to serve and enforce notices: • under the drainage provisions of the Public Health Act 1936 s236. • under the provisions of the Land Drainage Act 1991.	Chief Executive, or any Executive Director

Ref No	Function	Delegated Power, Duty, or Responsibility	Officer(s) granted Delegation
62.	Drainage	Power to appoint inspecting and supervising engineers to undertaking inspections that may be as required by the Reservoirs Act 1975.	Chief Executive, or any Executive Director
63.	Elections	Power to approve future local election fee recommendations from the Hampshire and isle of Wight Election Fees Working Party.	Chief Finance Officer (S151 Officer)
64.	Emergency Planning & Building Regulation	Duty to act and power to incur expenditure, so as to provide support to the emergency services in dealing with a civil emergency as defined by the Hampshire County Council (or other appropriate body) and the District's Major Civil Emergency Plan or successor Plan and/or arrangements. Such power may be exercised by the Officer in charge of the Council response or other formal arrangements entered into between the Council and Hampshire County Council pursuant to the Civil Contingencies Act 2004 or otherwise in accordance with the Emergency Plan. Such power to be used sparingly and only used to incur immediate expenditure, so as to provide support to the emergency services, and that there should be no prolonged or other use of emergency powers where the normal democratic structures of the Council are reasonably available and functioning.	Chief Executive
65.	Environment	Power to undertake environmental audits covering the state of the local environment	Chief Executive or any Executive Director
66.	Environment	Power to develop and co-ordinate the implementation of a local sustainability strategy for the Council.	Chief Executive or any Executive Director
67.	Environmental Health	Responsibility for exercising the Council's powers and duties including any related enforcement action and recovery of costs in respect of the following: • Prohibition or restriction of the importation, use, supply or storage	Chief Executive, or Executive Director – Corporate Services

Ref No	Function	Delegated Power, Duty, or Responsibility	Officer(s) granted Delegation
		of injurious substances or articles, or potentially hazardous substances. • Contaminated land including maintenance of public registers of land, which may be contaminated, determinations, and enforcement of clean up. • Powers in respect of light pollution causing a nuisance. • Power to appoint inspectors and authorised persons for the purposes of legislation related to environmental protection enforcement. • Oil Pollution including acting as the District Oil Pollution Officer. • Provision of a dog control service and the waiving or reducing of charges for returning a dog to its owner including, after consultation with the appropriate Portfolio Holder and relevant Ward Member, the designation of dog control areas and powers to deal with stray dogs. • The promotion of health including health education training and the making of appropriate charges for such training. • To approve or refuse registrations, licences, certificates, permits, or consents and to take any other action in respect of the following businesses operating within the District: Hairdressers and barbers, acupuncturists, tattooists, ear piercers, electrolysists, animal boarding establishments, riding establishments, dog breeding, pet shops, guard dogs, dangerous wild animals, and zoos. • Powers in respect of the quality of drinking water supplies, bathing waters, and swimming pools.	

Ref No	Function	Delegated Power, Duty, or Responsibility	Officer(s) granted Delegation
		• Power to institute legal proceedings and to represent the Council in appropriate Environmental Health cases. • The ability to issue, refuse, vary, revoke, and impose conditions on any licence in relation to Scrap Metal Dealers.	
68.	Environmental Health	Responsibility for exercising the Council's statutory functions, powers and duties including any related enforcement action and recovery of costs in respect of the decorating or cleaning of filthy or verminous premises; cleansing or destruction of filthy or verminous articles; accumulation of rubbish; fly-tipping; abandoned and nuisance vehicles; neglected sites; defective premises: ruinous and dilapidated buildings; protection of unoccupied buildings and structures; disposal of dead bodies; animal health and disease; and public health statutory nuisances.	Chief Executive, or Executive Director – Corporate Services
69.	Environmental Health	Responsibility for exercising the Council's powers and duties including any related enforcement action and recovery of costs in respect of Pest control and other environmental health functions.	Chief Executive, or Executive Director – Corporate Services
70.	Environmental Health	Responsibility for exercising the Council's powers and duties including any related enforcement action and recovery of costs in respect of Sanitation, sanitary conveniences and appliances in buildings and workplaces; drains, sewers, water closet cleansing and maintenance; and land drainage including: • requirement for buildings to be drained in combination. • the maintenance of Strategic Watercourses. • powers to repair or clear a defective or stopped up drain, private drainage systems (any default action in respect of repair	Chief Executive, or Executive Director – Corporate Services

Ref No	Function	Delegated Power, Duty, or Responsibility	Officer(s) granted Delegation
		work to be limited to the sum identified in the financial appendix).	
71.	Environmental Health	Responsibility for exercising the Council's powers and duties including any related enforcement action and recovery of costs in respect of food safety and standards including: • the powers to close or cancel the closure of unhygienic food premises, seize unfit food, and sample food; • the appointment of food examiners and other recognised professionals for the purpose of expert opinion; • Inspection Programmes; • the registration or approval of premises for the sale, preparation, storage, or manufacture of food; • food export certificates and deferred inspection of imported food.	Chief Executive, or Executive Director – Corporate Services
72.	Environmental Health	Responsibility for exercising the Council's powers and duties including any related enforcement action and recovery of costs in respect of Health, safety and welfare at work including: • enforcement of the Health and Safety at work Act 1974 legislation • appointment of inspectors and other authorised Officers to carry out appropriate duties in respect of health, safety, and welfare • Inspection programmes • the transfer of enforcement responsibilities • controls on working with asbestos.	Chief Executive, or Executive Director – Corporate Services
73.	Environmental Health	Responsibility for exercising the Council's powers and duties including any related enforcement action and recovery of costs in respect of the control of infectious disease including the disinfection of premises, persons and articles, removal	Chief Executive, or Executive Director – Corporate Services

Ref No	Function	Delegated Power, Duty, or Responsibility	Officer(s) granted Delegation
		of persons from infected homes and hospitalisation of persons suffering from a notifiable disease, after consultation with the Director of Public Health and Public Health England.	
74.	Environmental Health	Responsibility for exercising the Council's powers and duties including any related enforcement action and recovery of costs in respect of the appointment of appropriate persons as Proper Officer required for The Health Protection (Notification) Regulations 2010 reg 2 and 3 Receipt and disclosure of notifiable suspected disease, infection or contamination in patients and dead persons.	Chief Executive, or Executive Director – Corporate Services
75.	Environmental Health	Responsibility for exercising the Council's powers and duties including any related enforcement action and recovery of costs in respect of noise and noise nuisance from domestic commercial or industrial premises, vehicles, machinery, or equipment in the street including: • after consultation with the appropriate Cabinet Member and relevant Ward Members, the determination of applications for prior consent in respect of construction work; • the determination of acceptable noise levels for new buildings • the power to seize equipment; • the power to grant or refuse consent for the use of loudspeakers in the street outside the period 8am to 9pm; and to enforce legislation relating to alarms; • power to apply for High Court injunctions in relation to noise nuisance.	Chief Executive, or Executive Director – Corporate Services
76.	Environmental Health	Responsibility for exercising the Council's powers and duties including any related enforcement action and recovery of costs	Chief Executive, or Executive Director –

Ref No	Function	Delegated Power, Duty, or Responsibility	Officer(s) granted Delegation
		in respect of Integrated pollution and air pollution control, local air quality management, clean air and air quality including powers in respect of the burning of crop residues and public health nuisance.	Corporate Services
77.	Finance	Power to institute proceedings for non-payment of accounts including prosecution or defence in the Magistrates' Court including statutory recovery proceedings in respect of unpaid instalments and sundry debts of National Non-domestic Rates, Council Tax, including the power to make an agreement and register a charge to secure payment in accordance with the Local Government Planning and Land Act 1980 s40.	Chief Executive, any Executive Director, or Chief Finance Officer (S151 Officer)
78.	Finance	Duty to manage the Treasury function within the Council, including: • raising and repaying loans and all other debt instruments including overdraft arrangements on appropriate terms up to any maximum amount authorised by the Council, as constrained by statutorily defined borrowing and maturity limits, and subject to the Treasury Management strategy approved by the Council each year: • investing surplus funds of the Council, including negotiations and agreements with brokers and fund managers; • entering into leasing and contract hire agreements for the acquisition of vehicles, machinery, and equipment on such terms as are considered appropriate within budgetary provision.	Chief Finance Officer (S151 Officer)
79.	Finance	Duty to manage insurable risks within the Council including:	Chief Finance Officer (S151 Officer)

Ref No	Function	Delegated Power, Duty, or Responsibility	Officer(s) granted Delegation
		• arranging the insurance of the Council's property and other appropriate insurable risks ensuring value for money; and • reviewing on an annual basis the sums insured and • negotiating in respect of claims on, or by, the Council.	
80.	Finance	Duty to determine the local average rates of interest in accordance with the Housing Act, 1985 together with the rate of interest on sums outstanding prior to the commencement of the provisions of the Act.	Chief Finance Officer (S151 Officer)
81.	Finance	Responsibility for payment of all amounts that are considered to be in respect of liabilities properly incurred and not previously discharged.	Chief Finance Officer (S151 Officer
82.	Finance	Debts up to the value of £5,000 may be written off where the debt is deemed irrecoverable or is unlikely to be recovered at economic cost. This authority is delegated to Capita for housing benefit debts who are required to follow the same assessment process.	Chief Finance Officer (S151 Officer) or, in their absence, Chief Executive
83.	Finance	Debts over £5,000 must be referred to the Executive Director - Corporate who will seek approval from the Cabinet Member with responsibility for Finance. All such write-offs must be reported to Cabinet for information.	Chief Finance Officer (S151 Officer) or, in their absence, Chief Executive
84.	Finance	Power to deal with housing advances made by the Council, including: • varying the rate of interest charged on variable interest rate mortgages. • deciding upon applications for loans under the Housing Act 1985, Recommendations under the Buildings Societies Support	Chief Finance Officer (S151 Officer) or, in their absence, Chief Executive

Ref No	Function	Delegated Power, Duty, or Responsibility	Officer(s) granted Delegation
		Lending Scheme and indemnities and transfers under the Act.	
85.	Finance	Power to vire up to the sum identified in the financial appendix, between cost centres (applicable to all Cabinet and Committees), provided that approval to virements giving rise to commitments for future years, shall be given by the Cabinet.	Chief Finance Officer (S151 Officer) or, in their absence, Chief Executive
86.	Finance	Power to approve the transfer, on capital schemes, spending provision from other schemes by means of savings or delays, provided that the estimated overspend on the particular scheme does not exceed the sum of 10% on the figure identified in the Financial Appendix.	Chief Finance Officer (S151 Officer) or, in their absence, Chief Executive
87.	Finance	Power to make determinations under the Local Government and Housing Act 1989 ss 42(2)g, 50(3)b, 50(3)c, 51(4),56(1), 56(2), 60(2), and 63(1). *(Explanation: various duties concerned with deciding technical financial issues such as what is capital or revenue, how grants can be used, etc)*	Chief Finance Officer (S151 Officer) or, in their absence, Chief Executive
88.	Finance	Duty to administer and control the Collection Fund.	Chief Finance Officer (S151 Officer)
89.	Grants	Power, after consultation with the relevant Cabinet member, to allocate, and authorise the disbursement of grants, loan schemes, and core funding contributions	Chief Executive, any Executive Director,
90.	Highways, Transport and Parking	Power, after consultation with the Executive Director – Corporate Services, to consider and make observations to third parties on any matters affecting transport, highways, and car parking.	Chief Executive, any Executive Director.
91.	Highways, Transport and Parking	Power to deal with matters relating to the Council's direct responsibilities for infrastructure within the District of Hart.	Chief Executive, any Executive Director.

Ref No	Function	Delegated Power, Duty, or Responsibility	Officer(s) granted Delegation
92.	Highways, Transport and Parking	After consultation with the relevant Cabinet member, power to submit comments to Hampshire County Council on bus service changes.	Chief Executive, any Executive Director.
93.	Highways, Transport and Parking	Power to submit views to Hampshire County Council, on proposals for the extinguishing of highway rights and the diversion and extinguishing of footpaths and bridleways.	Chief Executive, any Executive Director.
94.	Highways, Transport and Parking	Power to comment on traffic regulation proposals that may affect traffic within Hart District.	Chief Executive, any Executive Director.
95.	Highways, Transport and Parking	After consultation with the relevant Ward Members, power to: • determine applications for the temporary closure of roads where the district council is responsible • respond to proposals from the Hampshire County Council in respect of proposed Traffic Orders	Chief Executive, any Executive Director.
96.	Highways, Transport and Parking	Power to: • exercise the Council's powers under the Off-Street Parking Places Order. • advertise and amend the Councils Off Street Parking Places Order.	Chief Executive, any Executive Director.
97.	Highways, Transport and Parking	After consultation with the relevant Cabinet member, power to close the Council's off-street car parks for special events or maintenance purposes and to agree the temporary suspension of parking charges (subject to budgetary provision having been made).	Chief Executive, any Executive Director.
98.	Highways, Transport and Parking	Power to determine applications for the letting for casual use of car parks.	Chief Executive, any Executive Director
99.	Highways, Transport and Parking	Power to authorise the use of the Civic Offices car parks by other organisations outside normal office hours.	Chief Executive, any Executive Director

Ref No	Function	Delegated Power, Duty, or Responsibility	Officer(s) granted Delegation
100.	Housing	Responsibility for exercising the Council's powers and duties including any related enforcement action and recovery of costs in respect of caravan and camping sites,	Chief Executive, or Executive Director - Community
101.	Housing	Responsibility for exercising the Council's powers and duties including any related enforcement action and recovery of costs in respect of Tenancy Relations Issues, including: • Power to take action, including the service of notices, in respect of the unlawful eviction of tenants and the harassment of occupiers of tenanted property; • Power to take action, including the service of notices, to obtain information, rent books, insurance arrangements and other documents relating to tenanted property; • Power to take action, to recover from landlords, sums paid in excess of recoverable rents.	Chief Executive, or Executive Director - Community
102.	Housing	Power to, in the absence of the Executive Director - Community, conduct and determine appeal reviews under the provisions of The Housing Act 1996 s202.Director Communities	Chief Executive and any Executive Director
103.	Housing	Power to take legal proceedings where mortgages are in arrears	Chief Executive, any Executive Director, or Solicitor to the Council
104.	Housing	To approve applications for the letting of properties in Mortgage to the Council.	Chief Executive, any Executive Director, or Solicitor to the Council

Ref No	Function	Delegated Power, Duty, or Responsibility	Officer(s) granted Delegation
105.	Housing	Power to approve applications from within family transfers of mortgaged properties, subject to being satisfied that such transfer will not adversely affect the Council's interest and to payment of the Council's legal costs.	Chief Executive, any Executive Director, or Solicitor to the Council
106.	Housing	Power to authorise proceedings in matters related to unlawful eviction and harassment of residential occupiers.	Chief Executive, any Executive Director, or Solicitor to the Council
107.	Housing	Power to give receipts for the discharge of redeemed mortgages and to seal vacating receipts on Council mortgages.	Chief Executive, any Executive Director, or Solicitor to the Council
108.	Housing	Power to approve applications to be placed on the Housing Register which fall within the criteria for acceptance.	Chief Executive, or Executive Director - Community
109.	Housing	Power to make nominations to registered social landlords and other agencies in accordance with the Council's approved housing nominations policies.	Chief Executive, or Executive Director, Community
110.	Housing	Power to make minor amendments to the nominations scheme.	Chief Executive, or Executive Director - Community
111.	Housing	Power to agree deeds of Nomination Rights for affordable housing schemes.	Chief Executive, or Executive Director - Community
112.	Housing	In consultation with the Chief Finance Officer (S151 Officer) and in accordance with generally acceptable accounting principles, and the Financial Regulations of the Council, power to write off as irrecoverable rent arrears of former tenants or licensees.	Chief Executive, or Executive Director - Community

Ref No	Function	Delegated Power, Duty, or Responsibility	Officer(s) granted Delegation
113.	Housing	Power to approve individual affordable housing schemes, including agreeing tenure mixes, which comply with the council's Housing Strategy.	Chief Executive, or Executive Director - Community
114.	Housing	Power to suggest appropriate conditions to be imposed on planning applications with an affordable housing element, including terms of Agreements reached under the provisions of the Town and Country Planning Act 1990 s106 and Planning Obligations.	Chief Executive, or Executive Director - Community
115.	Housing	After consultation with the relevant Cabinet Member power to approve support for affordable housing projects under the sum identified in the financial appendix, provided they are within the capital funding available for Social Housing Initiatives in the current Capital Programme and are in accordance with the Housing Strategy.	Chief Executive, or Executive Director - Community
116.	Housing	Power to authorise legal proceedings for prosecution of offences arising from the unlawful eviction or harassment of residential occupiers.	Chief Executive, or Executive Director - Community
117.	Housing	Responsibility for carrying out the Council's duties in respect of: • providing accommodation under the provisions of the Housing Act 1996 s188; and • persons intentionally homeless under provisions of the Housing Act 1996 s190; and • persons not in priority need under the provisions of The Housing Act 1996 s192; and. • persons with priority need under the provisions of The Housing Act 1996 s192; and • cases of threatened homelessness under the provisions of The Housing Act 1996 s195; and • the power of referral to another local housing authority under the	Executive Director - Community

Ref No	Function	Delegated Power, Duty, or Responsibility	Officer(s) granted Delegation
		provisions of The Housing Act 1996 s1195; and • applicants considered for referral in under the provisions of The Housing Act 1996 s200; and • reviews of any decisions as requested by an applicant under The Housing Act 1996 s202, and • the Housing Acts 1985, 1988, 1996, 2002 and 2004.	
118.	Housing	Responsibility for exercising the Council's powers and duties including any related enforcement action and recovery of costs in respect of private sector housing policy, including • power to consider and determine applications for mandatory disabled facilities grants; • the provision of professional services and the making of financial grants to property owners and tenants to assist in the repair, improvement, adoption, conversion and renovation of dwellings and houses in multiple occupation. • on the breach of any condition attached to a housing improvement or disabled facilities grant, power to authorise the recovery of the grant or part thereof or to approve in special circumstances and after consultation with the Chief Finance Officer (S151 Officer), the waiver of repayment of the grant monies or, where legislation allows, part thereof; • power to establish a loan scheme for home renovation works; • after consultation with the Chief Finance Officer (S151 Officer) and the appropriate Cabinet Member, power to determine the rules and criteria for loans;	Chief Executive, or Executive Director - Community

Ref No	Function	Delegated Power, Duty, or Responsibility	Officer(s) granted Delegation
		• after consultation with the Chief Finance Officer (S151 Officer) power to transfer loans to the private sector and provide loan guarantees. • the promotion of energy efficiency measures within the district's housing stock. • the repair, closing or demolition of dwellings unfit for human habitation or otherwise in a state of disrepair and properties inspected in the context of the Housing Health and Safety Rating System. • after consultation with the appropriate Cabinet Member and relevant Ward Members, the designation of clearance and renewal areas. • the licensing, prevention of overcrowding, provision of means of escape from fire and other fire precautions and the management of houses in multiple occupation: • to promote action to improve the private sector housing stock in the District and where appropriate to achieve the Decent Homes Standard in the context of the Council's Private Sector Housing Strategy	
119.	Housing & Council Tax & Non-Domestic Rates Benefits	Power to make and act on decisions regarding the following: • payment of Housing and/or Council Tax Benefit to applicants in accordance with the Social Security Acts, and the Housing Benefit and Council tax Benefit regulations, and determination of representations from applicants dissatisfied with any decisions • investigation of suspected cases of fraud and authorising prosecution proceedings. • classification and recovery of overpaid Housing Benefit and	Chief Executive, or Chief Finance Officer (S151 Officer) or Executive Director - Community

Ref No	Function	Delegated Power, Duty, or Responsibility	Officer(s) granted Delegation
		Council Tax Benefit, including authorisation of court proceedings in line with Council Write Off Policy, after consultation with the Solicitor to the Council. • the completion of all statutory and necessary Housing Benefit Subsidy and related returns in accordance with regulation.	
120.	Information	Power to determine internal reviews of decisions made in response to requests for information	Chief Executive
121.	Information	Power to make submissions to, and act on recommendations from the Information Commissioner or their representative.	Chief Executive
122.	Information	Power to make determinations and decisions under the Data Protection Act 2018, the UK GDPR, the Freedom of Information Act 2000, the Environmental Information Regulations 2004 and any related information access legislation. .	Chief Executive
123.	Information Technology	Power to determine the technical and functional specification for any IT system or hardware purchased on behalf of Hart District Council and to determine criteria for evaluation of tenders.	Chief Executive or any Executive Director
124.	Information Technology	Power to dispose of redundant equipment up to the sum identified in the financial appendix, per individual item.	Chief Executive or any Executive Director
125.	Land Contamination	Power to take appropriate action, including expenditure up to the figure identified in the Financial Appendix, to deal with land owned by the Council which is contaminated within the meaning of the Environmental Protection Act 1990.	Chief Executive, any Executive Director.

Ref No	Function	Delegated Power, Duty, or Responsibility	Officer(s) granted Delegation
126.	Legal Issues	Power to authorise and issue any documents for the purpose of any of the Council's functions including all court proceedings, and to affix and attest the seal of the Council to any deed or other document.	Chief Executive, any Executive Director, or Solicitor to the Council
127.	Legal Issues	Power to obtain the opinion of Counsel on any question of doubt or difficulty concerning the Council's business and to instruct Counsel to represent the Council at any Court, Tribunal, or Inquiry subject to the budget provision not being exceeded.	Chief Executive, any Executive Director, or Solicitor to the Council
128.	Legal Issues	Power to instruct Solicitors, Barristers or Parliamentary Agents to represent the Council subject to the budget provision not being exceeded.	Chief Executive, any Executive Director, or Solicitor to the Council
129.	Legal Issues	Power to authorise and enter into arrangements for the appointment of external suppliers of legal services to or on behalf of the Council, subject to the budget provision not being exceeded.	Chief Executive, any Executive Director, or Solicitor to the Council
130.	Legal Issues	Power to apply to a Magistrates' Court for any Order or warrant of entry for the purposes of the Town and Country Planning Act 1990 s196B, or any other statutory provision.	Chief Executive, any Executive Director, or Solicitor to the Council
131.	Legal Issues	Power to determine applications from the Police for orders prohibiting trespassory assemblies under the Public Order Act 1986 s14A (and substituted by the Criminal Justice and Public Order Act 1994).	Chief Executive, any Executive Director, or Solicitor to the Council
132.	Legal Issues	Power to be the Appointing Officer within the meaning of the Party Wall Etc. Act 1996 s20.	Chief Executive, any Executive Director, or Solicitor to the Council
133.	Licensing	Responsibility for exercising the Council's powers and duties including any related	Chief Executive, or Executive

Ref No	Function	Delegated Power, Duty, or Responsibility	Officer(s) granted Delegation
		enforcement action and recovery of costs, in line with council policy and subject to any statutory rights of appeal, in respect of the following: • Sunday trading, including authority to appoint inspectors, and after consultation with the relevant Portfolio Holder, may designate or revoke the District as a loading control area. • To approve or refuse registrations, licences, certificates, permits, or consents and to take any other action in respect of the following businesses operating within the District: sex establishments, street trading, cinemas, theatres, places of public and private entertainment, indoor sporting events, and late-night refreshment houses.	Director – Corporate Services
134.	Licensing	Power to exercise all of the Council's powers and duties in respect of street collections, house to house collections, society lotteries, the use of machines for amusement purposes, amusements with prizes (except to refuse permits), track betting licences; money lenders and pawn brokers.	Chief Executive, or Executive Director – Place
135.	Licensing	Power to license vehicles, drivers and operators of hackney carriages and private hire vehicles and authorise Officers to take action in respect of these.	Chief Executive, Executive Director – Place
136.	Licensing	Power to issue, suspend, revoke, or refuse hackney carriage and private hire licences and to issue private notices exempting private hire vehicles from displaying a private hire vehicle plate.	Chief Executive, or Executive Director – Place
137.	Licensing	To exercise all of the Council's powers and duties in respect of cinemas, theatres, places of public and private entertainment, indoor sporting events, places at or in which alcohol and/or late-	Chief Executive, or Executive Director – Corporate Services

Ref No	Function	Delegated Power, Duty, or Responsibility	Officer(s) granted Delegation
		night refreshment is sold or supplied, except: • determining applications for premises licences where representations have been made; or • determining applications for provisional statements where representations have been made; or • determining applications for variation of premises licences where representations have been made; or • determining applications to vary designated premises supervisors following police objection; or • determining applications for transfer of premises licences following police objection; or • considering police objection made to any interim authority notice; or • determining applications for club premises certificates where representations have been made; or • deciding to give counter-notice following police objection to temporary event notice; or • determining applications for grant of personal licence following police objection; or • revoking licences where convictions come to light after grant; or • determining applications for review of premises licences where relevant representations have been made; or • determining applications for review of club premises certificates where relevant representations have been made; or • reviewing any matter after the making of a closure order where	

Ref No	Function	Delegated Power, Duty, or Responsibility	Officer(s) granted Delegation
		relevant representations have been made.	
138.	Licensing	Power, in respect of small lotteries: • to register (but not refuse to register) societies for the conduct of small lotteries; and • to cancel registrations upon application from any society; • to excuse payment of annual fees where a registration is cancelled within 4 months.	Chief Executive, or Executive Director – Corporate Services
139.	Media Relations	Power to authorise the making of statements to the press and other media (including radio and television appearances) after consultation with the Leader of the Council or relevant Cabinet Member	Chief Executive and any Executive Director
140.	Media Relations	Power to authorise and approve documentation to be published external to Hart District Council.	Chief Executive
141.	Media Relations	Responsibility for information to be published on the Council's website, Hart News, or elsewhere.	Chief Executive
142.	Media Relations	Power to approve, if appropriate, requests for the use of the Council's logo by external organisations.	Chief Executive or any Executive Director
143.	Media Relations	Power to enter into, or to terminate, contract for the sale of advertising in Council Publications.	Chief Executive or any Executive Director
144.	Member Issues	Power to approve Members' attendance, travel and subsistence at conferences seminars and other events, if contained within the budget.	Chief Executive
145.	Member Issues	Power to determine whether meetings, visits or other arrangements should be treated as "approved duty" within the context of the Scheme of Members' Allowances	Chief Executive or any Executive Director

Ref No	Function	Delegated Power, Duty, or Responsibility	Officer(s) granted Delegation
146.	Member Issues	Duty to establish and implement a programme to measure, monitor and report on the performance of the Council.	Chief Executive
147.	Member Issues	Duty to determine an audit programme for the Council and to report its conclusions to the Audit Committee	Chief Executive
148.	Member Issues	Power to authorise the attendance of members at conferences as an approved duty within the context of the Scheme of Members' Allowances.	Chief Executive or any Executive Director
149.	Member Issues	Power, after consultation with the Monitoring Officer, to implement and control the tender opening procedure.	Chief Executive
150.	Partnerships	Power to authorise any action taken in support of the project management of partnership initiatives in the Community.	Chief Executive, any Executive Director, or Community Safety Manager
151.	Planning	Power to take decisions in accordance with the Planning Scheme of Delegation as agreed by Development Management Committee.	Chief Executive, or Executive Director – Corporate Services
152.	Planning	Power to make decisions whether to withdraw or modify any notices or legal proceedings having regard to circumstances which become known after the original decision of the Planning Committee to take such action.	Chief Executive, or Executive Director – Corporate Services
153.	Planning	Power to make applications to the Secretary of State, or their Inspector, for awards of costs in favour of the Council in respect of planning matters.	Chief Executive, or Executive Director – Corporate Services
154.	Planning	Power, after consultation with the appropriate Portfolio Holder, to respond to policy and other planning documents relevant to Hart District, prepared by other bodies.	Chief Executive, or Executive Director – Corporate Services

Ref No	Function	Delegated Power, Duty, or Responsibility	Officer(s) granted Delegation
155.	Planning	Responsibility for exercising the Council's duty to maintain the Local Land Charges Register, including the authorisation of new entries, the correction of existing entries or removal of non-subsisting entries from, the Local Land Charges Register.	Executive Director – Corporate Services
156.	Planning	Power to settle claims of awards of costs awarded against the Council following successful appeals, by an applicant, against a Council Planning decision.	Chief Executive, or Executive Director – Corporate Services
157.	Planning	Power, after consultation with the local Ward Members representing the area affected, to lodge objections against applications for heavy goods vehicle operators' licences.	Chief Executive, or Executive Director – Corporate Services
158.	Planning	Power to authorise the institution of legal proceedings for failure to respond to, or to give satisfactory information required by Requisitions for Information or Planning Contravention Notices.	Chief Executive, or Executive Director – Corporate Services
159.	Planning	Power to determine who shall be called to give evidence at planning inquiries.	Chief Executive, or Executive Director – Corporate Services
160.	Planning	Power, in accordance with the Council's Planning Scheme of Delegation, to determine or decline to determine all planning applications made, deemed to be made or referred to the Council, together with applications for certificates of Appropriate Alternative Development.	Chief Executive, or Executive Director – Corporate Services
161.	Planning	Power, in accordance with the council's Planning Scheme of Delegation, to make determinations that it is not expedient to take enforcement action.	Chief Executive, or Executive Director – Corporate Services
162.	Planning	Power, in respect of agreements under the Town and Country Planning Act 1990	Chief Executive, Executive

Ref No	Function	Delegated Power, Duty, or Responsibility	Officer(s) granted Delegation
		s106 (as amended), to determine when to seek such agreements and the terms of them in conjunction with a planning application or enforcement matter being dealt with under the scheme of delegation; to enter into a Deed of Variation to s106 and to make reasonable amendments to the heads of terms or detailed terms of such agreements if necessary after they have been approved by the Planning Committee or the Council.	Director – Corporate Services
163.	Planning	Power to adopt screening and scoping opinions under the Environmental Assessment Regulations.	Chief Executive, or Executive Director – Corporate Services
164.	Planning	Power to carry out appropriate assessments under the Habitat Regulations.	Chief Executive, or Executive Director – Corporate Services
165.	Planning	Power to make non-material additions, deletions, or amendments to the conditions to be attached to the grant of planning permission, listed building consent, conservation area consent, hazardous substances consent, or advertisement consent, authorised by the Planning Committee or Council.	Chief Executive, or Executive Director – Corporate Services
166.	Planning	Power to determine the reasons for which planning permission, listed building consent, conservation area consent, hazardous substances consent, or advertisement consent, would have been refused where this is relevant to appeals against the non-determination of applications.	Chief Executive, or Executive Director – Corporate Services
167.	Planning	Power, on a without prejudice basis in relation to appeals in the event that the Secretary of State or the appointed Inspector is minded to grant permission:	Chief Executive, or Executive Director – Corporate Services

Ref No	Function	Delegated Power, Duty, or Responsibility	Officer(s) granted Delegation
		• to suggest appropriate conditions to be imposed on planning permissions, listed building consent, conservation area consent, hazardous substances consent, or advertisement consent; and • to approve/make comments on the terms of Section 106 Agreements or unilateral undertakings	
168.	Planning	Power to authorise the service of Building Preservation Notices.	Chief Executive, or Executive Director – Corporate Services
169.	Planning	Power to respond to consultations for the installation of overhead electricity cables under the Electricity Acts.	Chief Executive, or Executive Director – Corporate Services
170.	Planning	Power to determine non-material: • minor amendments to approved plans. • the approval of details pursuant to conditions on planning permissions, listed building consent, conservation area consent, hazardous substances consent, or advertisement consent. • variation or rescinding of conditions on approved plans. • minor variations to or the waiver of conditions attached to deemed consents (subject to a report being submitted to the following meeting of the Planning Committee)	Chief Executive, or Executive Director – Corporate Services
171.	Planning	Power to determine Certificates of Lawfulness under the Town and Country Planning Act 1990 ss191 or 192 (as amended).	Chief Executive, or Executive Director – Corporate Services

Ref No	Function	Delegated Power, Duty, or Responsibility	Officer(s) granted Delegation
172.	Planning	Power to make Tree Preservation Orders and to determine applications made under the Order, but not to determine Objections to Orders.	Chief Executive, or Executive Director – Corporate Services
173.	Planning	Power to authorise the issue of: • Enforcement Notices, • Stop Notices, • Temporary Stop Notices, • Breach of Condition Notices, • Listed Building Enforcement Notices • Conservation Area Enforcement Notices, • Section 215 Notices under the Town and Country Planning Act 19990 • Hazardous Substances Enforcement Notices, and • Discontinuance Notices under the Control of Advertisement Regulations	Chief Executive, or Executive Director – Corporate Services
174.	Planning	Power to take action in respect of unauthorised placards, posters or display structures under the Town and Country Planning Act 1990 s225.	Chief Executive, or Executive Director of Place
175.	Planning	Power to authorise the institution of legal proceedings in respect of any matter within the terms of reference of the Planning Committee.	Chief Executive, or Executive Director of Place
176.	Planning	Power to accept or reject as felt fit such offers to remedy a breach of control as are made under the Town and Country Planning Act 1990 s171C(4) (as amended).	Chief Executive, or Executive Director of Place
177.	Planning	Power to designate authorised officers and to serve Notices of Entry for the purposes of the planning acts.	Chief Executive, or Executive Director of Place
178.	Planning	Power to serve Requisitions for Information as to ownership, occupation, or other interests in land.	Chief Executive, Executive Director –

Ref No	Function	Delegated Power, Duty, or Responsibility	Officer(s) granted Delegation
			Corporate Services or Solicitor to the Council
179.	Planning	Power to serve Planning Contravention Notices on owners and occupiers of land where it appears that a breach of planning control has taken place.	Chief Executive, or Executive Director – Corporate Services
180.	Planning	Power to determine applications relating to High Hedge legislation	Chief Executive, or Executive Director – Corporate Services
181.	Property & Asset Management	Power in respect of any property managed by the service, to instruct and appoint valuers for the purpose of Asset Valuations.	Chief Executive, any Executive Director acting within their Service
182.	Property & Asset Management	Power to negotiate terms on behalf of the Council to take a lease, licence or to acquire the freehold of land or premises where a service need has been identified and budgetary provision made up to a maximum annual expenditure or consideration of the figure to be found in the financial appendix;	Chief Executive, any Executive Director
183.	Property & Asset Management	Power to submit applications for planning permission, listed building consent and other necessary consents in respect of • Any works included in the Capital or Revenue programme • Any other matter, which has been agreed after consultation with the leader of the Council and the relevant Ward Member(s).	Chief Executive, any Executive Director
184.	Property & Asset Management	Power to determine valuation proposals and appeals on behalf of the authority as owner/occupier.	Chief Executive, any Executive Director

Ref No	Function	Delegated Power, Duty, or Responsibility	Officer(s) granted Delegation
185.	Property & Asset Management	Power to make decisions on requests by lessees for the Council's consent as freeholder where this is required by any clauses contained in leases of industrial sites, shops, or other properties.	Chief Executive, any Executive Director
186.	Property & Asset Management	Power to authorise the service of notice of the Council's intention to determine leases, with a view to their renewal on fresh terms if the premises are not required for use by the Council. However, Cabinet must approve any such agreement if the annual lease payment exceeds a sum identified in the financial appendix.	Chief Executive, any Executive Director
187.	Property & Asset Management	Power to take any action required in respect of trespass to the Council's property.	Chief Executive, any Executive Director
188.	Property & Asset Management	Power to authorise the taking of action, including legal proceedings, for the recovery of rent arrears or the possession of land or other property in cases of non-payment of rent or other breaches of the terms of leases or licences.	Chief Executive, any Executive Director
189.	Property & Asset Management	Power to agree the level and application of room hire rates for any property within the specific budgetary control of the Executive Director.	Chief Executive, any Executive Director
190.	Property & Asset Management	Power to authorise wayleave consents arising from applications received from statutory undertakers for the provision of underground Conduits and overhead cabling, which affect Council owned land.	Chief Executive, any Executive Director
191.	Property & Asset Management	Power to respond to notices served on the Council, as landowner, under the Town and Country Planning Act 1990 s65.	Chief Executive, any Executive Director
192.	Property & Asset Management	Power to deal with all matters relating to recreational water use including fishing and boating permits within the District on Council owned or managed areas.	Chief Executive, any Executive Director

Ref No	Function	Delegated Power, Duty, or Responsibility	Officer(s) granted Delegation
193.	Property & Asset Management	Power to respond to notices served on the Council, as landowner, under the Town and Country Planning Act 1990 s65.	Chief Executive, any Executive Director
194.	Property & Asset Management	After consultation with an Executive Director - power to agree the level of Section 106 or other contributions from developers relating to transport.	Chief Executive, any Executive Director
195.	Property & Asset Management	Power to implement the relevant actions under the Criminal Justice and Public Order Act 1994 s61, in relation to nuisance trespassers on lands.	Chief Executive, any Executive Director,
196.	Property & Asset Management	Power to dispose of vehicles, machinery and equipment and other assets surplus to the Council's requirements, subject to the Council's Financial Regulations and Standing Orders applicable to Disposals.	Chief Executive, or Executive Director acting within their Service
197.	Property & Asset Management	Power, after consultation with the relevant Cabinet Member, to make decisions on request by lessees for the Council's consent as freeholder where this is required by any clauses contained in leases of industrial sites, shops, or other properties;	Chief Executive, or Executive Director acting within their Service
198.	Property & Asset Management	Power to take any action, including court proceedings, required in respect of trespass to the Council's property;	Chief Executive, or Executive Director acting within their Service
199.	Property & Asset Management	Power to authorise the taking of action, including legal proceedings, for the recovery of rent arrears or the possession of land or other property in cases of non-payment of rent or other material breaches of the terms of leases or licenses.	Chief Executive, or Executive Director acting within their Service
200.	Property & Asset Management	Power to authorise the service of notices and counter-notices under the Landlord and Tenant Act 1954 Part II. The content of any such notice shall be jointly	Chief Executive, or Executive Director acting

Ref No	Function	Delegated Power, Duty, or Responsibility	Officer(s) granted Delegation
		determined by the Executive Director and the Solicitor to the Council.	within their Service
201.	Staffing Issues	Power to approve extension of Officers' service or early retirement on grounds of ill health, subject to not exceeding budgetary provision.	Chief Executive or any Executive Director
202.	Staffing Issues	Power to vary or apply subsistence allowances, salaries, long service awards and other conditions of employment as may be affected by national determination or local agreements.	Chief Executive or any Executive Director
203.	Staffing Issues	Power to enact efficiency or redundancy retirements (where Cabinet authorisation exists) and flexible employment contracts within employment law. To determine the application and interpretation of the National and Local Awards.	Chief Executive
204.	Staffing Issues	Power to terminate employment during, or review salary on completion of, probationary periods.	Chief Executive or any Executive Director
205.	Staffing Issues	Duty to be the nominated Officer for the Council to contact the police in connection with the disclosure of criminal records in respect of certain prospective Officers as identified under the applicable Home Office Regulations.	Chief Executive
206.	Staffing Issues	Power to authorise the direct costs and related expenses of installing IT equipment at an Officer's home, where permission has been granted for home working, subject to not exceeding budgetary provision.	Chief Executive or any Executive Director
207.	Staffing Issues	Power to decide that posts are 'politically restricted' under the provisions of The Local Government and Housing Act 1989	Chief Executive
208.	Staffing Issues	Power to agree requests for part-time working and home working.	Chief Executive or any Executive Director

Ref No	Function	Delegated Power, Duty, or Responsibility	Officer(s) granted Delegation
209.	Staffing Issues	Power to represent the Council at disciplinary, grievance and other relevant hearings and at Employment Tribunals.	Chief Executive or any Executive Director
210.	Staffing Issues	Power to represent the Council at meetings with recognised Trade Unions and undertake such local negotiations as are required.	Chief Executive or any Executive Director
211.	Staffing Issues	Power to sign on behalf of the Council all Terms and conditions of Employment relating to appointment of staff.	Chief Executive
212.	Staffing Issues	Power to seek external legal advice specific to the Council's Human Resources function.	Chief Executive or any Executive Director
213.	Staffing Issues	Power to re-grade posts (subject to financial limits) or restructure Departments (subject to there being no net increased costs as a result of the restructuring).	Chief Executive
214.	Staffing Issues	Power, after consultation with the Leader and Chairman of Staffing Committee, to apply the Council's early Retirement/Redundancy Scheme if costs can be contained within the Budget and in accordance with Council Redundancy Policy.	Chief Executive
215.	Staffing Issues	Power to determine and where necessary, exercise discretion on, issues under the National Conditions of Service for all employees, except the Chief Executive.	Chief Executive
216.	Staffing Issues	Power to take all necessary and reasonable steps to avert or contain local industrial action.	Chief Executive
217.	Staffing Issues	Power to decide, in cases of redeployment of Officers, whether protection of earnings and other conditions of service shall apply.	Chief Executive

Ref No	Function	Delegated Power, Duty, or Responsibility	Officer(s) granted Delegation
218.	Staffing Issues	Power to authorise the payment of financial assistance to Officers in accordance with the Council's Scheme.	Chief Executive
219.	Staffing Issues	Power to authorise special leave of absence in excess of normal entitlement.	Chief Executive
220.	Staffing Issues	Power to award increments under the performance provisions.	Chief Executive
221.	Staffing Issues	Power to review annually, and where necessary change annually the financial limit for car loans granted to Officers under the Assisted Purchase Scheme, in accordance with the established formula.	Chief Executive
222.	Staffing Issues	Power to review, and where necessary change annually, the amount of Lump Sum Subsistence Allowances paid to staff.	Chief Executive
223.	Staffing Issues	To approve and enter into compromise, settlement, retention or similar agreements with employees. (This includes agreements relating to the termination of employment, the resolution of employment matters or disputes, or the retention of employees, including the payment of compensation, severance or retention payments where appropriate.)	Chief Executive
224.	Staffing Issues	Power to engage permanent employees below the level of Chief Officer within the meaning of the Local Government and Housing Act 1989 s2(8).	Chief Executive
225.	Staffing Issues	Power to appoint staff within the approved budget and in accordance with the Council's grading policy.	Chief Executive, or Executive Director acting within their Service
226.	Staffing Issues	After consultation with the Council's Human Resources advisers and within the overall staffing policies approved by the Council power to agree minor variations to the conditions of service of staff within the Service where this is	Chief Executive, or Executive Director acting within their Service

Ref No	Function	Delegated Power, Duty, or Responsibility	Officer(s) granted Delegation
		considered to be expedient, for the enhancement of service delivery.	
227.	Staffing Issues	Power to fill vacancies for all other appointments below Executive Director level, which are included in the approved establishment of a department.	Chief Executive, or Executive Director acting within their Service
228.	Staffing Issues	Power, in consultation with the Chief Finance Officer (S151 Officer), to approve grading changes subject to policy directives on salary determination.	Chief Executive, or Executive Director acting within their Service
229.	Staffing Issues	Power to authorise overtime working for the Council's employees and the appointment of temporary staff and the use of agency and other facilities, when necessary, subject to being within agreed budgets.	Chief Executive, or Executive Director acting within their Service
230.	Staffing Issues	After consultation with the Chief Executive, and subject to budgetary provision, power to approve changes to the establishment structure of the Service.	Chief Executive, or Executive Director acting within their Service
231.	Staffing Issues	Power to authorise Officers to attend conferences and courses of not more than one week's duration, provided it is contained within the budget.	Chief Executive, or Executive Director acting within their Service
232.	Staffing Issues	Power to authorise and make suitable arrangements for post entry training.	Chief Executive, or Executive Director acting within their Service
233.	Staffing Issues	Power to authorise salary increments including accelerated increments under the National Joint Council Scheme of Conditions of Services or any other local conditions.	Chief Executive, or Executive Director acting within their Service

Ref No	Function	Delegated Power, Duty, or Responsibility	Officer(s) granted Delegation
234.	Statutory Issues	All statutory powers, duties, and responsibilities of the Head of Paid Service.	Chief Executive
235.	Statutory Issues	Duty to act as the Proper Officer for the purposes of the Local Government Act 1972 s96(2), *(Explanation: concerning the declaration of interests by members)*	Chief Executive
236.	Statutory Issues	Power to authorise, for the purpose of the Local Government Act 1972 s223 and the County Court Act 1984 s60, named Officers, to prosecute or defend on the Council's behalf or to appear on its behalf in proceedings in the Magistrates and County Courts.	Chief Executive
237.	Statutory Issues	Power to affix and attest the Seal of the Council to any deed or other document.	Chief Executive and any Executive Director
238.	Statutory Issues	Power to administer formal cautions within the guidelines set out in Home Office (Circular 59/1990 or any new guidelines from time to time issued by the Home Office), and the agreed codes and procedures of the Council	Chief Executive, or Executive Director acting within their Service
239.	Statutory Issues	Power to serve requisitions for information as to ownership, occupation, or other interest in land for the purposes of any of the functions performed by the service.	Chief Executive, or Executive Director acting within their Service
240.	Statutory Issues	Power to authenticate any documents necessary for the exercise of delegated powers	Chief Executive, or Executive Director acting within their Service
241.	Statutory Issues	Power to apply for licenses of any description.	Chief Executive, or Executive Director acting within their Service

Ref No	Function	Delegated Power, Duty, or Responsibility	Officer(s) granted Delegation
242.	Statutory Issues	Power, to commence proceedings or instigate legal proceedings for the purpose of enforcing any decision of the Council where this would be in the best interests of the Council.	Chief Executive, or Executive Director acting within their Service
243.	Statutory Issues	Power to exercise statutory powers of entry and inspection for the purposes of any functions performed by the service.	Chief Executive, or Executive Director acting within their Service
244.	Statutory Issues	Power to sign Statements of Truth in civil proceedings as required by the Civil Procedure Rules 1998 Part 22.	Chief Executive, or Executive Director acting within their Service
245.	Statutory Issues	All statutory powers, duties, and responsibilities of the Monitoring Officer.	Monitoring Officer or their Deputy
246.	Statutory Issues	All statutory powers, duties, and responsibilities of the Chief Finance Officer (S151 Officer).	Chief Finance Officer (S151 Officer)
247.	Statutory Issues	Power to authenticate any documents necessary for the exercise of the functions of the Development Management Committee or of any powers delegated to Officers by the Development Management Committee.	Chief Executive, any Executive Director, or Solicitor to the Council
248.	Statutory Issues	Power to serve requisitions for information as to ownership, occupation, or other interest in land for the purposes of any of the functions of the Council and to take legal proceedings for failure to provide information required by a statutory requisition for information	Chief Executive, any Executive Director, or Solicitor to the Council
249.	Statutory Issues	Power to make decisions on the commencement or defence of civil or criminal proceedings by the Council, including any instance where it is being considered by an Officer acting under delegated powers.	Chief Executive, any Executive Director, or Solicitor to the Council

Ref No	Function	Delegated Power, Duty, or Responsibility	Officer(s) granted Delegation
250.	Statutory Issues	Power to authorise, if appropriate, staff to appear on behalf of the District Council County in Magistrates' Court pursuant of the County Courts Act 1984 s60 and the Local Government Act 1972 s223.	Chief Executive, any Executive Director, or Solicitor to the Council
251.	Statutory Issues	Power to act as the Proper Officer for the purpose of the Local Government (Miscellaneous Provisions) Act 1976 s41 (Evidence of Resolutions and Minutes of Proceedings etc).	Chief Executive, any Executive Director, or Solicitor to the Council
252.	Statutory Issues	Power to take action in respect of unauthorised encampments under the Criminal Justice and Public Order Act 1994 ss77, 78 and 79	Chief Executive, any Executive Director, or Solicitor to the Council
253.	Statutory Issues	Power to give a Certificate of Opinion in respect of any application to the Independent Adjudicator for an application for exemption from the political restrictions under the Local Government and Housing Act 1989	Chief Executive, any Executive Director, or Solicitor to the Council
254.	Statutory Issues	Power to authorise legal proceedings, or prosecution, in respect of offences under the Town and Country Planning Acts and associated legislation	Chief Executive, any Executive Director, or Solicitor to the Council
255.	Statutory Issues	Power to defend, or otherwise dispose of proceedings against the Council.	Chief Executive, any Executive Director, or Solicitor to the Council
256.	Statutory Issues	Power to represent the Council on appeals to the Court in respect of all matters arising under the Licensing Act 2003, including applications for awards of costs	Chief Executive, any Executive Director, or Solicitor to the Council
257.	Statutory Issues	Power to act as the Proper Officer for: • the purposes of the Local Government (Committees and Political Groups) Regulations 1990; and	Chief Executive, any Executive Director, or Solicitor to the Council

Ref No	Function	Delegated Power, Duty, or Responsibility	Officer(s) granted Delegation
		• the purposes of the Local Government (Miscellaneous Provisions) Act 1976 s41 (Evidence of Resolutions and Minutes of Proceedings etc).	
258.	Statutory Issues	Power to be the Single Point Of Contact ("SPOC") for the purpose of the Regulation of Investigatory Powers Act, 2000.	Chief Executive, any Executive Director, or Solicitor to the Council
259.	Street Closures	Power to determine applications under the Town Police Clauses Act 1847 s21 for the closure of roads in connection with street parties to celebrate specific events, processions, and sporting events.	Chief Executive, any Executive Director, or Solicitor to the Council
260.	Tendering	Power to select, after consultation with the relevant Cabinet Member, suitable firms to tender for contracts who have replied to a public notice, and to provide and maintain a standing list of contractors and suppliers for selective tendering in accordance with Contracts Standing Orders.	Chief Executive, or Executive Director acting within their Service
261.	Urgent Decisions	Power to make urgent decisions after consultation with the Leader (or Deputy Leader in the absence of the Leader) of the Council on any matters where it is not practicable to refer these to a meeting of the Council, the Cabinet or other Committee, provided that a full report on any decisions taken shall subsequently be made.	Chief Executive and any Executive Director
262.	Urgent Decisions	Where it is not practicable to call a meeting of Cabinet or otherwise obtain an executive decision to deal with any urgent matter within the terms of reference of the Council, Cabinet or Committee, and after consultation with the Leader, Chief Executive, Chairman of the Committee, or their respective deputies, power to implement an executive decision provided that an urgent decision is necessary	Chief Executive, or Executive Director acting within their Service

Ref No	Function	Delegated Power, Duty, or Responsibility	Officer(s) granted Delegation
263.	Waste Management	Power to decide on applications for back door collections of refuse or green waste, where applicable.	Chief Executive, any Executive Director

Part 4

Rules of Procedure

Part 4.1

Council Procedure Rules

(Standing Orders)

Council Procedure Rules

(Standing Orders)

The purpose of these Council Procedure Rules is to permit the reasoned and courteous conduct of business during meetings of the Council and its Committees. Such rules determine the bounds of acceptable conduct beyond which Members will lay themselves open to censure and penalty. All Members are therefore enjoined and required to behave, during such meetings, with decorum and to respect the rights of other Members to join in the debate irrespective of their views or affiliation.

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Interpretation

1. Interpretation - Words, Phrases and Definitions

1.1 In these Council Procedure Rules (the Rules), unless the context otherwise demands, the following terms have the meaning assigned to them:

relates to those Rules of Procedure by which the Council has a statutory obligation to comply and cannot suspend.

“Annual Meeting” - the Annual Meeting of the Council held in accordance with the provisions of Schedule 12 of the 1972 Act.

“the 1972 Act” - the Local Government Act 1972.

“the 2000 Act” - the Local Government Act 2000.

“Cabinet” - the Executive body appointed by the Leader to carry out all of the Authority’s functions which are not the responsibility of any other part of the local authority.

"Chairman" - the Chairman of the Council or the Chairman for the time being of a meeting.

“Chief Executive” - the Head of the Authority’s Paid Service (the person designated by Council as such under Section 4 of the Local Government and Housing Act 1989) or other authorised person acting as such in the absence of the Head of the Authority’s Paid Service.

“the Clerk” – the Committee or other Officer present and taking the Minutes of the meeting.

"committee" - unless the context otherwise requires, means a standing committee appointed by the Council, or a sub-committee appointed by a committee or a policy panel appointed by Cabinet.

"the Council" - the Hart District Council;

“Council Procedure Rules” - these procedural rules

"Designated Officer" - means the person appointed as such by resolution of Council, or if none the Chief Executive.

"employee" - an employee of the Council or the holder of a paid office under the Council.

“the Executive” – the Leader and members of the Cabinet

“Leader of the Council” – the person appointed by the Council by resolution.

"Leader of the Minority Group" - the person elected as their leader by the members of the largest minority group.

“LGPIH 2007” means local Government and Public Involvement in Health Act 2007.

"meeting" - a meeting of the Council, a committee, sub-committee, or policy panel, as the case may be.

"Member" - in relation to the Council, a Member of the Council; in relation to the Cabinet, the Leader or a person appointed as a Member of the Cabinet by the Leader; in relation to any committee, sub-committee or policy panel, a person appointed as a member of that committee, sub-committee or policy panel, whether or not entitled to vote.

"Monitoring Officer" - the person designated as such by the Council under Section 5 of the Local Government and Housing Act 1989 (Designation and Reports of Monitoring Officer) or, if that person is unable to act owing to absence or illness, the person nominated as their deputy under sub-section (7) of Section 5.

“Overview and Scrutiny Committee” – the Overview and Scrutiny Committee of the Council.

"person presiding" - the person entitled, or appointed, to preside at any meeting.

"political or other formally constituted group of Members" - a group of Members constituted or formally organised as a group for political purposes in pursuance of Section 15 of the Local Government and Housing Act 1989 and regulations made thereunder;

"Proper Officer" - the person designated as such by the Authority;

“Relevant Authority” - a relevant authority as defined in S83(1) and S49(6) of the 2000 Act which includes a county council, a county borough council, a district council, a parish council, a town council, a community council, and a police authority. This list is not exhaustive.

"Section 151 Officer" - the person designated as such by the Council under Section 151 of the Local Government Act 1972 (Officer Responsible for the Proper Administration of the Financial Affairs of the Council);

“Senior Officer” for the purpose of the Overview and Scrutiny Rules means a Chief Officer, Executive Director or a person acting in that capacity.

“writing” includes e-mail.

Interpretation - General

1.2 At any meeting of the Council or a Committee or Sub-Committee, the ruling of the Chairman as to the construction or application of any of these Rules, or as to the proceedings of the Council, a Committee or Sub-Committee, is not to be challenged.

1.3 Any reference in the Rules, or in any Standing Orders amending or replacing any of the Rules, to any Act of Parliament, Statutory Instrument, Regulation, Order or Byelaw will be deemed to include a reference to the same as subsequently amended and to any re-enactment thereof for the time being in force.

1.4 Unless the context otherwise admits, any reference to:

1.4.1 words of the masculine gender will include the feminine gender

1.4.2 words in the singular will include the plural and vice versa

1.4.3 "the Chief Executive" will include any officer acting in the capacity of the Chief Executive in the absence of the Chief Executive.

1.5 For the purpose of calculating "clear days" under the Rules the day of the meeting, the day on which notice is received, and any day on which the main offices of the Council are not open to the public will be excluded. For the avoidance of doubt, nothing contained in the Rules will permit any notice under Rules Nos. 8 and 36, 12 or 15 (Summons to a Meeting, Questions by Public, and Motion on Notice respectively) to be received on any of the days mentioned in Section 243(1) of the 1972 Act (i.e. Sunday, Christmas Break, Easter Break, Bank Holiday Break or a day appointed for public thanksgiving or mourning), or any Saturday. Any notice submitted under these rules, which is received after the published closing hours of the Council will be treated as having been received the following working day.

Part A – Council Meetings

2. Annual Meeting of The Council

2.1 The Annual Meeting of the Council shall be held:

2.1.1 in a year in which there is an election of councillors, on a day within twenty-one days immediately following the day of retirement of Councillors;

2.1.2 in any other year, on a day in May.

Timing and Business

2.2 The Annual Meeting and other Council and Cabinet meetings shall be held at 7 pm at the Civic Offices, Harlington Way, Fleet, unless the Council or the Cabinet decides otherwise at a previous meeting, or the Chief Executive in conjunction with the Chairman decides a change of time or venue would be in the interests of the Council.

Order Of Business

2.3 The Annual Meeting will:

2.3.1 elect a person to preside if the Chairman of the Council is not present

2.3.2 elect the Chairman of the Council

2.3.3 elect the Vice-Chairman of the Council

2.3.4 approve the minutes of the last meeting

2.3.5 receive any announcements from the Chairman and/or Chief Executive

2.3.6 elect the Leader (in the year in which the current Leader's term of office expires)

2.3.7 the Leader will announce the composition of the Cabinet to be comprised of the Leader and not less than two nor more than nine Members.

2.3.8 appoint at least one Overview and Scrutiny Committee, a Standards Committee and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Executive functions

2.3.9 consider any business set out in the Notice convening the meeting.

Selection of Councillors on Committees

2.4 At the Annual Meeting, the Council will:

2.4.1 decide which committees to establish for the municipal year

2.4.2 decide the size and terms of reference for those committees

2.4.3 decide the allocation of seats and substitutes to political groups in accordance with the political balance rules

2.4.4 receive nominations of Members to serve on each committee.

3.Ordinary Meetings

3.1 Ordinary meetings will:

3.1.1 elect a person to preside if the Chairman and Vice-Chairman are not present

3.1.2 approve the Minutes of the last ordinary meeting including the Annual Meeting, and any intervening extraordinary meeting

3.1.3 receive any declarations of interest from Members

3.1.4 receive any announcements from the Chairman, Leader, members of the Cabinet or the Chief Executive.

3.1.5 receive questions from, and provide answers to, the public in relation to matters which in the opinion of the Chairman (or person presiding) are relevant to the business of the meeting

3.1.6 deal with any business from the last Council meeting

3.1.7 receive reports from the Executive and Committees and receive questions and answers on any of these reports

3.1.8 receive reports about, and receive questions and answers on, the business of joint arrangements and external organisations

3.1.9 consider motions

3.1.10 consider any other business specified in the summons to the meeting including consideration of proposals from the executive in relation to the Council's budget and policy framework and reports of the Overview and Scrutiny committees for debate.

Order of Business

All Council Meetings (other than the Annual Meeting)

3.2. Except as otherwise provided by Rules Nos. 3.2.1 (Election of Chairman) and 3.3 (Changes in Order of Business), the order of business at meetings shall be:

3.2.1 to elect a person to preside if the Chairman and the Vice-Chairman are not present

3.2.2 to deal with any business expressly required by Statute to be done

3.2.3 to approve the Minutes of the last meeting of the Council, and for the Chairman to sign as a correct record

3.2.4 to receive apologies for absence

3.2.5 to receive any declarations of interest from Members

3.2.6 to answer questions asked by members of the public under Rule No. 12

3.2.7 to receive petitions

3.2.8 to answer questions asked under Rules Nos. 14.1 and No. 14.2

3.2.9 to receive a report from the Chief Executive on any urgent business

3.2.10 to receive any announcements from the Chairman

3.2.11 to receive any announcements from the members of the Cabinet and to receive questions and answers from Members thereon

3.2.12 to receive reports and questions and answers on Cabinet and Committee Minutes and debate Recommendations contained in them

3.2.13 to receive reports about, and receive questions and answers on, the business of joint arrangements and external organisations

3.2.14 to consider motions under Rule No. 15 in the order in which notice has been received

3.2.15 other business, if any, specified in the Summons, including consideration of proposals from the Cabinet in relation to the Council's budget and policy framework and reports of the Scrutiny Committee for debate

3.2.16 to receive an update from a Member where he is a representative of the Council on an outside body.

Changes in Order of Business

3.3 The position of Rules Nos. 3.2.1 and 3.2.3 shall not be altered, but the position of other items listed therein may be varied:

3.3.1 by the Chairman at their discretion

3.3.2 by a resolution passed on a motion (which need not be in writing), moved, seconded, and put without discussion.

4. Extraordinary meetings

Calling extraordinary meetings

4.1 The Chairman may call an extraordinary meeting of the Council at any time.

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

4.2.1 the Council by resolution

4.2.2 the Chairman of the Council

4.2.3 the Monitoring Officer

4.2.4 any five Members of the Council, if they have signed a requisition presented to the Chairman of the Council and he has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition. In the event that the Chairman fails, or is unable, to comply, then the provisions contained within paragraph 3 of Schedule 12 of the 1972 Act apply.

Time and place of meetings

4.3 The time and place of meetings will be determined by the Chief Executive and notified in the summons.

Business to be Transacted

4.4 Except in the case of business required by or under the 1972 Act or other applicable statutory provision, or any other Act, to be transacted at the Annual Meeting of the Council, and any other business brought before that Meeting as a matter of urgency in accordance with the Rules, no business shall be transacted at a meeting of the Council other than that specified in the Summons relating to it.

Annual Budget Meeting

4.5 The Chairman, at their discretion, may convene a meeting solely for the purpose of considering proposals for the Council's Annual Budget and any matter reasonably ancillary to such proposals.

5. Chairman

Election of Chairman

5.1 The first business transacted at the Annual Meeting of the Council shall be the Election of the Chairman of the Council by the Council from among the Members.

5.2 If, but for Rules Nos. 5.4 and 5.8**,** the person presiding at the meeting would have ceased to be a Member, they shall not be entitled to vote in the Election, except in accordance with Rule No. 9.5.

Term of Office

5.3 The Chairman shall, unless they resigns or becomes disqualified, continue in office until their successor becomes entitled to act as Chairman.

5.4 During their term of office, the Chairman shall continue to be a Member, notwithstanding the provisions of the 1972 Act relating to the retirement of Councillors.

Precedence

5.5 The Chairman shall have ceremonial precedence in the District but not so as to affect His Majesty's prerogative.

Vice-Chairman

Appointment

5.6 The Council shall at the Annual Meeting elect a Member to be Vice-Chairman.

Term of Office

5.7 The Vice-Chairman shall, unless he resigns or becomes disqualified, hold office until immediately after the election of a Chairman at the next Annual Meeting of the Council.

5.8 During their term of office he shall continue to be a Member, notwithstanding the provisions of the 1972 Act relating to the retirement of Councillors.

Absence of Chairman

5.9 In the absence of the Chairman, anything authorised or required to be done by, to, or before the Chairman, may be done by, to, or before the Vice-Chairman.

6. Appointment of Substitute Members of Committees and Sub-committees[8] [9]

6.1 Political proportionality must be maintained [10]

6.2 The Councillor being nominated by the Group Leader (or their designated deputy) as the substitute must be eligible to sit on the committee concerned[11]. Each of the Councillors affected shall be deemed to have agreed to the substitution.

6.3 A Member substituted into either the Planning Committee or the Licensing Committee must have received training within the preceding three years.

6.4 Substitutions must occur no later than thirty minutes prior to the meeting of Committee concerned; and at that meeting substituted Members should announce themselves for the benefit of any public present.

7. Chairmanship of Overview and Scrutiny Committee

7.1 The Chairman of the Overview and Scrutiny Committee cannot be from the same political party as the Executive: unless all political parties are represented on the Executive.

8. Notice of and Summons to meetings

8.1 At least five clear days before a meeting of the Council[12]:

8.1.1 notice of the time and place of the intended meeting shall be published at the Civic Offices, Harlington Way, Fleet and, when the meeting is called by Members, the Notice shall be signed by those Members and shall specify the business proposed to be transacted at the meeting

8.1.2 a Summons to attend the meeting, specifying the business proposed to be transacted at it and signed by the Proper Officer, shall, subject

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[8] Members are appointed to Committees in the normal way. However, if a Member cannot attend a particular Committee Meeting (or series of meetings) then he may resign from that Committee, and the relevant Political Group Leader can nominate a replacement member. The Chief Executive has the delegated authority to accept the resignation and to appoint the replacement Member (and then vice versa after the period of replacement has ended).

[9] Please refer to Appendix 1 for a note as to how Resign and Replace is likely to work in practice.

[10] eg a Group can only substitute a Councillor from the same Group.

[11] ie a Cabinet Member can not sit on an Overview and Scrutiny Committee.

[12] 'Clear' days - see Section1 Interpretation, para 1.5 for clarification

to Rule No. 8.2 below, be left at, or sent by post to, the usual place of residence of every Member.

8.2 If a Member notifies the Proper Officer in writing that he desires Summonses to be sent to them at some address specified in the Notice other than their place of residence, a Summons addressed to them and left at, or sent by post to, that address shall be deemed sufficient service of the Summons

8.3 Want of service of a Summons on any Member shall not affect the validity of a meeting of the Council.

9. Chairing Of Meeting

9.1 At a Council Meeting, the Chairman, if present, shall preside.

9.2 If the Chairman is absent from a Council Meeting, the Vice-Chairman if present, shall preside.

9.3 If both the Chairman and the Vice-Chairman are absent from a Council Meeting, the Council shall elect another Member from those present to preside.

9.4 The Member presiding at the meeting shall exercise the powers or duties of the Chairman in relation to the conduct of the meeting.

9.5 In the case of an equality of votes the person presiding at the meeting shall give a casting vote in addition to any other vote he may have.

10. Quorum

10.1 Subject to Rule No. 10.2, no business shall be conducted at any Council Meeting unless at least one-quarter (9) of the whole number of Members are present.

10.2 Where more than one third (12) of the whole number of Members become disqualified at the same time, then until the number of Members in office is increased to not less than two thirds (24) of the whole number of Members, the quorum shall be determined by reference to the number of Members remaining qualified instead of by reference to the whole number of Members.

10.3 If, at any time during the meeting, if the Clerk counts the number of Members present and declares to the Chairman that there is not a quorum present, the Chairman will adjourn the meeting immediately. The remaining business will be considered at a time and date fixed by the Chairman. If he does not fix a date, the remaining business will be considered at the next ordinary meeting.

10.4 Any Member may call for the number of Members present to be counted by the Clerk.

11. Duration of Meeting

11.1 In the event that a meeting has lasted more than four hours a vote will be taken on whether to continue or adjourn the meeting. In the event of an adjournment, the remaining business will be considered at a time and date fixed by the Chairman. If the Chairman does not fix a date, the remaining business will be considered at the next ordinary meeting.

12. Public Question Time

General

12.1 Members of the public may ask questions of the Leader, Members of the Executive, or any Chairman of a Committee at ordinary meetings of the Council in accordance with the Council's scheme for public questions (Appendix 2).

Order of questions

12.2 Questions will be asked in the order notice of them was received, except that the Chairman may group together similar questions, or if there is more than one questioner, the Chairman may, at their discretion, adjust the order of questions to enable all questioners to have their first question heard before moving on to allow second or subsequent questions.

Notice of questions

12.3 A question may only be asked if notice has been given by delivering it in writing to the Chief Executive no later than midday five days before the day of the meeting. Each question must give the name and address of the questioner.

Scope of questions

12.4 The Chief Executive may reject a question if it:

12.4.1 is not about a matter for which the local authority has a responsibility, or which affects the District

12.4.2 is defamatory, frivolous, vexatious, or offensive

12.4.3 is substantially the same as a question which has been put at a meeting of the Council in the past six months

12.4.4 requires the disclosure of confidential or exempt information.

Members Questions (Public Question Time)

12.5 Subject to the consent of the Chairman, Members may ask questions or make comments on matters raised during public question time.

Record of questions

12.6 The Chief Executive will note each question and make a record available to the public including those questions rejected under Rule No. 12.4, unless contrary to public policy.

12.7 Copies of the questions accepted will be circulated to all Members and will be made available to the public attending the meeting.

Asking the question at the meeting

12.8 The Chairman will invite the questioner to put their question. If a questioner who has submitted a written question is unable to be present, they may ask the Chairman to put the question on their behalf. The Chairman in asking the question on the questioner's behalf may indicate that a written reply will be given.

Time Limits

12.9 The time allowed for each question shall be 2 minutes.

12.10 The time allowed for each answer shall be 2 minutes.

12.11 The total time allowed for both questions and answers shall be 20 minutes. This limit may be extended at the discretion of the Chairman.

Supplementary question

12.12 A questioner who has put a question in person may, without notice, also put one supplementary question to the Member who has replied to their original question. The supplementary question must arise directly out of the original question or the reply. The Chairman may reject a supplementary question on any of the grounds in Rule 12.4.

Written answers

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

13. Petitions

13.1 Application by a Member or any other person or persons for a petition to be received at a meeting must be made to the Chief Executive not less than five clear working days prior to the meeting.[13]

13.2 The subject matter of the petition shall be referred to the Cabinet, the appropriate Cabinet Member, or the Committee (or such other more

[13] 'Clear' days - see Section1 Interpretation, para 1.5 for clarification

appropriate outside organisation) which normally deals with business of that nature.

13.3 Petitions may be submitted at any time to the Leader or the relevant Cabinet Member and will be referred in accordance with Rule No. 13.2.

13.4 Petitions will be dealt with in accordance with the process set out in Appendix 3.

14. Questions from Members

On Minutes of the Cabinet and Committees containing Recommendations

14.1. At any meeting, a Member may ask the Leader or the Chairman of a Committee any question, without notice, about any item of, respectively, the Cabinet or the relevant Committee when that item is being received or under consideration by the Council. The Leader or the Chairman of a Committee may refer that question to a Cabinet Member for answer if it is considered more appropriate.

On Any Subject

14.2 A Member may ask the Chairman, the Leader, or the Chairman of a Committee a question on any matter in relation to which the Council has powers or duties or which affects the District, provided that Rules Nos. 14.3 and 14.4 shall apply.

Notice of questions

14.3 A Member may only ask a question under Rule 14.2 if they have given at least two clear days' notice in writing of the question to the Chief Executive.[14]

On Urgent Business

14.4 A Member may, with the permission of the Chairman, put to them, the Leader, or Chairman of any Committee, any question relating to urgent business. The text of the question shall be given to the Chief Executive before 10 am on the morning of the day of the meeting. When exercising their discretion under this Rule, the Chairman will consider, among other things, whether the question is of such urgency as to require consideration at the Council meeting concerned, and whether it could have been asked under Rule No. 14.2.

Supplementary Questions

14.5 A Member asking a question under Rules No. 14.3 or 14.4 may also put, without notice, one supplementary question to the Member to whom the first

[14] 'Clear' days - see Section1 Interpretation, para 1.5 for clarification

question was asked. The supplementary question must arise directly out of the original question or the reply to it.

Rejection of Questions

14.6 The Chief Executive may reject a question if it:

14.6.1 is not about a matter for which the Council has duties or powers, or which affects the District

14.6.2 is defamatory, frivolous, or offensive

14.6.3 is substantially the same as a question that has been put at a meeting of the Council in the past six months

14.6.4 requires the disclosure of exempt information. If a question requires disclosure of exempt information, the answer given will be treated as confidential.

Answering Questions

14.7 The Chairman will invite the Member who gave notice of the question to put it to the appropriate Member. Every question shall be put and answered without discussion.

14.8 The Member to whom a question has been put may decline to answer.

14.9 The answer to a question may take the form of:

14.9.1 an oral answer

14.9.2 where the answer cannot conveniently be given orally, a written answer is to be sent to the questioner and copied to all other Members

14.9.3 provided that the Member to whom a question has been put may decline to answer.

14.10 Any Member may move that a matter raised by a question be referred to the Cabinet or an appropriate committee. Once seconded, such a motion will be voted on without discussion.

14.11 The Chairman may refuse a question or comment being made by a Member if he considers the Member is unduly delaying the proceedings of the Council.

Time Limits

14.12 The time allowed for each question shall be one minute.

14.13 The time allowed for each answer shall be two minutes.

14.14 After the Council has spent 15 minutes on questions from Members, the Chairman shall have discretion, taking into account the further business to be transacted at the meeting, to direct that any outstanding questions should, subject to Rule No. 14.8, receive a written answer, which will be sent to the Member asking the question and copied to all Members.

15. Formal Motions Requiring Notice

15.1 Notice of every motion, other than a motion given under Rule No. 16 shall be given in writing, signed by the Member or Members giving notice, and delivered to the Chief Executive at least seven clear days before the Council Meeting at which it is due to be considered.[15] These will be entered in a book that is open for public inspection. See Appendix 4 - Practice Note For Formal Motions Requiring Notice.

Inclusion in Summons

15.2 All motions given under Rule No. 15.1 shall be set out in the Council Summons in the order in which they were received unless the Member giving notice states, in writing, that they propose to move their motion to a later meeting or withdraw it.

Withdrawal of Motion

15.3 If a motion thus set out in the Summons is not moved either by the Member who gave notice thereof or by some other Member on their behalf, it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without further fresh notice.

Reference of Motion to Cabinet or Committee

15.4 If the subject matter of a motion of which notice has been duly given comes within the province of the Cabinet or a Committee, it shall, upon being moved and seconded, be referred without discussion to the Cabinet or Committee, or to such other Committee as the Council may determine for consideration and report. However, the Chairman may, if he considers it convenient and conducive to the despatch of business, allow the motion to be dealt with at the meeting at which it is brought.

Relevance of Motions

15.5 Motions must be about matters for which the Council has a responsibility, or which affect the District.

16. Procedural Motions (and Amendments) not requiring notice

16.1 The following motions and amendments may be moved without notice:

[15] 'Clear' days - see Section1 Interpretation, para 1.5 for clarification

16.1.1 to appoint a Chairman of the meeting at which the motion is moved

16.1.2 about the accuracy of the Minutes

16.1.3 to change the order of business in the agenda

16.1.4 to refer something to an appropriate body or individual

16.1.5 to appoint a committee or Member arising from an item on the summons for the meeting

16.1.6 to receive reports or adoption of recommendations of Cabinet, committees or officers and any resolution following from them

16.1.7 to withdraw a motion

16.1.8 to extend the time limit for a speech or speeches

16.1.9 to amend a motion

16.1.10 to proceed to the next business

16.1.11 that the question be now put

16.1.12 to adjourn a debate

16.1.13 to adjourn a meeting. In the event of a motion “that the Council do now adjourn” not being carried, such a motion shall not be proposed again within a period of thirty minutes, and then only at the discretion of the Chairman

16.1.14 that a specified Rule be suspended in accordance with Rule No. 24

16.1.15 to exclude the public and press during the whole or part of a meeting pursuant to the provisions of Section 100A(4) of the 1972 Act

16.1.16 to not hear further a Member named under Rule No. 22.3, or to exclude a Member named under Rule No. 22.4 from the meeting

16.1.17 to give consent of the Council where consent is required by the Constitution

16.1.18 Any Member may move that a matter raised by a question (during Public Question Time) be referred to the Executive or the appropriate committee or sub-committee. Once seconded, such a motion will be voted on without discussion.

Motions affecting persons employed by the Council

16.2 If any question or matter arises at a meeting as to the appointment, promotion, dismissal, salary, superannuation, conditions of service, personal circumstances or conduct of any person employed by the Council, such question or matter shall not be raised or become the subject of discussion until the meeting has decided under Rule No. 21 whether the public should be excluded.

17. Rules of Debate

No speeches until motion seconded

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

Right to require motion in writing

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

Seconder's speech

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

Content and length of speeches

17.4 Speeches must be directed to the subject of debate or to a personal explanation or point of order. No speech may exceed three minutes without the consent of the Chairman.

When a Member may speak again

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

17.5.1 to speak once on an amendment moved by another Member

17.5.2 to move a further amendment if the motion has been amended

17.5.3 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 he spoke was carried)

17.5.4 in exercise of a right of reply

17.5.5 on a point of order

17.5.6 by way of personal explanation

17.5.7 by way of a point of information.

Amendments to motions

17.6 An amendment to a motion must be relevant to the motion, may not have the effect of being a direct negative to the motion itself, and will either be:

17.6.1 to refer the matter to an appropriate body or individual for consideration or reconsideration

17.6.2 to leave out words

17.6.3 to leave out words and insert or add others

17.6.4 to insert or add words

17.7 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.

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

17.9 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 may be moved.

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

Alteration of motion

17.11 Where the Chairman considers that a proposed amendment to the motion to be relatively minor, the Chairman may ask the mover or seconder of the original motion if they are prepared to accept the amendment through its incorporation into their motion. If they agree, the original motion shall stand altered accordingly. The debate shall then proceed on the original motion, as altered. If they do not agree, consideration of the amendment shall proceed in accordance with the normal rules of debate.

17.12 A Member may alter a motion of which he has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.

17.13 A Member may alter a motion which he has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

17.14 Only alterations which could be made as an amendment may be made.

Withdrawal of motion

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

Right of reply

17.16 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.

17.17 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.

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

Motions which may be moved during debate

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

17.19.1 to withdraw a motion

17.19.2 to amend a motion

17.19.3 to proceed to the next business

17.19.4 that the question be now put

17.19.5 to adjourn a debate

17.19.6 to adjourn a meeting

17.19.7 that the meeting continues beyond four hours in duration.

17.19.8 to exclude the public and press in accordance with the Access to Information Rules

17.19.9 to not hear further a Member named under Rule No. 22.3 or to exclude them from the meeting under Rule No. 22.4.

Closure motions

17.20 A Member may move, without comment, the following motions at the end of a speech of another Member:

17.20.1 to proceed to the next business

17.20.2 that the question be now put

17.20.3 to adjourn a debate

17.20.4 to adjourn a meeting.

17.21 If a motion to proceed to the next business is seconded and the Chairman thinks the matter has been sufficiently discussed, he will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

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

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

Point of order

17.24 A Member may raise a point of order at any time before the debate on the agenda item under considering is concluded. It must be made immediately the alleged irregularity or impropriety becomes apparent. The Chairman must hear them immediately. A point of order may only relate to an alleged breach of the Rules or the law. The Member must indicate the rule or law and the way in which he considers it has been broken. The ruling of the Chairman on the matter will be final.

Personal explanation

17.25 A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member in the debate which may appear to have been misunderstood. The ruling of the Chairman on the admissibility of a personal explanation will be final and shall not be open to discussion.

Point of information

17.26 A Member may raise a point of information during another Members' speech. It is within the absolute discretion of the Chairman to decide to accept the information. It is also within the discretion of the speaker to accept or decline the information. During the raising of this point of information the time allowed to the speaker will be extended to include the point of information.

18. Cabinet and Committee Minutes and Recommendations

Presentation

18.1 The Chairman, or Vice-Chairman, of the Committee (or the Chairman, or Vice-Chairman of the meeting) shall, where the Minutes of the Cabinet or Committee contain recommendations, move “That the recommendations contained in Minutes numbered… of the meeting of the Cabinet or Committee be adopted.”

18.2 This motion shall be seconded by another Member who was present at the meeting, and debate shall be allowed only on Minutes containing recommendations.

18.3 The remainder of the Minutes of each Cabinet or committee shall be deemed to have been received if they are listed under the heading “Minutes of Cabinet and Committees” in the Council Summons.

18.4 Questions may be asked in respect of Committee minutes at the time such minutes are received by the Council.

Consideration by Council

18.5 The recommendations of the Cabinet or a committee shall be put to the Council by the Chairman one at a time.

Rescission of preceding resolution

18.6 No motion to rescind any resolution passed within the preceding six months, and no motion or amendment to the same effect as one which has been rejected within the preceding six months, shall be proposed unless the notice thereof, given in accordance with Rule No.15 bears the names of at least ten Members. When the Council has disposed of any such motion or amendment, it shall not be open to any Member to propose a similar motion within a further period of six months.

Exemption of Committee Recommendations

18.7 Rule No. 18.6 shall not apply to motions moved in accordance with the recommendations of the Cabinet or a committee.

19. Voting

Majority

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

Chairman's casting vote

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

Show of hands

19.3 Unless a recorded vote is demanded under Rule No. 19.4, the Chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

Recorded vote

Recorded votes will occur and be recorded in the minutes:

19.4 a Immediately after any vote is taken at a budget decision meeting.

b If five Members present at the meeting demand it, prior to the vote being taken, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the Minutes.

19.5 In the case of a recorded vote, Members' names shall be called, and their votes recorded immediately.

19.6 Any Member absent from the meeting for whatever reason at the time that the recording of votes is commenced or is taking place shall not have their vote recorded if he subsequently enters or re-enters the meeting. A note to this effect shall be recorded in the Minutes of the particular meeting.

Right to require individual vote to be recorded

19.7 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**.**

Voting on appointments

19.8 If there are more than two people nominated for any position to be filled by the Council, and there is not a clear majority in favour of one person, then the name of the person with the least number of votes will be withdrawn and a new vote taken. This procedure shall be repeated until a majority of votes is given in favour of one person. In the event of multiple vacancies for one body each Member shall have the number of votes equal to the number of vacancies and such votes are to be distributed between the Candidates.

Chairman's Declaration

19. 9 The Chairman shall ascertain the numbers voting for or against a question, and their declaration as to the result shall be conclusive.

19.10 If five or more Members are not satisfied with the Chairman's decision, they may require the vote to be taken again by means of a recorded vote. Any challenge to the decision shall be made immediately.

Council Tax

19.11 If a meeting considers matters relating to the level of Council Tax, any Member who is at least two months in arrears with payment of their Council Tax shall disclose that fact to the meeting. Such a Member may speak on the matters but shall not vote on them.

20. Minutes

20.1 Minutes of the proceedings of Meetings shall be drawn up and entered in a book or on consecutively numbered loose leaves. A copy of the Minutes of every meeting shall, prior to the next ordinary meeting of the Council, be sent to each Member.

20.2 The Chairman will sign the minutes of the proceedings at the next suitable meeting. The Chairman will move that the Minutes of the previous meeting be signed as a correct record. The only aspect of the Minutes that can be discussed is their accuracy.

20.3 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 1972 Act (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 paragraphs 41(1) and (2) of Schedule 12 relating to the signing of minutes.

Form of Minutes

20.4 Minutes will contain all motions and amendments (including the questions and supplementary questions asked at the meeting, together with the answers given) in the exact form and order the Chairman put them.

Record of attendance

20.5 All Members present during the whole or part of the meeting must sign their names on the attendance sheets provided before the conclusion of every meeting to assist with the record of attendance. Any apology for absence tendered by a Member shall be recorded in the Minutes of the meeting.

21. Exclusion of Public from confidential matters

Admission of Press, Media and Public to Meetings of the Council and Committees

21.1 The press, media and public will be admitted to all Council and Committee meetings in accordance with the provisions of the 1972 Act, unless the

Council, Committee or Sub-Committee, by resolution, excludes the press, media and public on the grounds that:

21.1.1 it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information as defined in Section 100 I of The 1972 Act, (as amended) or

21.1.2 confidential information as defined in Section 100A(3) of The 1972 Act would be disclosed.

21.2 Members of the media, public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule No. 22 (Disturbance by Public).

21.3 No member of the public, press or media will be permitted to address the meeting unless invited to do so by the Chairman.

21.4 The public, and media representative shall comply with the directions of the Chairman during a Council meeting.

21.5 Anyone may take photographs, film, and make an audio-record of the proceedings, and report on any meetings of a decision-making body of the Council[16] in accordance with the arrangements as set out in Appendix 5.

21.6 The filming or recording of a meeting shall only take place from a public seating area or, from a designated area(s) (which shall first have been identified by the Chairman of the meeting).

21.7 No recording of a meeting in any form shall take place where the public have been excluded and confidential or exempt information is to be discussed.

21.8 No oral reporting or oral commentary on a meeting as it takes place is allowed if the person reporting or providing the commentary is present at the meeting.

21.9 Councillors, if not sitting in a public seating area, may film or record the meeting but only with the prior permission of the Chairman of the meeting.

21.10 The Chairman of the meeting may terminate or suspend filming or recording, if continuation of the filming, recording, or reporting would disrupt or prejudice the proceedings, infringe the rights of any individual or may lead to the breach of a legal obligation by the Council.

Confidentiality

21.11 Where a relevant body shall have resolved to exclude the public from a meeting pursuant to Section 100A(2) or (4) of the Local Government Act

[16] [16]This relates to meetings such as Full Council, the Cabinet, and all Committees and sub-Committees of the Council. It does not apply to non-decision making working parties or advisory panels unless they have specific decision-making powers delegated to them.

1972, a Member of the Council who attends the meeting shall not, without permission of the relevant body, disclose any matter dealt with or discussed in the absence of the public until that matter has been reported to the Council and is not subject to any stipulation that the matter shall continue to be regarded as exempt or confidential; or until the matter has been communicated to the Press by or with the authority of the relevant body.

21.12 All agenda, reports, other documents, and proceedings relating to any business discussed at any meeting of the Council, Committee or Sub-Committee from which the public have been excluded under Rules No. 21 or No. 44 shall be treated as confidential until they become public in the ordinary course of Council business.

21.13 Nothing elsewhere in Rules No. 21 or No. 44 shall preclude the Chief Executive or person nominated by them from communicating to the Press, prior to the Minutes of the Cabinet, Committee or Sub-Committee being presented to the Council, resolutions and recommendations of the Cabinet Committee or Sub-Committee concerning those items of a confidential nature, where such action has been authorised by the Cabinet, Committee or Sub-Committee.

22. Members' Conduct

Standing to speak

22.1 When a Member speaks at full Council where possible they must stand and address the meeting through the Chairman. If more than one Member stands, the Chairman will ask one to speak and the others 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. In which case they must stand and wait to be invited to speak by the Chairman who will call them at their discretion.

Chairman standing

22.2 When the Chairman stands during a debate, any Member speaking at the time must stop and sit down. Members present at the meeting must be silent.

Member not to be heard further

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

Member to leave the meeting

22.4 If the Member continues to behave improperly after such a motion is carried, the Chairman may move that either the Member leaves the meeting or that

the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

General disturbance

22.5 In the event of a general disturbance among Members which, in the opinion of the Chairman, renders the due and orderly despatch of business impossible, the Chairman may, without the question being put, adjourn the meeting for such period as he, at their discretion, shall consider appropriate.

23. Disorderly Conduct – Members of the Public

23.1 If a member of the public, press or media interrupts the proceedings at any meeting, the Chairman shall warn them of their misbehaviour. If they continue, the Chairman may order their removal from the room.

General Disturbance

23.2 If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared and may adjourn the meeting for such period as he, at their discretion, shall consider appropriate.

23.3 The Chairman may order the removal of a member of the public, press or media from the meeting room if he is disrupting the meeting, and if there is a general disturbance the Chairman may adjourn the meeting.

24. Suspension and Amendment of the Procedure Rules

Suspension

24.1 With the exception of those Rules that are required by law (Rule No. 19.4 - Recorded Vote, and Rule No. 20.3 - No requirement to sign minutes of previous meeting at extraordinary meeting) any Rule may be suspended at a meeting where its suspension is moved. Such suspension when moved must state the duration of the suspension proposed which may not be more than the remainder of the meeting at which it is moved.

24.2 A motion to suspend a Rule will not be moved without notice unless at least one half of the whole number of the Members of the Council or Committee are present.

25. Variation and revocation of The Constitution

25.1 Any motion to change the Constitution will, when proposed and seconded, be referred without discussion to the next ordinary meeting of the Council. This clause will not apply to:

25.1.1 the appointment of additional committees or the allocation or re-allocation of duties between committees; or

25.1.2 variation of the membership or terms of reference of any committee.

Part B – Committee Meetings

26. Application to Committees and Sub-committees

26.1 All of the Rules apply to meetings of full Council. None of the rules apply to meetings of the Executive.

The Executive operates in accordance with the Cabinet and Executive Procedure Rules set out in Part 4-5 of the Constitution.

27. Meetings

27.1 Council and Committee meetings shall be held at 7.00 pm at the Civic Offices, Harlington Way, Fleet, unless the Council or the Cabinet decides otherwise at a previous meeting, or the Chief Executive considers a change of time or venue would be in the interests of the Council and the Chairman agrees.

27.2 All meetings of the Overview and Scrutiny Committee shall be held at 7.00 pm unless all Members of the Committee agree otherwise. All meetings of the Overview and Scrutiny Committee will be held at the Civic Offices, Harlington Way, Fleet, unless, in exceptional circumstances, the Chairman of the Committee agrees otherwise after consultation with all the other Members of the Committee.

28. Committees

Appointment

28.1. The Council shall at the Annual Meeting appoint such committees as are required to be appointed by or under Rule No. 2 and may at any time appoint such other committees and sub-committees as are necessary to carry out the work of the Council. Subject to any statutory provision in that behalf, the Council:

28.1.1 shall not appoint any Member of a committee to hold office later than the next Annual Meeting of the Council

28.1.2 except in the event of a Joint Committee, the Council may appoint a Member to a Committee for such period as it may determine

28.1.3 may at any time dissolve a Committee or alter its membership.

Constitution of Committees

28.2 Standing Committees of the Council shall have such terms of reference as may from time to time be approved by the Council.

28.3 The Development Management Committee shall where practicable have 11 Members comprising the maximum of one representative from each Ward providing this is consistent with the provisions of the Local Government and Housing Act 1989 and any regulations made thereunder. When a Member from a particular Ward is unable or unwilling to serve on this committee, a Member from any adjoining Ward may be selected in their place.

28.4 The Cabinet Member for Development Management if not a Member of the Development Management Committee in their own right, shall be a member ex officio but without voting rights.

Election of Chairman

28.5 Every committee shall at its first meeting, before proceeding to any further business, elect a Chairman for the year.

28.6 No Committee shall have the same Chairman for a period of more than three consecutive Municipal Years, or parts thereof, except by consent of the Council.

Election of Vice Chairman

28.7 Every Committee shall at its first meeting, and after having appointed a Chairman but before proceeding to any further business, elect a Vice-Chairman for the year.

Eligibility for Election as Chairman of a Committee

28.8 The Chairman and Vice-Chairman of the Council shall not be eligible for election as Chairman of any standing committee but shall be eligible for election as Chairman of an ad-hoc Committee, Working Party or Sub-Committee.

Training

28.9 Newly elected councillors will receive training on the Audit Committee, Licensing Committee, Overview and Scrutiny Committee, Development Management Committee, Code of Conduct, Treasury Management and Council Budget, GDPR/FOI, Safeguarding, Equality, Diversity, Inclusion, and Fraud and Cybercrime. Members of the Development Management and Licensing Committees are required to attend mandatory training.

28.10 If a Councillor has attended the training specified in the previous year, they will be considered trained for that topic. They will not be required to participate in any further compulsory training for an additional three years. However, they may need refresher training if there is a significant change in approach, legislation, or policy. This applies to both re-elected and new Councillors.

28.11 Licensing Committee (before participating in any discussion of the business at the meeting or participating in any vote taken on any matter at a meeting of the Licensing Committee). Members can still attend the Committee but only have observer status unless trained. They also need to be trained before participating in Hearings or sub-committees.

28.12 Development Management Committee before participating in any discussion of the business at the meeting or participating in any vote taken on any matter at a meeting of the Development Management Committee). Members can still attend the Committee but only have observer status unless trained. They must be trained before participating in sub-committees or representing the Council at appeals.

29. Special Meetings

Special Meetings – Called by Chairman

29.1 A special meeting of any Committee may be called at any time by the Chairman (or in their absence by the Vice-Chairman) of that Committee. At least five clear days' notice of the meeting shall be given.[17]

Special Meetings – Requisitions by Members

29.2 A special meeting of a Committee may also be called on the requisition of one third of the whole number of the committee delivered in writing to the Chief Executive. The Summons to a special meeting shall set out the business to be considered.

30. Items on Committee Agenda

30.1 Any Member with the permission of the Chairman of the Committee, may place up to one item per Member per cycle on a Committee agenda, provided that it is received by the Chief Executive no later than:

30.1.1 two weeks before the date of the meeting in respect of an item not requiring officers to provide information

30.1.2 three weeks before the date of the meeting in respect of an item that requires officers to provide further information.

31. Quorum of Committee

31.1 No business shall be transacted at a meeting of any committee unless at least one quarter of the whole number of the committee is present, provided that in no case shall the quorum be fewer than three Members.

32. Membership of Sub-Committee

[17] 'Clear' days - see Section1 Interpretation, para 1.5 for clarification

32.1 A Committee may appoint non-Members of the Council to a Sub-Committee. A Sub-Committee may not be granted delegated powers unless at least two thirds of its membership are Members of the Council.

Quorum of Sub-Committee

32.2 No business shall be transacted at a meeting of a Sub-Committee unless at least half of the whole number of the Sub-Committee is present, provided that in no case shall the quorum be fewer than three Members of the Council.

33. Right of Member to Speak

33.1 A Member, not being a Member of a Committee, may attend a meeting of that Committee, but shall not have the right to participate on any questions discussed, except with the permission of the Chairman.

Right of Mover of a Motion to Explain

33.2 A Member who has moved a motion in Council which has been referred to a Committee shall, if he attends that meeting, have an opportunity of explaining the motion.

34. Urgent Business

34.1 No business shall be transacted at any meeting of a Committee or Sub-Committee unless it has been included on the agenda for the meeting, except where a decision upon any matter is urgently required and the Chairman of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency pursuant to Section 100B (4)(b) [18] of the 1972 Act, with a written officer report.

35. Working Parties

35.1 Any Committee may set up a Working Party, which shall consist of not less than two people one of whom shall be a Member, for the detailed study of any matter referred to it. Such a Working Party shall report to the body from which it was formed and shall not have any authority to incur expenditure on behalf of the Council.

35.2 Working Parties and their Terms of Reference shall include a definition of the objects of the Working Party and the manner and times at which it shall report back.

36. Notice of and Summons to Meetings

36.1 At least five clear days before a meeting of Committees and Sub-Committees:

[18] LGA 1972 " by reason of special circumstances which shall be specified in the Minutes, the Chairman of the meeting is of the opinion that the item shall be considered at the meeting as a matter of urgency"

36.1.1 notice of the time and place of the intended meeting shall be published at the Civic Offices, Harlington Way, Fleet and, when the meeting is called by Members, the Notice shall be signed by those Members and shall specify the business proposed to be transacted at the meeting

36.1.2 a Summons to attend the meeting, specifying the business proposed to be transacted at it and signed by the Proper Officer, shall, subject to Rule No. 36.2 below, be left at, or sent by post to, the usual place of residence of every Committee or Sub-Committee Member.

36.2. If a Member gives notice in writing to the Proper Officer that he desires Summonses to be sent to them at some address specified in the Notice other than their place of residence, any Summons addressed to them and left at, or sent by post to, that address shall be deemed sufficient service of the Summons.

36.3 Want of service of a Summons on any Member shall not affect the validity of a meeting of the Committee or Sub-Committee.

37. Chairing of a Committee and Sub-Committee Meeting

37.1 At a Committee or Sub-Committee meeting, the Chairman, if present, shall preside.

37.2 If the Chairman is absent from a Committee or Sub-Committee meeting, the Vice-Chairman, if present, shall preside.

37.3 If both the Chairman and the Vice-Chairman are absent from a Committee or Sub-Committee meeting, the Committee shall elect another Member from those present to preside.

37.4 The Member presiding at the meeting may exercise the powers or duties of the Chairman in relation to the conduct of the meeting.

37.5 During the meeting, if the Chairman counts the number of Members present and declares there is not a quorum present, the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If he does not fix a date, the remaining business will be considered at the next ordinary Committee or Sub-Committee meeting.

38. Order of Business

38.1 to elect a person to preside if the Chairman and Vice Chairman are not present.

38.2 to deal with any business expressly required by Statute to be done.

38.3 to approve as a correct record, and for the Chairman to sign, the minutes of the last Committee meeting including any intervening special meeting.

38.4 to receive apologies for absence.

38.5 to receive any declarations of interest from Members.

38.6 to receive any announcements from the Chairman.

Changes in the order of business

38.7 The position of items 38.1 and 38.3 listed in Rule No. 38 shall not be altered, but the position of other items listed therein may be varied:

38.7.1 by the Chairman at their discretion

38.7.2 by a resolution passed on a motion (which need not be in writing), moved, seconded, and put without discussion.

39. Procedural Motions (and Amendments) not requiring notice

39.1 The following motions and amendments may be moved without notice:

39.1.1 appoint a Chairman of the meeting at which the motion is moved

39.1.2 about the accuracy of the Minutes

39.1.3 change the order of business in the agenda

39.1.4 refer something to an appropriate body or individual

39.1.5 appoint a Sub-Committee or Member arising from an item on the Summons for the meeting

39.1.6 withdraw a motion

39.1.7 amend a motion

39.1.8 proceed to the next business

39.1.9 that the question be now put

39.1.10 to adjourn a debate

39.1.11 adjourn a meeting. In the event of a motion “that the Committee do now adjourn” not being carried, such a motion shall not be proposed again within a period of thirty minutes, and then only at the discretion of the Chairman

39.1.12 that a specified Rule be suspended in accordance with Rule No.24

39.1.13 exclude the public, media, and press during the whole or part of a meeting pursuant to the provisions of Section 100A(4) of the 1972 Act

39.1.14 to not hear further a Member named under Rule No. 22.3 or to exclude from the meeting a Member named under Rule No. 22.4.

40. Personal Explanation

40.1 A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate. The ruling of the Chairman on the admissibility of a personal explanation will be final and shall not be open to discussion.

41. Employee of the Council

41.1 If any question or matter arises at a meeting as to the appointment, promotion, dismissal, salary, superannuation, conditions of service, personal circumstances or conduct of any person employed by the Council, such question or matter shall not be raised or become the subject of discussion until the meeting has decided under Rule No. 39.1.13 whether the public, press and media should be excluded.

42. Voting

Majority

2.1 Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put. In the case of a recorded vote, Members' names shall be called, and their votes recorded immediately.

Chairman's casting vote

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

Show of hands

42.3 Unless a recorded vote is demanded under Rules 42.4 or 42.5, the Chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

Recorded vote

42.4 If proposed and seconded, the voting on any question shall be recorded, to show whether each Member present voted for or against the question or abstained from voting.

42.5 Any Member absent from the meeting for whatever reason at the time that the recording of votes is commenced or is taking place shall not have their vote recorded if he subsequently enters or re-enters the meeting. A note to this effect shall be recorded in the Minutes of the particular meeting.

Right to require individual vote to be recorded

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

Voting on appointments

42.7 If there are more than two people nominated for any position to be filled by the Committee or Sub-Committee, and there is no clear majority in favour of one person, then the name of the person with the least number of votes will be withdrawn and a new vote taken. This procedure shall be repeated until a majority of votes is given in favour of one person. In the event of multiple vacancies for one body each Member shall have the number of votes equal to the number of vacancies and such votes shall be distributed between the Candidates.

Chairman's Declaration

42.8 The Chairman shall ascertain the numbers voting for or against any question, and their declaration as to the result shall be conclusive.

42.9 Any challenge to the decision shall be made immediately, and the Chairman may require the vote to be taken again or a recorded vote to be taken.

42.10 If five or more Members are not satisfied with the Chairman's decision, they may require the vote to be taken again by means of a recorded vote.

42.11 Where five or more Members stand and each has indicated to the Chairman that they are not satisfied with the Chairman's decision, the Chairman shall cause a recorded vote to be taken.

Council Tax

42.12 If a meeting considers matters relating to the level of Council Tax any Member who is at least two months in arrears with payment of their Council Tax shall disclose that fact to the meeting. Such a Member may speak on the matters but shall not vote on them.

43. Minutes (Committee and Sub-committee meetings)

43.1 Minutes of a meeting (including the questions and supplementary questions asked at the meeting, together with the answers given) shall be drawn up and entered in a book or on consecutively numbered loose leaves. A copy of the Minutes of every meeting shall be sent to each Member prior to the next ordinary meeting of the Committee.

43.2 The Chairman of the Committee or Sub-Committee will sign the minutes of the proceedings at the next suitable meeting. The Chairman will move that

the minutes of the previous meeting be signed as a correct record. The only aspect of the minutes that can be discussed is their accuracy.

44. Exclusion of Public from Confidential Matters

Admission of Press, Media and Public to Meetings of the Committees and Sub-Committees

44.1 The press, media and public will be admitted to all Council and committee meetings in accordance with the provisions of the 1972 Act, unless the Committee or Sub-Committee, resolves to exclude the press, media and public on the grounds that:

44.1.1 it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information as defined in Section 100 I of the 1972 Act, (as amended) or

41.1.2 confidential information as defined in Section 100A(3) of the 1972 Act would be disclosed.

44.2 Members of the public, media and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule No. 22 (Disturbance by Public).

44.3 No member of the public, media or press will be permitted to address the meeting unless invited by the Chairman.

44.4 The public, press and media shall comply with the directions of the Chairman during a meeting.

44.5 Anyone may take photographs, film, and audio-record the proceedings, and report on all meetings of the Council that are open to the public in accordance with the arrangements as set out in Appendix 5. The Chairman of the meeting, after warning and also having consulted with the Monitoring Officer or the most Senior Officer in attendance at the meeting, may terminate or suspend filming, photography, recording and use of social media if any of these activities, in the Chairman's opinion, are disrupting proceedings at the meeting.

Confidentiality

44.6 Where a relevant body shall have resolved to exclude the public from a meeting pursuant to Section 100A(2) or (4) of the 1972 Act, a Member who attends the meeting shall not, without permission of the relevant body, disclose any matter dealt with or discussed in the absence of the public until that matter has been reported to the Council and is not subject to any stipulation that the matter shall continue to be regarded as exempt or confidential; or until the matter has been communicated to the press by or with the authority of the relevant body.

44.7 All agenda, reports, other documents, and proceedings relating to any business discussed at any meeting of a Committee or Sub-Committee from which the public have been excluded under Rule Nos. 21 or 44 shall be treated as confidential until they become public in the ordinary course of Council business.

44.8 Nothing in Rules Nos. 21 or 44 shall preclude the Chief Executive or person nominated by them from communicating to the Press, prior to the Minutes of the Cabinet or a Committee or Sub-Committee being presented to the Council, resolutions and recommendations of the Cabinet or a Committee or Sub-Committee concerning those items of a confidential nature, where such action has been authorised by the Cabinet or relevant Committee.

44.9 Members of the press, media and public may be excluded only in accordance with either the Access to Information Rules in Part 4 of the Constitution or Rule Nos. 21, 23, 44 and 45.

45. Disorderly Conduct

Members

45.1 If a Member persistently disregards the ruling of the Chairman by behaving inappropriately or offensively or deliberately obstructing business, the Chairman may notify the meeting of that opinion, and any one of the following courses may be taken:

45.1.1 any Member may move that the Member named be not heard further either in respect of the matter under debate or for the remainder of the meeting. This motion shall not require a seconder, and shall be put and decided without comment

45.1.2 any Member may move that the Member named shall leave the meeting. This motion shall not require a seconder and shall be put and decided without comment. If it is carried, the Member named shall leave the meeting forthwith

45.1.3 the Chairman may adjourn the meeting for such period of time as he considers appropriate.

Members of the Public

45.2 If a member of the public interrupts the proceedings at any meeting, the Chairman shall warn them. If he continues, the Chairman may order them removal from the room.

General Disturbance

45.3 If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared and may, without the question being put, adjourn the meeting for such period as he considers appropriate.

Part C - Miscellaneous

46. Council Procedure rules to be given to Members

46.1 These Rules will be published as part of the Constitution on the Council's website

47. Declarations Of Interests

47.1 Each Member and co-opted Member with voting rights shall declare interests at meetings and shall withdraw from the meeting room when required to do so by the Council's Code of Conduct.

48. Validity Of Proceedings

48.1 The proceedings of the Council or a Committee or Sub-Committee shall not be invalidated by an inadvertent contravention of, or non-compliance with, the provisions of the Rules relating to the convening of meetings and the constitution and terms of reference of committees.

49. Inspection of Reports and draft Minutes

49.1 All reports and Minutes or draft Minutes of the Council, Committee or Sub-Committee will, (subject to Rule No. 51) be open for the inspection of any Member of the Council when they have been produced.

49.2 For the purpose of their duty as a Member of the Council or as a Member of a Committee or Sub-Committee:

49.2.1 A Member may inspect any document which is in the possession of or under the control of, the Council, and which contains information relating to any business to be transacted at a meeting of a committee to which the 1972 Act applies

49.2.2 A Member will not knowingly inspect and/or call for a copy of any document relating to a matter in which he is professionally interested or in which he has any personal and prejudicial interest unless it is a publicly available document

49.2.3 A Member may have access to documents in the possession of the Council which relate to:

49.2.3.1 the work of the Committee or Sub-Committee on which he serves;

49.2.3.2 the work of a Committee or Sub-Committee on which he does not serve if he can show good reason and establish their need to know, to perform properly their duties as a councillor, subject to any overriding requirements of the public interest unless it is a publicly available document; or

49.2.3.3 an investigation by a policy panel.

49.3 These rights will not apply to the categories of exempt information described in Paragraphs 1 - 7 and Part I of the Schedule to the 1972 Act.

49.4 This Rule will not preclude the Chief Executive or Monitoring Officer from declining to allow inspection of any document which is protected by legal privilege.

50. General Prohibitions

Public Participation

50.1 No member of the public shall address a meeting, other than in accordance with such schemes the Council, Committee or Sub-Committee may have in place for public participation from time to time.

Appendix 1

Practice Note for Appointment of Substitute Members of Committees and Sub-Committees

1 Each Group Leader will notify to Committee Services those members for each committee who are authorised by their Group as substitutes in case of need

2 A committee member who cannot attend a meeting will identify an authorised substitute if possible.

3 The committee member will notify Committee Services with a copy to the substitute and their Group Leader that the substitute will attend in their place. This must be done no later than thirty minutes prior to the meeting of Committee concerned. Group Leaders will only be able to appoint representatives for that political group.

4 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. Substitute members may attend meetings in that capacity only to take the place of the ordinary member for whom they are designated substitute and where the ordinary member will be absent for the whole of the meeting.

5 The substitution will be for one meeting only. Once the substitution has been notified, the original committee member will be unable to attend as a committee member, and the rights and duties of the committee member will fall to the substitute for the scope of the single meeting.

6 The substitute member cannot carry out the role of Chairman or Vice Chairman of the Committee.

7 If a permanent or long-term replacement of a Committee member is required, this will be confirmed in writing by the Group Leader.

8 Only Members who have attended Development Management or Licensing training within the previous three years may act as a substitute.

How to contact Committee Services

Email: committeeservices@hart.gov.uk Hart District Council, Harlington Way, Fleet, GU51 4AE

Appendix 2

Council's Scheme for Public Questions[19]

The purpose of this Scheme for Public Questions is to provide guidance to Members, Officers, and the public on how questions at Full Council meetings will be dealt with. It is intended to be read alongside, and to be complementary to, Council Procedure Rule 12 (Public Question Time) as set out in the Hart District Council Constitution. If there is any conflict between the two, then Council Procedure Rule 12 shall take precedence.

• General

Members of the public can ask specific questions of the Leader, Members of the Cabinet, or any Chairman of a Committee at ordinary meetings of the Full Council and questions can be asked by anyone who lives, works, or studies in Hart District. Questions should be clear and concise (no more than 100 words including any context or subdivided parts) and should be framed to elicit information rather than to make a statement. The Chairman of Council, in consultation with the Chief Executive may refer a question to Officers for a direct written response if they consider the question can be most appropriately handled in that way. This may happen where, for example, it is felt that the question requires an in-depth technical answer or is unreasonably excessive because of its length or its number of parts.

The time allowed for each question shall be 2 minutes. The time allowed for each answer shall be 2 minutes. The total time allowed for both questions and answers shall be 20 minutes. This limit may be extended at the discretion of the Chairman.

• What should Questions be about?

The purpose of Public Questions is for members of the public to seek information. Questions should be about something within the Council's responsibilities, or something the Council is able to influence. They should not be defamatory or offensive or require the Council to disclose confidential information. If the question is substantially the same as one that has been put to the Council during the previous six months, it will not be answered again. Questions that take the form of a statement and not a genuine enquiry are unlikely to be accepted as being suitable for the purposes of Public Questions. In addition, questions should not be about:

i) Planning applications/decisions - if you wish to influence a decision on a planning application you need to write directly to the planning officer dealing with the particular planning application that you are interested in. The Planning Officer will then make sure that your views are incorporated into any report that is prepared before any final decision is made on the application.

ii) Alcohol, gambling, or sex establishment licensing applications/decisions - there are strict rules about what can influence licensing decisions. The law only gives 28 days for residents and business in the vicinity of the premises to make representations on a licensing application. **NOTE** This is an absolute

[19] This Scheme only applies to Public Question time at Full Council. It does not apply to Cabinet, Overview & Scrutiny Committee, Planning Committee, or Licensing Committee where separate arrangements may have been adopted.

limit. If you do not object within this 28-day period, you have lost the legal right to make any objection.

iii) Any matter that is the subject of active legal or enforcement proceedings or an appeal to a tribunal (Housing Benefits Appeal Service for example) or to a Government Minister (a planning appeal for example) or an investigation by the Local Government Ombudsman.

iv) There are separate procedures to follow if you want to make a complaint about a Councillor or a Council employee - please write to the Council's Monitoring Officer.

v) Freedom of Information (FOI) request – there is a formal way to make an FOI request.

In the six-week period before an election or referendum the Council may need to deal with Public Questions differently to avoid taking any action that can otherwise be perceived as being advantageous to any candidates or parties in the forthcoming elections or referendum.

- **Order of questions**

Questions will be asked in the order notice of them was received, except that the Chairman may group together similar questions or, if there is more than one questioner, the Chairman may, at their discretion, adjust the order of questions to enable all questioners to have their first question heard before moving on to allow second or subsequent questions.

- **Notice of questions**

A question may only be asked if notice has first been given in writing to the Chief Executive (email to committeeservices@hart.gov.uk) no later than midday five clear[20] days before the day of the meeting. Each question must give the name and address of the questioner.

- **Scope of questions**

The Chief Executive may reject a question if it:

a) is not about a matter for which the local authority has a responsibility, or which affects the District
b) is substantially the same as a question which has been put at a meeting of the Council in the past six months
c) is defamatory, frivolous, vexatious, or offensive
d) requires the disclosure of confidential or exempt information.

The Chairman may also rule that a question should not be answered if it is felt that the preparation of the answer would require the expenditure of a disproportionate amount of time, money, or effort.

- **Record of questions**

Copies of the questions accepted will be circulated to all Councillors and will be made available to the public attending the meeting. Only the specific question and

[20] 'Clear' days - see Section1 Interpretation, para 1.5 for clarification

answer will be published in the minutes after the meeting. Background or supporting material will not be recorded or published.

- **Asking the question at the meeting**

The Chairman will invite the questioner to put their question. If a questioner who has submitted a written question is unable to be present, he may ask the Chairman to put the question on their behalf.

- **Time Limits**

The time allowed for each question is 2 minutes and the time allowed to answer the question is also 2 minutes.

- **Supplementary question**

A questioner who has attended the Council meeting to pose their question may also then put one supplementary question to the Councillor who has replied to their original question. The supplementary question must arise directly out of the original question or the reply. It must not be a statement. It should also not repeat the original question. The time allowed for each supplementary question and its answer is 2 minute each.

- **Written answers**

Any question that cannot be dealt with during Public Question time, either because of lack of time or because of the non-attendance of the Member to whom it was to be put, will be dealt with by a written answer within 10 working days but there will no opportunity to ask a supplementary question. All answers will be circulated to members of the Council.

How to contact Committee Services
Email: committeeservices@hart.gov.uk
Tel: 01252 774141
Write: Committee Services, Hart District Council, Harlington Way, Fleet, GU51 4AE

Appendix 3

Hart District Council's Petitions Scheme[21]

The purpose of this Scheme for Petitions is to provide guidance to Members, Officers, and the public on how petitions to the Council will be dealt with. It is intended to be read alongside, and to be complementary to, Council Procedure Rule 13 (Petitions) as set out in the Hart District Council Constitution. If there is any conflict between the two, then Council Procedure Rule 13 shall take precedence.

• What is a petition

A petition is a formal written request, typically one signed by many people, appealing to the Council in respect of a particular cause.

To fall in with the requirements of the scheme, the petition must relate to a function of the authority and partner organisations. A petition can also be about issues that involve neighbouring authorities where there is a direct impact on people in Hart District.

• Who can submit a petition?

A petition can be submitted by anyone who lives, works, or studies in Hart District.

• How to submit a petition?

Petitions can be submitted at any time and will be considered at an appropriate meeting 5 clear days[22] after submission. This does not necessarily mean that the petition will be considered at the first opportunity. If the petition raises an issue that requires further investigation, then the petition will be considered once those investigations have reached a point that allows a debate on the request contained in the petition to be considered. Petitions should be sent to Committee Services at Hart District Council,
Email: committeeservices@hart.gov.uk'
Tel: 01252 774141
Write: Committee Services, Hart District Council, Harlington Way, Fleet, GU51 4AE

• Number of signatures required for a petition

To comprise a petition, it should be signed by many people (more than 50). The response to petitions will depend on what is being asked for and how many signatures it contains. In considering how to respond consideration will be given to what alternative action the Council can take e.g., holding a meeting with the lead petitioner, referring the petition to a cabinet member or officer. If the petition meets the following numbers, it may be presented to the following meeting:

> **Council/Cabinet** (depending on whether the matter is a Council or Executive function) – over1000 separate signatories
> **Overview & Scrutiny Committee** – between 500 and1000 separate signatories

[21] This Scheme not apply to Planning Committee or Licensing Committee
[22] 'Clear' days - see Section1 Interpretation, para 1.5 for clarification.

Petitions with less than 500 separate signatures will be dealt with by the relevant **Executive Director** in consultation with the respective Cabinet Portfolio Member, and if it relates to local issues only, the local Ward Councillors.

- ## Issues that are not appropriate for a Petition

In initiating a petition, you should make clear what you are asking for. Please do not submit a petition to the Council that is:

a) about something that Hart is not responsible for
b) about issues that are clearly outside the control or reasonable influence of the Council (national or international issues)
c) about a purely personal issue
d) confidential, libellous, false, or defamatory
e) contains language that may cause offence, or is provocative or extreme in its views deceptive or misleading
f) advertising or spam
g) nonsensical, or a joke
h) party political
i) breaks the law or violates intellectual property rights
j) potentially confidential, commercially sensitive or might cause someone distress or financial loss

This Petitions Scheme also does not apply to certain matters, where there are already existing processes for communities to have their say. The following matters are therefore **OUTSIDE** the scope of this Petitions Scheme:

i) Planning applications/decisions - if you wish to influence a decision on a planning application you need to write directly to the planning officer dealing with the particular planning application that you are interested in. The Planning Officer will then make sure that your views are incorporated into any report that is prepared before any final decision is made on the application. Once a decision has been made on a particular planning application it is final and cannot be changed by the Council.

ii) Alcohol, gambling, or sex establishment licensing applications/decisions - there are strict rules about what can influence licensing decisions. The law only gives 28 days for residents and business in the vicinity of the premises to make representations on a licensing application. NOTE this is an absolute limit. If you do not object within this 28-day period, you have lost the legal right to make any objection.

iii) Any matter that is the subject of active legal or enforcement proceedings or an appeal to a tribunal (Housing Benefits Appeal Service for example) or to a Government Minister (a planning appeal for example) or an investigation by the Local Government Ombudsman.

iv) There are separate procedures to follow if you want to make a complaint about a Councillor or a Council employee - please write to the Council's Monitoring Officer.

v) Freedom of Information (FOI) request – there is a formal way to make an FOI request.

In the six-week period before an election or referendum the Council may need to deal with petitions differently to avoid taking any action that can otherwise be perceived as being advantageous to any candidates or parties in the forthcoming elections or referendum.

Petitions will not normally be accepted where they are the same, or are very similar, to petitions which have been submitted to the Council in the past 24 months.

• What are the guidelines for submitting a petition?

Petitions submitted to the Council 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. People need to know what they are signing and therefore the petition should state clearly what it is about or what you think is wrong and what you would like to happen. It should be capable of being read in a few moments to enable people signing a petition to read it first. The petition should state that it is directed to Hart District Council.
b) The name, full postal address and signature of any person supporting the petition.

Petitions should:

1 Be accompanied by contact details, including a full postal address, for the Petition Organiser. This is the person the Council will contact to explain how we will respond to the petition.

2 Include appropriate Privacy Statements. All petitions must include a fair data processing statement which makes clear that those who signed the petition will have their personal data passed to Hart District Council.

An example of a statement of Fair Processing of Data is:
"In signing this petition, you consent to the personal information you have provided being used in connection with the administration of the petition. Your information may be shared between the petition organiser, Hart District Council's officers and its elected members, but will not be shared with third parties unless there is a legal requirement to do so. Your information will be held, stored, and destroyed securely in line with the principles of the General Data Protection Regulations 2018."

The Council will not process a petition which does not comply with Data Protection requirements.

• How will the Council respond to a petition?

The Council's response to a petition will depend on what a petition asks for, but may include one or more of the following:

a) taking the action requested in the petition
b) considering the petition at a Council meeting
c) referring the issue to local Ward Councillors

d) referring the issue to the Council's Overview & Scrutiny Committee[23]
e) referring the issue to the Council's Cabinet[24]
f) holding an investigation
g) commissioning relevant research
h) organising a public meeting
i) mounting a wider public consultation
j) meeting with the Petition Organiser or representatives of signatories
k) providing a written response outlining the Council's views on the subject
l) consulting statutory partners and local service providers
m) instigating discussions with the voluntary and community sectors
n) making representations to commercial or other Interests.

If the concern is a local, ward-based issue, then the presumption will be to refer the matter to local Ward Councillors. As a matter of course, local Councillors will be formally notified of all valid petitions that relate to the residents in their respective Wards.

Details of petitions received, and the final response /outcome of the petition will be published on the Council's website.

- **Petitions with 1,000 or more Signatures - Council (or Cabinet if the matter relates to an Executive function) debate**

If a petition contains 1,000 or more signatures it will normally be debated at the next ordinary meeting of the Council/Cabinet, although on some occasions this may not be possible, and consideration will take place at a subsequent meeting. At the meeting, the Petition Organiser will be given three minutes to address the Council/Cabinet, and the petition may then be discussed by Councillors.

The Council/Cabinet will decide how to respond to the petition at this meeting. It may decide to:

a) take the action the petition requests (if it is within the Council's power to do so),
b) not to take the action requested for reasons put forward in the debate, or
c) to commission further investigation into the matter, for example by Overview & Scrutiny Committee or relevant Service, or
d) the matter be referred to Local Ward Councillors for consideration.

- **Petitions with 500 or more (but less than1,000) signatures – Consideration by Overview and Scrutiny Committee**

If a petition contains 500 signatures or more, but less than 1,000 signatures, it will be referred to Overview & Scrutiny Committee for consideration unless it is about an issue which is resolved before the meeting to the Petition Organisers satisfaction. Overview & Scrutiny Committee will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible, and consideration will take place at a subsequent meeting. The Petition Organiser will be given the

[23] Overview & Scrutiny is an important and specialist role for all Councillors who are not part of the Cabinet arrangements. Overview & Scrutiny Committee has processes available to it which enables it to review and challenge decisions, policies, and services, inform decision making and offer recommendations for the Cabinet and other agencies to consider.

[24] Cabinet is the executive decision-making body within the Council's structures, which is chaired by the Leader of the Council and is responsible for taking most of the day-to-day decisions within agreed budgets and policies.

opportunity to present the petition at the meeting and the petition will then be discussed by Councillors. Where possible the Cabinet Member with the relevant portfolio responsibility and appropriate officers will be invited to attend.

At this meeting, Overview & Scrutiny Committee will consider and make recommendations on how the Council should respond to the issue raised in the petition. The Committee may decide to recommend (to the Council, Cabinet, officers, or partners) that:

a) the action the petition requests should be taken,
b) no action is taken for reasons put forward in the debate,
c) further investigation be commissioned into the matter, for example by a relevant Service, or
d) the matter be referred to local Ward Councillors for consideration.

- **Petitions with less than 500 signatures**

A petition contains less than 500 signatures will be referred to the appropriate Executive Director or Service Manager for consideration. The Executive Director /Service Manager may decide to use delegated powers, in accordance with existing policies and budget provision to:

a) take the action that the petition requests should be taken,
b) not take the action requested by the petition where this would be outside existing policies and budget provision,
c) refer the matter to Cabinet, Overview & Scrutiny Committee, or local Ward Councillors for consideration. The relevant Cabinet Member and appropriate local Ward Councillors will first be consulted on the action proposed to be taken by the Executive Director.

- **Feedback – How will the petitioners be told the outcome**

The Petition Organiser will receive a letter or email setting out the Council's final response to the petition and the reasons for it. This will normally outline the steps taken by the Council to consider the issue, including the involvement (where applicable) of Councillors. This response will also be published on the Council's web site.

How to contact Committee Services

Email: committeeservices@hart.gov.uk
Tel: 01252 774141
Write: Committee Services, Hart District Council, Harlington Way, Fleet, GU51 4AE

Appendix 4

Practice Note for Formal Motions Requiring Notice

1. Notice of every Motion to be given in writing and signed (including e-mail) by the Member or Members giving Notice.

2. Notice of Motion should be delivered to the Chief Executive at least seven clear days before the Council Meeting.[25]

3. The Motion will be entered in a book which is open for public inspection.

4. All Motions (given under Standing Order 15.1) will be set out in the Council Summons in the order in which they were received, unless the Member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

5. If a Motion set out in the Council Summons is not moved either by a Member who gave notice or by some other Member on their behalf, it shall be postponed by consent of the Council and treated as withdrawn. The Motion shall not be moved without further fresh Notice.

6. If the subject matter of the Motion comes within the province of the Cabinet or a Committee, it shall, after being moved and seconded, stand referred without discussion to the Cabinet or Committee or to such other Committee as the Council may determine for consideration. Or the Chairman may, if he considers it convenient and conducive, allow the Motion to be dealt with at that meeting.

7. Motions must be about matters which affect the district or for which the Council has responsibility.

[25] 'Clear' days - see Section1 Interpretation, para 1.5 for clarification

Appendix 5

Protocol for Recording, photography, and use of social media at meetings

The purpose of this Protocol is to provide guidance to those who wish to record and broadcast the proceedings of Council meetings[26]. It should be read alongside and complementary to the Recording and Filming of Council meetings as set out in paragraphs 21.5 to 21.10 in the Hart District Council Constitution. If there is any conflict between the two, then paragraphs 21.5 to 21.10 shall take precedence. Councillors also need to read this protocol alongside the Members' Code of Conduct.

What you can do

You can make a record of all or part of the meeting in the following ways:

- In writing;
- Audio recording;
- Filming;
- Taking photographs;
- Using the internet and social media, such as tweeting and blogging.

You are also entitled to publish, post, or share your recording online, but we ask you not to edit the recording in a way that could lead to misinterpretation of the proceedings or shows a lack of respect to those being filmed.

Please contact Committee Services on 01252 774141 or email committeeservices@hart.gov.uk 24 hours in advance of the meeting if you require special arrangements to film or audio-record a meeting.

We ask you to……

Always remain seated and only record the meeting from a designated area or from a public seating area.

Make sure that you're filming or recording is non-intrusive. Please do not interrupt the meeting by:

- standing up or moving around as this can disrupt the business. You may, however, leave the meeting whenever you wish;
- obstruct others from observing and participating in the proceedings;
- asking people to repeat statements for the purposes of the recording;
- making a noise setting up or disturb others around you by adjusting, moving, or re-siting equipment during the meeting; and
- using flash photography, extra lighting, or large equipment etc. unless it has first been agreed with us in advance and can be done without disrupting the meeting.

[26]This relates to meetings such as Full Council, the Cabinet, and all Committees and sub-Committees of the Council. It does not apply to non-decision-making working parties or advisory panels unless they have specific decision-making powers delegated to them. It also does not apply to part of any meeting where confidential or exempt information is to be discussed.

What behaviour is not allowed?

You are not allowed to make oral commentary (i.e., commentate on proceedings) whilst you are at the meeting.

The Chairman of the meeting has the absolute discretion to stop or suspend filming, recording and use of social media during a meeting if, in their opinion, the continuation of the filming, recording, or reporting would

- disrupt or prejudice the proceedings,
- infringe the rights of any individual
- may lead to the breach of a legal obligation by the Council, or
- is in danger of repeating a defamatory statement that has been made.

What if participants do not want to be filmed?

Although we ask those filming/recording to refrain from covering the public seating area, we cannot guarantee that members of the public will not be filmed.

We especially ask those filming/recording meetings to avoid vulnerable people and/or children, but again, we cannot guarantee this will happen. Those responsible for children/vulnerable people must decide whether it is appropriate for them to attend meetings in these circumstances.

Private sessions

Where a meeting goes into private session, for example where confidential or exempt information is to be discussed, the public are excluded and any filming/recording equipment remaining in the room must be turned off before the person responsible for it leaves the room.

Can councillors use social media/film/record during meetings?

Yes, but Councillors need to consider their role at meetings and ensure that nothing distracts or stops them making good and effective decisions. They must also make sure that their actions do not disturb or distract their fellow Councillors or Officers.

Councillors are also bound by a range of additional provisions that apply to them in their role as Members of the Council. They can record proceedings in the same way as members of the public, but if they film/record a meeting from a position that is not otherwise available to the public, they must first seek the permission of the Chairman of the meeting. They must also make sure that amongst others, they comply with:

- Hart District Council's Constitution
- Hart District Council's Safeguarding Policy
- Hart District Council's Corporate Equality Policy and Objectives
- Hart District Council's Members' Code of Conduct
- The General Data Protection Regulations
- The Freedom of Information Act 2000

Keeping the public informed

The potential that the meeting may be recorded or filmed will be published on the front sheet of each meeting agenda; on signs displayed at the meeting and by announcement of the Chairman at the beginning of the meeting. If you stay at a meeting after this announcement, it will be taken that you have agreed to the broadcast of your image.

The Chairman will also identify at the beginning of the meeting which areas for that particular meeting are designated for filming/recording.

Part 4.2

Access to Information: Procedure Rules

Access to Information: Procedure Rules

These rules reflect the requirements of the Local Authorities (Executive Arrangements) Meetings and Access to Information) (England) Regulations 2012.

1 Scope

1.1 These rules apply to all meetings of the Council, Overview and Scrutiny Committee, the Standards Committee, and other committees of the Council and public meetings of the Cabinet (together called meetings).

2. Rights to Information

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

3. Rights to Attend Meetings

Members of the public may attend all meetings (as above in Paragraph 1) subject only to the exceptions in these rules.

4. Notice of Meeting

4.1 The council will give at least five clear days' notice of any meeting by posting details of the meeting at the Civic Offices, Harlington Way, Fleet (the designated office) and published on the website.

4.2 Where a meeting is convened at shorter notice, publication must be as early as possible before the meeting.

5. Access to Agenda and Reports before the meeting

5.1 The Council will make copies of the agenda and reports open to the public available for inspection at the designated office and published on the website, at least five clear days before the meeting.

5.2 If an item is added to the agenda later, the revised agenda will be open to inspection from the time when the item was added to the agenda. Where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to councillors.

5.3 Where the report is deemed exempt/confidential every copy of the report, or part of the report as the case may be, must be marked not for publication, and it must be stated on every copy of the whole or part of the report, that it contains confidential information, and reference made to the descriptions in Schedule 12A to 1972 Act, the description of the exempt information by which the meeting is likely to exclude the public during that item.

5.4 Copies of the agenda and reports will be available at the meeting for members of the public, except for those items deemed exempt.

6. Supply of copies

The Council will supply copies of:

6.1 Any agenda and reports which are open to public inspection;

6.2 Any further statements or particulars necessary to indicate the nature of the items in the agenda; and

6.3 If the Chief Executive 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.

7. Access to documents after the meeting

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

7.1 The minutes of the meeting (or records of decisions taken, together with reasons, and alternative options considered, for all meetings of the Cabinet) excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;

7.2 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;

7.3 The agenda for the meeting; and

7.4 Reports relating to items when the meeting was open to the public.

7.5 The Overview and Scrutiny Committee is entitled to a copy of any document relating to any decision made by Cabinet or a committee, a Cabinet Member, or an officer in accordance with executive arrangements. This entitlement includes copies of exempt or confidential information, unless the executive determines otherwise, in which case it must provide the Overview and Scrutiny Committee with a written statement setting out its reasons for that decision.

8. Background Papers

8.1 **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:

8.1.1 disclose any facts or matters on which the report or an important part of the report is based; and

8.1.2 have been relied on to a material extent in preparing the report.

The list of background papers will not include published works or those that disclose exempt or confidential information (as defined in Rule 10).

8.2 **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 where practicable.

9. Summary of Public's Rights

9.1 A written summary of the public's rights to attend meetings and to inspect and copy documents must be published on the website and be available to the public at the designated office.

9.2 Because the Constitution must be available to the public, these Rules will constitute the written summary.

10. Exclusion of Access by the Public to meetings

10.1 **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.

10.2 **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 necessary for one of the reasons specified in Article 6 of the Human Rights Act 1998.

10.3 **Meaning of confidential information**

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

10.4 **Meaning of exempt information**

Exempt information is defined in Schedule 12A of the Local Government Act 1972 Section 100A:

Schedule 12a

Access To Information: Exempt Information

Part 1
Descriptions Of Exempt Information: England

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 the information).

4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.

5. Information in respect of which a claim to legal profession privilege could be maintained in legal proceedings.

6. Information which reveals that the authority proposes –

   a to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
   b to make an order or direction under any enactment.

7. Information relating to any action taken or to be taken in connection with the prevention, investigation, or prosecution of crime.

Part 2
Qualifications: England

8. Information falling within paragraphs 3 above is not exempt information by virtue of that 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 1965 to 1978
(e) the Building Societies Act 1986; or
(f) the Charities Act 1993

9. 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

10. Information which:

(a) falls within any of paragraphs 1 to 7 above; and
(b) is not prevented from being exempt by virtue of paragraph 8 or 9 above,

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.

10.5 **Maintaining Orderly Conduct**

The public may be excluded from meetings if the exclusion of a member or members of the public ensures the maintenance of orderly conduct or prevents misbehaviour at a meeting.

11. Exclusion of Access by the Public to Reports

If the Chief Executive thinks fit, the Council may exclude access by the public to reports which in their opinion relate to items during which, in accordance with Rule 10, 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 (refer to Part 1 of Schedule 12A of the Local Government Act 1972 Section 100A).

12. Application of Rules to the Cabinet

12.1 Rules 13 - 21 apply to the Cabinet and its committees. If the Cabinet or its committees meet to take a key decision, it must also comply with Rules 1 - 11 unless Rule 15 (General Exception) or Rule 16 (Special Urgency) apply.

A key decision is defined in Article 12.04 of this Constitution.

12.2 If the Cabinet or its committees meet 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, it must also comply with Rules 1 - 11 unless Rule 15 (General Exception) or Rule 16 (Special Urgency) apply. A key decision is defined in Article 12.04 of this Constitution. This requirement does not include meetings whose sole purpose is for officers to brief members.

13. Procedure before taking Key Decisions

Subject to Rule 15 (General Exception) and Rule 16 (Special Urgency), a key decision may not be taken unless:

13.1 a notice (called here a forward plan) has been published in connection with the matter in question;

13.2 at least three clear days have elapsed since the publication of the forward plan; and

13.3 where the decision is to be taken at a meeting of the Cabinet or its committees, notice of the meeting has been given in accordance with Rule 4 (Notice of Meetings).

13.4 The particulars of the matter of the key decision e.g., a report, is published on the website at least 28 days prior to the meeting.

13.5 Particulars of the matter must be included in the document (13.4 above) but exempt and confidential information need not be included.

14. The Forward Plan (also known as the Work Programme)

14.1 The forward plan will be published each month in the Cabinet agenda and will include Key Decisions.

14.2 Exempt information need not be included in a forward plan, and confidential information cannot be included.

15. General Exception

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

15.1 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;

15.2 the proper officer has informed the Chairman of the Overview and Scrutiny

Committee, or if there is no such person, each member of that committee in writing, by notice, of the matter to which the decision is to be made;

15.3 the proper officer has made copies of that notice available to the public at the designated office and published on the website; and

15.4 at least five clear days have elapsed since the proper officer complied with 15.2 and 15.3 above.

15.5 As soon as is practicable after 15.2 above, a notice setting out the reasons why compliance with reg 9 is impracticable and that notice published on the website.

Where such a decision is taken collectively, it must be taken in public.

16. Special Urgency

16.1 If, by virtue of the date by which a decision must be taken, Rule 15 (General Exception) cannot be followed, the decision can be taken only if the decision taker (if an individual) or the chairman of the body making the decision, obtains the agreement of the chairman of the Overview and Scrutiny Committee that the taking of the decision cannot be reasonably deferred. If the Chairman of the Overview and Scrutiny Committee is unable to act, then agreement can be sought of the Chairman or Vice Chairman of the Council.

16.2 A notice setting out the reasons that the meeting is urgent and cannot be deferred should be published on the website and made available at the designated offices as soon as is practicable.

16.3 The Leader will submit a report to the Council on any executive decision taken in the circumstances set out in Rule 16 (Special Urgency), as soon as is practicable. The report will include the decision taken and a summary of the matters in respect of which the decision was taken.

17. When the Overview and Scrutiny committee can require a report to Council

17.1 If the Overview and Scrutiny Committee thinks that a key decision has been taken which was not:

17.1.1 included in the forward plan; or

17.1.2 the subject of the general exception procedure; or

17.1.3 the subject of an agreement with the relevant Overview and Scrutiny Committee Chairman, or the Chairman/Vice-Chairman of the Council under Rule 16.

17.2 The committee may require Cabinet to submit a report to the Council within such reasonable time as the committee specifies. The power to require a report rests with the committee, but is also delegated to the proper officer, who shall require
such a report on behalf of the committee when so requested by the Chairman. Alternatively, the requirement may be raised by resolution passed at a meeting of the Overview and Scrutiny Committee. [27]

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

18. Record of Decisions

After any meeting of the Cabinet or its committees, Minutes will be produced as soon as practicable as a record of every decision taken at that meeting. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

19. Executive Decisions made by individuals

19.1 When an individual Cabinet member wishes to make an executive decision, a written statement of that executive decision must be produced, which includes:

19.1.1 A record of the decision and the date it was made

19.1.2 A record of the reasons for the decision

19.1.3 Details of options considered and rejected, conflicts of interest, dispensations granted etc

[27] The Overview and Scrutiny (Reference by Councillors) (Excluded Matters) (England) Order 2008 No 3261 excludes:
(a) any matter relating to a planning decision;
(b) any matter relating to a licensing decision;
(c) any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment;
(d) any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the overview and scrutiny committee or at a meeting of a sub-committee of that committee.

19.2 When a decision is made by an Officer, as soon as reasonably practicable after a decision has been taken by an officer, they will prepare, or instruct the proper officer to prepare, a record of the decision, a statement of the reasons for it and any alternative options considered and rejected.

20. The Overview and Scrutiny Committee's access to documents

20.1 Rights to copies

Subject to Rule 20.2 below, the Overview and Scrutiny Committee (including any sub-committees) will be entitled to copies of any document which:

20.1.1 is in the possession or control of the Cabinet or its committees; and

20.1.2 contains material relating to any business transacted at a public or private meeting of the Cabinet or its committees.

20.2 Limit on rights

The Overview and Scrutiny Committee will not be entitled to:

20.2.1 any document that is in draft form; or

20.2.2 any part of a document that contains exempt or confidential information unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise.

21. Additional rights of access for Members

21.1 Material relating to previous business

All members will be entitled to inspect any document which is in the possession or under the control of the Cabinet or its committees and contains material relating to any business previously transacted at a private meeting unless it contains exempt information.

21.2 Material relating to key decisions

All members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Cabinet or its committees which relates to any key decision unless paragraph 20.2 above applies.

21.3 Nature of rights

These rights of a member are additional to any other right that they may have.

Part 4-3

Budget and Policy Framework:

Procedure Rules

Budget and policy framework procedure rules

1. The framework for Executive Decisions

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

2. Process for developing the framework

The process by which the budget and policy framework will be developed is:

2.1 The Cabinet will publicise a timetable for making proposals to the Council for the adoption of any plan, strategy, or budget that forms part of the budget and policy framework, and its arrangements for consultation. The Chairman of the Overview and Scrutiny Committee will also be notified. The consultation period will in each instance be not less than six weeks.

2.2 At the end of that period, the Cabinet will draw up firm proposals having regard to the responses to that consultation. If the Overview and Scrutiny Committee wishes to respond to the Cabinet in that consultation process, then it may do so. As the Committee has responsibility for fixing its own work programme(s), it is open to the Committee to investigate, research or report in detail with recommendations before the end of the consultation period. The Cabinet will take any response from the Overview and Scrutiny Committee into account in drawing up firm proposals for submission to the Council, and its report to Council will reflect the comments made by consultees and the Cabinet's response.

2.3 Once the Cabinet has approved the firm proposals, the proper officer will refer them at the earliest opportunity to the Council for decision.

2.4 In reaching a decision, the Council may adopt the Cabinet's proposals, amend them, refer them back to the Cabinet for further consideration or, in principle, substitute its own proposals in their place.

2.5 If it accepts the recommendation of the Cabinet without amendment, the Council may make a decision that has immediate effect. Otherwise, it may make only an in-principle decision. In either case, the decision will be made on the basis of a simple majority of votes cast at the meeting.

2.6 The proper officer will provide a copy of the minute of the Council's decision to the Leader.

2.7 An in-principle decision will automatically become effective five working days from the date when the Leader was provided with a copy of the minute unless the Leader informs the proper officer in writing within that period that theyobject to the decision becoming effective and provides reasons why.

2.8 In that case, the proper officer will put the matter onto the agenda of a Council meeting within the next 20 working days (even though that may involve calling

an extraordinary meeting). The Council will be required to reconsider its decision and the Leader's written submission.

The Council may

2.8.1 approve the Cabinet's recommendation by a simple majority of votes cast at the meeting; or

2.8.2 approve a different decision that does not accord with the recommendation of the Cabinet by a simple majority.

2.8.3 The decision shall then be made public and be implemented immediately;

2.8.4 In approving the budget and policy framework, the Council must expressly specify any changes that it wishes to make regarding the scope for virement within the budget which can be made in accordance with paragraph 5 of these Rules. Any other changes to the policy and budgetary framework are reserved to the Council.

3. Decisions outside the budget or policy framework

3.1 Subject to the provisions of paragraph 5 (Virement), the Cabinet, Cabinet committee and any officers, or joint arrangements discharging executive functions, may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by full Council, that decision may be taken only by the Council, subject to Rule 4 below.

3.2 If the Cabinet, Cabinet committee and any officers, or joint arrangements discharging executive functions want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Finance Officer (S151 Officer) as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and/or policy framework, the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4 (Urgent decisions outside the budget or policy framework) shall apply.

4. Urgent decisions outside the budget or policy framework

4.1 The Cabinet, any Cabinet committee or officers, or joint arrangements discharging executive functions, may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may be taken only:

4.1.1 If it is not practical to convene a quorate meeting of the full Council; and

4.1.2 If the Chairman of the Overview and Scrutiny Committee agrees that the decision is a matter of urgency.

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

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

5. Virement

Steps taken by the Cabinet, a Cabinet committee, officers, or joint arrangements discharging executive functions to implement Council policy shall not exceed those budgets allocated to each budget head. However, virement across budget heads will be allowed in accordance with the Council's financial regulations contained in the Financial Procedure Rules in Part 4 of this Constitution.

6. In-year changes to policy framework

The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the Cabinet, a Cabinet committee, officers, or joint arrangements discharging executive functions must be in line with it. Those bodies may make no changes to any policy or strategy that make up the policy framework.

7. Call-in of decisions outside the budget or policy framework

7.1 Where the Scrutiny Committee is of the opinion that a Cabinet decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Monitoring Officer and/or Chief Finance Officer (S151 Officer).

7.2 In respect of functions that are the responsibility of the Cabinet, the monitoring officer's report and/or Chief Finance Officer 's (S151 Officer) report shall be to the Cabinet with a copy to every member of the Council. Regardless of whether or not the decision is delegated, the Cabinet must meet to decide what action to take in respect of the monitoring officer's report and to prepare a report to Council in the event that the Monitoring Officer or the Chief Finance Officer (S151 Officer) conclude that the decision was a departure.

7.3 If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Finance Officer (S151 Officer) is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the matter may be referred to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the

Council has met and considered the matter. The Council shall meet within 25 working days of the request by Cabinet or the proper officer. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Finance Officer (S151 Officer). The Council may:

7.3.1 endorse a decision or proposal of the executive decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all councillors in the normal way; OR

7.3.2 amend the Council's financial regulations or policy concerned to encompass the decision or proposal of the executive decision taken and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all councillors in the normal way; OR

7.3.3 require the Cabinet to reconsider the matter in accordance with the advice of either the monitoring officer/Chief Finance Officer (S151 Officer) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget and does not amend the existing framework to accommodate it.

Part 4-4

Standing Orders
for Conflict Resolution between
The Authority and the Cabinet

Standing Orders for Conflict Resolution between The Authority and The cabinet

1. In this Part:

"executive" and "executive leader" have the same meaning as in Part II of the Local Government Act 2000; and

"plan or strategy" and "working day" have the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001.

2. Where the executive of the authority has submitted a draft plan or strategy to the authority for its consideration and, following consideration of that draft plan or strategy, the authority has any objections to it, the authority must take the action set out in paragraph 3.

3. Before the authority:

3.1 amends the draft plan or strategy;

3.2 approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for their approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or

3.3 adopts (with or without modification) the plan or strategy,

it must inform the executive leader of any objections which it has to the draft plan or strategy and must give to them instructions requiring the executive to reconsider, in the light of those objections, the draft plan or strategy submitted to it.

4. Where the authority gives instructions in accordance with paragraph 3, it must specify a period of at least five working days beginning on the day after the date on which the executive leader receives the instructions on behalf of the executive within which the executive leader may:

4.1 submit a revision of the draft plan or strategy as amended by the executive (the "revised draft plan or strategy"), with the executive's reasons for any amendments made to the draft plan or strategy, to the authority for the authority's consideration; or

4.2 inform the authority of any disagreement that the executive has with any of the authority's objections and the executive's reasons for any such disagreement.

5. When the period specified by the authority, referred to in paragraph 4, has expired, the authority must, when:

5.1 amending the draft plan or strategy or, if there is one, the revised draft plan or strategy;

5.2 approving, for the purpose of its submission to the Secretary of State or any Minister of the Crown for their approval, any plan or strategy (whether or not in the form of a draft or revised draft) of which any part is required to be so submitted; or

5.3 adopting (with or without modification) the plan or strategy,

take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the executive's reasons for those amendments, any disagreement that the executive has with any of the authority's objections and the executive's reasons for that disagreement, which the executive leader submitted to the authority, or informed the authority of, within the period specified.

6. Subject to paragraph 10, where, before 8th February in any financial year, the authority's executive submits to the authority for its consideration in relation to the following financial year:

6.1 estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 37 or 43 to 49, of the Local Government Finance Act 1992

6.2 estimates of other amounts to be used for the purposes of such a calculation;

6.3 estimates of such a calculation; or

6.4 amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992

and following consideration of those estimates or amounts the authority has any objections to them; it must take the action set out in paragraph 7.

7. Before the authority makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in paragraph 6(a), or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992, it must inform the executive leader of any objections which it has to the executive's estimates or amounts and must give to them instructions requiring the executive to reconsider, in the light of those objections, those estimates and amounts in accordance with the authority's requirements.

8. Where the authority gives instructions in accordance with paragraph 7, it must specify a period of at least five working days beginning on the day after the date on which the executive leader receives the instructions on behalf of the executive within which the executive leader may:

8.1 submit a revision of the estimates or amounts as amended by the executive ("revised estimates or amounts"), which have been reconsidered in accordance with the authority's requirements, with the executive's reasons for any amendments made to the estimates or amounts, to the authority for the authority's consideration; or

8.2 inform the authority of any disagreement that the executive has with any of the authority's objections and the executive's reasons for any such disagreement.

9. When the period specified by the authority, referred to in paragraph 8, has expired, the authority must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in paragraph 6(a), or issuing a precept under Chapter IV of Part I of the Local Government Finance Act 1992, take into account:

9.1 any amendments to the estimates or amounts that are included in any revised estimates or amounts;

9.2 the executive's reasons for those amendments;

9.3 any disagreement that the executive has with any of the authority's objections; and

9.4 the executive's reasons for that disagreement,

which the executive leader submitted to the authority, or informed the authority of, within the period specified.

10. Paragraphs 6 to 9 shall not apply in relation to:

10.1 calculations or substitute calculations which an authority is required to make in accordance with section 52I, 52J, 52T or 52U of the Local Government Finance Act 1992; and

10.2 amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with section 52J or 52U of that Act.

Part 4-5

Cabinet and Executive

Procedure Rules

Cabinet and Executive Procedure Rules

1. The Executive

1.1 Executive Decisions

The arrangements for the discharge of executive functions are set out in the executive arrangements adopted by the Council. The arrangements provide for executive functions to be discharged by:

1.1.1 the Cabinet as a whole;

1.1.2 a Cabinet committee;

1.1.3 an officer;

1.1.4 an individual member of the Cabinet;

1.1.5 joint arrangements; or

1.1.6 another local authority.

1.2 Delegation of executive functions

At the Annual Meeting of the Council, the Leader will present to the Council a written record of delegations made by them for inclusion in the Council's Scheme of Delegation in Part 3 of the Constitution. The document presented by the Leader will contain the following information about executive functions in relation to the coming year:

1.2.1 the names, addresses and wards of the people appointed to the Cabinet by the Leader;

1.2.2 the extent of any authority delegated to Cabinet members individually, including details of the limitation on their authority;

1.2.3 the terms of reference and constitution of such executive committees as the leader appoints, and the names of executive members appointed to them;

1.2.4 the nature and extent of any delegation of executive functions to any other authority or to any joint arrangements, and the names of those Cabinet members appointed to any joint committee for the coming year: and

1.2.5 the nature and extent of any delegation to officers, with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

1.3 Sub-delegation of executive functions

1.3.1 Where the Cabinet or a committee of the Cabinet is responsible for an executive function, it may delegate to joint arrangements or an officer.

1.3.2 Unless the Council directs otherwise, if the Leader delegates functions to the Cabinet, the Cabinet may delegate further to a committee of the Cabinet.

1.3.3 Unless the Leader directs otherwise, a committee of the Cabinet to whom functions have been delegated by the Leader may delegate further to an officer.

1.3.4 Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the body who delegated.

1.4 The Council's scheme of delegation and executive functions

The Council's scheme of delegation will be subject to adoption by the Council and may be amended only by the Council. It will contain the details required in Article 7 and set out in Part 3 of this Constitution.

1.5 Conflicts of interest

1.5.1 Where the Leader has a conflict of interest, this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

1.5.2 If every member of the Cabinet has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

1.5.3 If the exercise of a Cabinet function has been delegated to a committee of the Cabinet, or an officer, and should a conflict of interest arise, the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

1.6 Scheduling of Cabinet meetings

The Cabinet will be scheduled to meet a minimum of 12 times per year at times to be agreed by the Council. The Cabinet will meet at the Council's main offices or another location to be determined by the proper officer in consultation with the Leader.

1.7 **Public or private meetings of the Cabinet**

All meetings of the Cabinet will be open to the public unless the item under discussion is considered exempt under Schedule 12A and Section 100 of the Local Government Act 1972 or confidential under Section 100A of the Local Government Act 1972.

1.8 **Quorum**

The quorum for a meeting of the Cabinet, or a committee of it, will be three Members.

1.9 **Decisions of the Cabinet**

1.9.1 Executive decisions that have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.

1.9.2 Where executive decisions are delegated to a committee of the Cabinet, the rules applying to executive decisions taken by them will be the same as those applying to those taken by the Cabinet as a whole.

2. Conduct o Cabinet Meetings

2.1 **Chair**

If the Leader or Deputy Leader is present, they will preside. In their absence, a person appointed to do so by those present will preside.

2.2 **Attendance**

Cabinet meetings are open to all members of the public, subject to paragraph 1.7 above.

2.3 **Business**

At each meeting of the Cabinet the following business will be conducted:

2.3.1 consideration of the minutes of the last meeting;

2.3.2 declarations of pecuniary interest, if any;

2.3.3 matters referred to the Cabinet by the Council for reconsideration by the Cabinet in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;

2.3.4 receipt of written representations from Council Members or members of the public; and

2.3.5 matters set out in the agenda for the meeting, which will indicate which are key decisions and which are not in accordance with the Access to Information Procedure rules set out in Part 4 of this Constitution.

2.4 Consultation

All reports to the Cabinet from any member of the Cabinet or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and Overview and Scrutiny Committee as well as the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

2.5 The Agenda

2.5.1 Any member of the Cabinet may ask for an item to be placed on the agenda of the next available meeting of the Cabinet for consideration. If they receive such a request, the proper officer will comply.

2.5.2 The proper officer will make sure that an item is placed on the agenda of the next available meeting of the Cabinet where the Overview and Scrutiny Committee or the full Council have resolved that an item be considered by the Cabinet.

2.5.3 There will be a standing item on the agenda of each meeting of the Cabinet for matters referred by the Overview and Scrutiny Committee, the Council, or a member of the Cabinet. However, there cannot be more than six such matters per Cabinet meeting.

2.5.4 At the discretion of the Leader, or other person chairing a Cabinet meeting, members of the Council can be invited to take part in discussions at that meeting.

2.5.5 The Monitoring Officer and/or the Chief Finance Officer (S151 Officer) may include an item for consideration on the agenda of a Cabinet meeting and may require the proper officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Chief Executive, Chief Finance Officer (S151 Officer) and Monitoring Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

2.6 **Minutes**

2.6.1 The minutes of the meeting will be produced in a timely manner, made available to the public and published on the website as soon as is practicable.

2.6.2 The minutes of the meeting will record particulars of each decision made and a summary of the matters in respect of which each decision was made.

2.6.3 The minutes will be agreed at the following meeting, with any amendments to those minutes noted on the minutes of the meeting at which they were agreed.

2.6.4 The minutes will be signed by the Chairman of the meeting at which they are agreed.

Part 4-6

Overview and Scrutiny Procedure Rules

Overview and Scrutiny Procedure Rules – Overview and Scrutiny Committee

1. Arrangements for the Overview and Scrutiny Committee

The Council will appoint a Committee, set out in Article 6.

The terms of reference of the Committee in respect of matters will be:

1.1 the performance of all overview and scrutiny functions on behalf of the Council[28];

1.2 the appointment of such sub-committees as it considers appropriate to fulfil those overview and scrutiny functions;

1.3 to prepare an annual overview and scrutiny work programme, including the programme of any sub-committee it appoints, so as to ensure that the Committee's time is effectively and efficiently utilised;

1.4 to put in place a system to ensure that referrals from the Committee to the Cabinet either by way of report or for reconsideration are managed efficiently and do not exceed the limits set out in this Constitution;

1.5 in the event of reports to the Cabinet jeopardising the efficient running of Council business, at the request of the Cabinet to make decisions about the priority of referrals made.

2. Members of the Committee

All councillors except members of the Cabinet may be members of the Committee. However, no member may be involved in scrutinising a decision in which they have been directly involved.

3. Co-optees

The Committee will be entitled to recommend to Council the appointment of a number of people as non-voting co-optees.

[28] The Overview and Scrutiny (Reference by Councillors) (Excluded Matters) (England) Order 2008 No 3261 excludes:
(a) any matter relating to a planning decision;
(b) any matter relating to a licensing decision;
(c) any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment;
(d) any matter which is vexatious, discriminatory, or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the overview and scrutiny committee or at a meeting of a sub-committee of that committee.

4. Meetings of the Committee

There shall be up to 12 scheduled meetings of the Committee in each year. In addition, extraordinary meetings may be called from time to time as and when appropriate. The Chairman may call a Committee meeting; a meeting may also be called by any three members of the Committee or by the proper officer if they consider it necessary or appropriate.

5 Quorum

The quorum for the Committee will be as set out for committees in the Council and Committee Procedure Rules (Standing Orders) in Part 4 of this Constitution.

6. Work programme

The Committee will be responsible for setting their own work programme and in doing so they shall take into account wishes of members on that on the Committee who are not members of the largest political group on the Council.

7. Agenda items

7.1 Any member of the Committee will be entitled to give notice to the proper officer that they wishe an item relevant to the functions of the panel to be included on the agenda for the next available meeting of the Committee. On receipt of such a request, the proper officer will ensure that it is included on the next available agenda.

7.2 The Committee(s) will also respond, as soon as their work programme(s) permit, to requests from the Council and (if it considers it appropriate) the Cabinet to review particular areas of Council activity. Where the Council or Cabinet does so, the Committee(s) will report its findings and any recommendations to the Cabinet and/or Council, who will consider the report of the Committee(s) within one month of receiving it.

8. Policy review and development

8.1 The role of the Committee in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.

8.2 In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Committee may make proposals to the Cabinet.

8.3 The 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. They may ask witnesses to address them on any matter under consideration

and may pay advisers, assessors and witnesses a reasonable fee and expenses for doing so.

9. Reports from Committee

9.1 Once it has formed recommendations on proposals for development, the Committee will prepare a formal report and submit it to either the proper officer for consideration by the Cabinet (if the proposals are consistent with the existing budgetary and policy framework), or the Council (e.g., if the recommendation would require a departure from or a change to the agreed budget and policy framework).

9.2 If the Committee cannot agree on one single final report to the Council or the Cabinet as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or Cabinet with the majority report.

9.3 The Council or Cabinet shall consider the report of the Committee within one month of it being submitted to the proper officer.

10. Consideration by the Cabinet of Overview and Scrutiny Reports

10.1 The reports of the Committee referred to the Cabinet will be included at this point in the agenda (unless they have been considered in the context of the Cabinet's deliberations on a substantive item on the agenda) within two months of the Committee completing its report/recommendations.

10.2 The Committee will in any event have access to the Cabinet's forward plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from the Committee following a consideration of possible policy/service developments, the panel will at least be able to respond in the course of the Cabinet's consultation process in relation to any key decision.

11. Rights of Committee members to documents

11.1 In addition to their rights as councillors, members of the Committee have the additional right to documents, and to notice of meetings, as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.

11.2 Nothing in this paragraph prevents more-detailed liaison between the Cabinet and the Committee, depending on the particular matter under consideration.

12. Members and officers giving account

12.1 The Committee may scrutinise, and review decisions made, or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role they may require any member of the Cabinet, the Head of Paid Service and/or any senior officer to attend to explain:

12.1.1 any particular decision or series of decisions;

12.1.2 the extent to which the actions taken implement Council policy;

12.1.3 their performance.

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

12.2 Where any member or officer is required to attend the Committee under this provision, the Chairman of the panel will inform the proper officer. The proper officer will inform the Member or officer in writing, giving at least five clear working days' notice of the meeting at which, they are required to attend. The notice will state the nature of the item for which They are required to attend and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, the Member or officer concerned will be given sufficient notice to allow for the preparation of that documentation.

12.3 Where, in exceptional circumstances, the Member or officer is unable to attend on the required date, the Committee shall in consultation with the Member or officer arrange an alternative date for attendance.

13. Attendance by others

The Committee may invite people, other than those people referred to in paragraph 13 above, to address it in order to discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and Members and officers in other parts of the public sector and will invite such people to attend.

14. Call-in

14.1 Call-in should be used only in exceptional circumstances. The circumstances in which it can be used are as follows:

14.1.1 Any five or more non-executive Members will have the right within five working days of the publication of the decision (subject to giving reasons) to call in any Cabinet decision to the Committee on the grounds that it is:

14.1.1.1 contrary to policy;

14.1.1.2 contrary to budget; or

14.1.1.3 based on incorrect, inadequate, or inaccurate information.

14.1.2 The Chief Executive may reject a request for call-in if he is of the view that none of the grounds in 14.1.1.1 to 14.1.1.3 above has been satisfied.

14.1.3 Any five or more members will have the right within five working days of the publication of the decision (subject to giving reasons) to call in to the Committee any executive decision which is made under joint arrangements, or which is a key decision made by an officer with delegated powers from the

Cabinet on any of the grounds 14.1.1.1 to 14.1.1.3 set out in the preceding paragraph.

14.1.4 Any fifteen members will have the right within five working days of the publication of the decision to call in any executive decision direct to full Council if they consider it to be a matter of such importance that it needs to be considered by the full Council.

14.2 When an executive decision is made by the Cabinet or under joint arrangements, or a key decision is made by an officer with delegated authority from the Cabinet, a record of that decision will be published on the website and will be available at the main offices of the Council normally within two days of being made. The proper officer will send all Councillors copies of the records of all such decisions within the same timescale. The record will bear the date on which it is published.

14.3 Subject to the urgency provisions in paragraph 15 below, any executive decision of the type referred to in paragraph 14.2 above will come into force and may be implemented following the expiry of five working days from the date of publication of the record of the decision UNLESS before the expiry of that period the decision is called in in accordance with these rules.

14.4 Members will notify the proper officer of any executive decision that they wish to call in within five days of the date of its publication. The proper officer shall refer any decision that is called in accordance with these Rules to either the Overview and Scrutiny Committee or full Council as appropriate. The proper officer shall notify the decision-taker of the call-in.

14.5 The Committee will, as soon as practicable, consider any decision that has been called in (unless under para 14.1.4 above members elect to call in directly to full Council).

14.6 If, having considered a called-in decision, the Committee is still concerned about it, then it may either refer it back to the decision-taker for reconsideration, setting out in writing the nature of its concerns, or refer the matter to full Council. If referred to the decision-taker, that person or body will then reconsider the decision within a further 10 working days, or at its next scheduled meeting (whichever is the later) amending the decision or not, before adopting a final decision.

14.7 If, having considered a called-in decision, the Committee does not refer the matter back to the decision-taker or onwards to full Council, the decision will take effect on the next working day after the Committee meeting.

14.8 If, in the view of the proper officer, the Committee fails to consider as soon as practicable any decision that has been called in to the Committee, the proper officer will refer the matter to the next available meeting of full Council.

14.8.1 If the matter is referred to full Council and Council does not object to a decision that has been made, no further action is necessary, and the decision will take effect on the next working day after the Council meeting. However, if

Council does object, it has no locus to make decisions in respect of an executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, Council will refer any decision to which it objects back to the decision-taker, together with the Council's views on the decision. The decision taker will consider whether to amend the decision before reaching a final decision and implementing it.

15. Call-in and urgency

15.1 The call-in procedure set out above will not apply where the decision being taken by the Cabinet is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests. The record of the decision will state whether, in the opinion of the decision-making person or body, the decision is an urgent one, and therefore not subject to call-in. The Chairman of the Council and the Chairman of the Committee must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of either Chairman, the relevant Vice-Chairman's consent will be required. In the absence of the required Members, the Chief Executive or their nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

16. The party whip

No party whip shall be applied to the proceedings of the Committee.

17. Procedure at committee meetings

17.1 The Committee and sub-committees will consider the following business:

17.1.1 minutes of the last meeting;

17.1.2 declarations of pecuniary interest;

17.1.3 consideration of any decisions "called in" to the committee;

17.1.4 whether any Cabinet decisions published since the committee last met should be "called-in" for consideration or referred to Council;

17.1.5 responses of the Cabinet to reports of the Committee; and

17.1.6 the business otherwise set out on the agenda for the meeting.

17.2 Where the Committee conducts investigations, it may also ask people to attend to give evidence at meetings that are to be conducted in accordance with the following principles:

17.3 that the investigation be conducted fairly, and all members of the panel be given the opportunity to ask questions of attendees, and to contribute and speak;

17.4 that those assisting the committee by giving evidence be treated with respect and courtesy; and

17.5 that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

17.6 Following any investigation or review, the Committee will prepare a report, for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.

Part 4.7

Financial Regulations

Our financial rules and procedures are set out in our financial regulations

Part 4-8

Contract Procurement Rules

Purchases we make are governed by our contract procurement rules.

Part 4-9

Officer Employment Procedure Rules

Officer Employment Procedure Rules

1. Recruitment and appointment

1.1 In this Standing Order -

"the 1989 Act" means the Local Government and Housing Act 1989;

"the 2000 Act" means the Local Government Act 2000;

"disciplinary action" has the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001;

"executive" and "executive leader" have the same meaning as in Part II of the 2000 Act;

"member of staff" means a person appointed to or holding a paid office or employment under the authority; and

"proper officer" means an officer appointed by the authority for the purposes of the provisions in this Part.

1.2 Subject to paragraphs 3 and 7, the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the authority must be discharged, on behalf of the authority, by the officer designated under section 4(1) of the 1989 Act (designation and reports of head of paid service) as the head of the authority's paid service or by an officer nominated by them.

1.3 Paragraph 2 shall not apply to the appointment or dismissal of, or disciplinary action against -

1.3.1 the officer designated as the head of the authority's paid service;

1.3.2 a statutory chief officer within the meaning of section 2(6) of the 1989 Act (politically restricted posts);

1.3.3 a non-statutory chief officer within the meaning of section 2(7) of the 1989 Act;

1.3.4 a deputy chief officer within the meaning of section 2(8) of the 1989 Act; or

1.3.5 a person appointed in pursuance of section 9 of the 1989 Act (assistants for political groups).

1.4 Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the appointment or dismissal 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 them or,

as the case may be, must approve that dismissal before notice of dismissal is given to them.

1.5 Where a committee or a sub-committee of the authority is discharging, on behalf of the authority, the function of the appointment or dismissal of any officer referred to in sub-paragraphs 1.3.1 to 1.3.5, at least one member of the executive must be a member of that committee or sub-committee.

1.6 In this paragraph, "appointor" means, in relation to the appointment of a person as an officer of the authority, the authority or, where a committee, sub-committee or officer is discharging the function of appointment on behalf of the authority, that committee, sub-committee or officer, as the case may be.

1.7 An offer of an appointment as an officer referred to in sub-paragraphs 1.3.1 to 1.3.5 must not be made by the appointor until -

1.7.1 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;

1.7.2 the proper officer has notified every member of the executive of the authority of -

1.7.2.1 the name of the person to whom the appointor wishes to make the offer;

1.7.2.2 any other particulars relevant to the appointment which the appointor has notified to the proper officer; and

1.7.2.3 the period within which any objection to the making of the offer is to be made by the executive leader on behalf of the executive to the proper officer; and

1.7.3 either -

1.7.3.1 the executive leader has, within the period specified in the notice under sub-paragraph 1.7.2.3, notified the appointor that neither he nor any other member of the executive has any objection to the making of the offer;

1.7.3.2 the proper officer has notified the appointor that no objection was received by them within that period from the executive leader; or

1.7.3.3 the appointor is satisfied that any objection received from the executive leader within that period is not material or is not well-founded.

1.8 In this paragraph, "dismissor" means, in relation to the dismissal of an officer of the authority, the authority or, where a committee, sub-committee or

another officer is discharging the function of dismissal on behalf of the authority, that committee, sub-committee or other officer, as the case may be.

1.9 Notice of the dismissal of an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3 must not be given by the dismissor until -

1.9.1 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;

1.9.2 the proper officer has notified every member of the executive of the authority of -

1.9.2.1 the name of the person who the dismissor wishes to dismiss;

1.9.2.2 any other particulars relevant to the dismissal which the dismissor has notified to the proper officer; and

1.9.2.3 the period within which any objection to the dismissal is to be made by the executive leader on behalf of the executive to the proper officer; and

1.9.3 either -

1.9.3.1 the executive leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the dismissor that neither he nor any other member of the executive has any objection to the dismissal;

1.9.3.2 the proper officer has notified the dismissor that no objection was received by them within that period from the executive leader; or

1.9.3.3 the dismissor is satisfied that any objection received from the executive leader within that period is not material or is not well-founded.

1.10 Nothing in paragraph 2 shall prevent a person from serving as a member of any committee or sub-committee established by the authority to consider an appeal by -

1.10.1 another person against any decision relating to the appointment of that other person as a member of staff of the authority; or

1.10.2 a member of staff of the authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.

2. Declarations and canvassing

2.1 Declarations

2.1.1 The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or officer of the Council; or of the partner of such persons.

2.1.2 No candidate so related to a councillor or an officer will be appointed without the authority of the relevant chief officer, or an officer nominated by them.

2.1.3 Seeking support for appointment

2.1.3.1 Subject to rule14, 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.

2.13.2 Subject to rule15, no councillor will seek support for any person for any appointment with the Council.

3. Recruitment of Head of Paid Service and chief officers

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

3.1 draw up a statement specifying:

3.1.1 the duties of the officer concerned; and

3.1.2 any qualifications or qualities to be sought in the person to be appointed;

3.2 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

3.3 make arrangements for a copy of the statement to be sent to any person on request.

4. Appointment of head of paid service

The full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by a committee or sub-committee of the Council. That committee or sub-committee must include at least one member of the executive.

5. Appointment of other statutory officers

The Council shall make every appointment of a Chief Officer (defined as Chief Finance Officer (S151 Officer), Head of Paid Service and Monitoring Officer).

6. Advertisement of vacancies

Where the Council proposes to fill a salaried post, and it is not proposed that the appointment be made from its existing staff, it shall -

6.1 draw up a statement specifying -

6.1.1 the duties of the officer concerned; and

6.1.2 any qualifications or qualities to be sought in the person to be appointed.

6.2 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

6.3 make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

7. Where a post has been advertised as provided in Rule 6, the Council shall –

7.1 interview all qualified applicants for the post; or

7.2 select a short list of such qualified applicants and interview those included on the short list.

7.3 where no qualified person has applied, the Council shall make further arrangements for advertisement in accordance with Rule 6.

The Council shall appoint such Officers as it thinks necessary for the proper discharge of such of its or another Authority's functions as fall to be discharged by them.

Executive Director - Corporate shall not be obliged to comply with Rule 6 in cases where they are exercising their role as contractor as a result of the Local Government Act 1988, the Local Government, Planning and Land Act 1980 or the Local Government Act 1992.

8. Disciplinary action

8.1 Disciplinary action for the dismissal of the Head of Paid Service, Chief Finance Officer (S151 Officer) or Monitoring Officer shall take place in accordance with Schedule 3 of the Local Authorities (Standing Orders) (England) Regulations 2015. Staffing Committee has the powers of the Investigating and Disciplinary Committee required by the Regulations and Model Procedures and the Staffing Committee is authorised to manage the

process and to make the necessary decisions appropriate to the Regulations and in accordance with Joint Negotiating Committee guidance.

8.2 Suspension - The Head of Paid Service, Directors, Monitoring Officer, or Chief Finance Officer (S151 Officer) may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months unless the Investigator(s) recommend the suspension should continue beyond that point.

8.3 Members will not be involved in disciplinary action against any officer below Chief Officer level, except where such involvement is necessary for any investigation or inquiry into alleged misconduct. Such disciplinary action will be undertaken by the Head of Paid Service, or an officer nominated by them.

8.4 The Staffing Committee, aided by the Independent Persons appointed by the Council under s.28(7) of the Localism Act 2011, will make recommendations to Council for the dismissal of the Head of Paid Service, Chief Finance Officer (S151 Officer) or Monitoring Officer, and Council must approve that dismissal before notice is given to that person.

8.5 The Staffing Committee, aided by the Independent Persons appointed by the Council under s.28(7) of the Localism Act 2011, shall approve any disciplinary action, short of dismissal, against the Head of Paid Service, Chief Finance Officer (S151 Officer), or Monitoring Officer.

8.6 Subject to the provisions of the Local Authorities (Standing Orders) (England) Regulations 2015, all actions will be in accordance with both the JNC (Joint Negotiating Committee) Conditions of Service for Chief Executives/Chief Officers and the Council's employment policies.

8.7 Notice of the dismissal of the Chief Executive, Head of Paid Service, Monitoring Officer, or Chief Finance Officer (S151 Officer), must be given to the Executive in accordance with paragraph 6 of Part 11 to Schedule 1 of the Local Authorities (Standing Orders) (England) Regulations 2015.

8.8 The Chief Executive, Head of Paid Service, Monitoring Officer, and Chief Finance Officer (S151 Officer), have a right of appeal against dismissal to an Appeals Committee specifically appointed for that purpose.

9. Filling of vacancy by appointment of former applicant

Where within six months of the filling of a vacancy which has been publicly advertised, a similar vacancy occurs in a Business Unit, the Chief Executive, appropriate Officer exercising delegation, the cabinet or appropriate Sub-Committee or Panel, may appoint one of the former applicants.

10. Temporary appointment

Where a Standing Deputy has not been appointed, the Cabinet, or Chief Executive/appropriate Officer exercising delegation, may, if they think fit,

appoint, and fix the remuneration of some person to carry on temporarily the duties of the office until a successor is appointed.

11. Conditions of service

An officer appointed by the Council in accordance with Rule 6, shall hold office on such reasonable terms and conditions, including conditions as to remuneration, as the Council thinks fit.

12. Canvassing by candidates

Canvassing of Members of the Council, directly or indirectly, for any appointment under the Council shall disqualify the candidate concerned for that appointment, and the purport of this Rule shall be included in any form of application.

13. Soliciting by Members

A Member shall not solicit for any person an appointment under the Council, but this shall not preclude a Member from giving a written testimonial of a candidate's ability, experience, or character for submission to the Council with an application for appointment.

14. Disclosure of relationship by applicant

A candidate for any appointment under the Council who knows that he is related to any Member or officer shall, when making an application, disclose that relationship to the Chief Executive.

15. Disclosure of relationship by Members and officers

Every Member and officer shall disclose to the Chief Executive any relationship known to them to exist between themselves and any person who they know is a candidate for an appointment under the Council.

16. Notification to Council or committee of disclosure

The Chief Executive shall report to the Council or the appropriate Committee any such disclosure made to them.

17. Failure to disclose relationship by applicant

A candidate who fails to disclose such a relationship shall be disqualified for the appointment and, if appointed, shall be liable to dismissal without notice.

Part 5

Codes and Protocols

Members Code of Conduct

All councillors in Hart district are governed by a code of conduct.

It covers a broad range of councillor behaviour, including:

- not abusing their position
- not misusing resources

Read our code of conduct and how to report a breach of the code.

Procedure to be used in the event of a grievance against a Councillor

Read our Grievance Against a Councillor Procedure

Protocol for Member/Officer Relations

Protocol for Member/Officer Relations

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Relating to Members and officers

Protocol for Member/Officer Relations

1. Introduction

1.1 The purpose of this protocol is to guide Members and Officers of the Council in their relations with one another in such a way as to ensure the smooth running of the Council.

1.2 Given the variety and complexity of such relations, this protocol does not seek to be either prescriptive or comprehensive. It seeks simply to offer guidance on some of the issues which most commonly arise. It is hoped, however, that the approach which it adopts to these issues will serve as a guide to dealing with other issues.

1.3 This protocol is to a large extent no more than a written statement of current practice and convention. It seeks to promote greater clarity and certainty. If the advice is followed it should also ensure that Members receive objective and impartial advice and that officers are protected from accusations of bias and any undue influence from Members.

2. General Principles

2.1 This protocol seeks to reflect the principles underlying the respective Codes of Conduct which apply to Members and officers and are referred to more fully in section 12 below. The shared object of these codes is to enhance and maintain the integrity (real and perceived) of local government and they, therefore, demand very high standards of personal conduct.

2.2 A relevant extract from the National Code of Local Government Conduct for members is reproduced below:

"Both councillors and officers are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council. Their job is to give advice to councillors and the council, and to carry out the council's work under the direction and control of the council, their committees, and sub-committees.

Mutual respect between councillors and officers is essential to good local government. Close personal familiarity between individual councillors and officers can damage this relationship and prove embarrassing to other councillors and officers."

2.3 A balance between formality and informality in Member-officer relations needs to be struck - there are dangers in over emphasising informality, just as unnecessary formality is unduly restrictive. In terms of the new roles and settings that are emerging, formal relations need to be maintained in all public decision-making arenas, including DSO board-style arrangements, policy scrutiny committees and multi-agency partnerships. More informal relations may be appropriate, however, in Panels, Area Forums and area-based partnerships as well as in community development initiatives and for strategy formulation or problem-solving more generally.

2.4 In line with the National Code's reference to "mutual respect" it is important that any dealings between Members and officers should observe reasonable standards of courtesy and that neither party should seek to take unfair advantage of their position.

2.5 Members should not raise matters relating to the conduct or capability of a Council employee or of employees collectively at meetings held in public. This is a longstanding tradition in public service. Employees have no means of responding to criticisms like this in public. Such criticism should, however, be distinguished from Members' right to disagree with the professional judgement of officers; Members are not *bound* to follow officers' advice. If Members feel they have not been treated with proper respect, courtesy or have any concern about the conduct or capability of a Council employee, they should raise the matter with the Executive Director of the department concerned if they fail to resolve it through direct discussion with the employee. The Executive Director will then look into the facts and report back to the Member. If the Member continues to feel concern, the Member should then report the facts to the Chief Executive who will look into the matter afresh.

2.6 There is also an established convention that officers do not criticise Members in public meetings. The Council's Standing Orders contain a procedure for dealing with a grievance by an officer against a Member (as well as one for dealing with a grievance by one Member against another) pursuant to the Council's harassment policies.

2.7 It is an inevitable consequence of political life that there may be occasions on which a Member feels bound publicly to criticise the Council. However, before doing so, it is important that the Member has taken adequate steps to verify the accuracy of the facts upon which such criticism is based. The Member concerned would normally be expected to verify the facts with the relevant officer unless they are sure as to their accuracy.

2.8 It is recognised that there may be close social or personal relationships between Members and officers which commenced either before or after a Member's election to or an officer's employment by the Council. In these circumstances, the Member should disclose this relationship to their group leader and to the Council's Monitoring Officer, and the officer to their Executive Director and to the Monitoring Officer. In order to maintain the integrity of the individuals concerned and the Council, such relationships should never be hidden. To do so can lead to suspicion and mistrust. The group leaders and Chief Executive will endeavour to ensure that neither the Member nor the officer is placed in a position where such relationship between the Member and the officer will be seen to conflict with the remaining provisions of this protocol.

3. Officer Advice to Members

3.1 It must be recognised by all Officers and Members that, in discharging their duties and responsibilities, officers serve the Council as a whole and not exclusively any political group, combination of groups or any individual Member of the Council.

3.2 There is now statutory recognition for party groups, and it is common practice for such groups to give preliminary consideration to certain matters of Council business in advance of such matters being considered by the relevant Council decision making body. All officers must, in their dealings with political groups and individual Members, treat them in a fair and even-handed manner.

3.3 The support provided by officers will most frequently/has usually taken the form of a briefing meeting with a Chairman and/or Vice Chairman prior to a committee or panel meeting. It is likely that similar arrangements will evolve with the relevant portfolio holder in the Cabinet. Whilst in practice officer support is likely to be in most demand from whichever party group is for the time being in control of the Council, such support is available to all party groups.

3.4 Officer support must not extend beyond providing information and advice in relation to matters of *Council* business. Officers must not be involved in advising on any matters of party business.

3.5 Unless otherwise agreed in advance with the Chief Executive, officers will not brief meetings which include persons who are not Members of the Council. However, where attendance in these circumstances has been agreed by the Chief Executive, special care will need to be exercised by officers involved in providing information and advice to such meetings. Persons who are not Councillors will not be bound by the National Code of Local Government Conduct (in particular, the provisions concerning the declarations of interests and confidentiality) and, for this and other reasons, officers may not be able to provide the same level of information and advice as they would to a Members-only meeting.

3.6 Any request for advice, together with the advice given to a political group or Member will be treated with strict confidentiality by the officers concerned and will not be accessible to any other political group. It is acknowledged, however, that factual information upon which any advice is based will, if requested, be available to all Members.

3.7 Officers must respect the confidentiality of any party group discussions at which they are present in the sense that they should not relay the content of any such discussion to another party group.

3.8 Any particular cases of difficulty or uncertainty in this area of officer advice to Members should be raised with the Chief Executive who will discuss them with the relevant group leader(s).

4. Support Services to Members

4.1 The only basis on which the Council can lawfully provide support services (e.g.) stationery, photocopying, meeting rooms etc.) to Members is to assist them in discharging their role as members of the Council. Such support services must therefore be used only on Council business. This limitation will on occasion require a distinction to be made between the business of a political group on the one hand and more general party political or campaigning activity on the other. Support services can properly be used for the former purposes but not for the latter.

5. Members' Access to Information and to Council Documents

5.1 Members are free to approach any Council Department to provide them with such information, explanation, and advice (about that Department's functions) as they may reasonably need in order to assist them in discharging their role as members of the Council. This can range from a request for general information about some aspect of a Department's activities to a request for specific information on behalf of a constituent. Such approaches should normally be directed to the Executive Director, or another senior officer of the Department concerned. In cases of doubt, officers in the Democratic Services Group should be asked for assistance.

5.2 As regards the legal rights of Members to inspect Council documents, these are covered partly by statute and partly by the common law.

5.3 Members have a statutory right to inspect any Council document *which contains material relating to any business which is to be transacted at a Council, Cabinet, Committee or Sub-Committee meeting.* This right applies irrespective of whether the Member is a member of the Cabinet, committee or sub-committee concerned and extends not only to reports which are to be submitted to the meeting, but also to any relevant background papers. This right does not, however, apply to documents relating to certain items which may appear on the "Exempt" section of the agenda for a meeting. The items in question are those which contain exempt information relating to employees, occupiers of Council property, applicants for grants and other services, the care of children, contract and industrial relations negotiations, advice from Counsel and criminal investigations.

5.4 The common law right of Members is much broader and is based on the principle that any Member has a prima facie right to inspect Council documents *so far as their access to the documents is reasonably necessary to enable the member properly to perform their duties as a Member of the Council*. This principle is commonly referred to as the "need to know" principle.

5.5 The exercise of this common law right depends therefore, upon the Member's ability to demonstrate that he or she has the necessary "need to know". In this respect a Member has no right to "a roving commission" to go and examine documents of the Council. Mere curiosity is not sufficient. The crucial question is the determination of the "need to know". This question must initially be determined by the particular Executive Director whose Department holds the document in question (with advice from the Monitoring Officer or the Chief

Executive). In the event of dispute, the question falls to be determined by the Cabinet or relevant committee - i.e., the committee in connection with whose functions the document is held.

5.6 In some circumstances (e.g., a Cabinet or Committee member wishing to inspect documents relating to the business of that Committee) a Member's "need to know" will normally be presumed. In other circumstances (e.g., a Member wishing to inspect documents which contain personal information about third parties) a Member will normally be expected to justify the request in specific terms. Furthermore, there will be a range of documents which, because of their nature are either not accessible by Members or accessible only by the political group forming the administration and not by the other political groups. An example of this latter category would be draft documents compiled in the context of emerging Council policies and draft committee reports, the disclosure of which prematurely might be against the Council's and the public interest.

5.7 Whilst the term "Council document" is very broad and includes for example, any document produced with Council resources, it is accepted by convention that a Member of one party group will not have a "need to know" and, therefore, a right to inspect, a document which forms part of the internal workings of another party group.

5.8 Further and more detailed advice regarding Members' rights to inspect Council documents may be obtained from the Monitoring Officer or the Chief Executive.

5.9 Finally, any Council information provided to a Member may be used by the Member only for the purpose for which it was provided, i.e., in connection with the proper performance of the Member's duties as a Member of the Council. This point is emphasised in the National Code of Local Government Conduct in the following terms:

"26. As a Councillor or a committee or sub-committee Member, you necessarily acquire much information that has not yet been made public and is still confidential. It is a betrayal of trust to breach such confidences. You should never disclose or use confidential information for the personal advantage of yourself or of anyone known to you, or to the disadvantage or the discredit of the council or anyone else."

6. Officer/Chairman Relationships

6.1 It is clearly important that there should be a close working relationship between the Chairman of a committee and the Executive Director and other senior officers of any department who will report to or service the meetings of that Committee. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the officers' ability to deal impartially with other Members and other party groups.

6.2 Whilst the Chairman of a committee (or sub-committee) will routinely be consulted as part of the process of drawing up the agenda for a forthcoming meeting, it must be recognised that in some situations an Executive Director

will be under a duty to submit a report on a particular matter. Similarly, an Executive Director or other senior officer will always be fully responsible for the contents of any report submitted in their name. This means that any such report will be amended only where the amendment reflects the professional judgement of the author of the report. Any issues arising between a Chairman and an Executive Director in this area should be referred to the Chief Executive for resolution in conjunction with the Leader of the Council.

6.3 An Executive Director will seek to ensure that the relevant committee or panel chairman or portfolio holder is aware of information provided by them to other members when the information clearly relates to the business of that committee, panel, or portfolio holder. This would not apply where the information was of a routine or trivial nature or where it would involve a breach of confidence or other statutory or formal requirement.

6.4 When there is no overall control of the Council, it would be expected that, in addition to the chairman's briefing before any meeting, the political groups' representatives on a committee or sub-committee would also be offered the opportunity of a briefing through their spokespersons.

6.5 In relation to action between meetings, it is important to remember that the law allows for decisions (relating to the discharge of any of the Council's functions) to be taken only by the Executive, a committee, a sub-committee, or an officer. The Council's constitution does not allow for such decisions to be taken by a Chairman or indeed by any other single Member.

6.6 At some committee and sub-committee meetings, a resolution may be passed, which authorises named officers to take action between meetings in consultation with the Chairman. It must be recognised that it is the officer, rather than the Chairman, who takes the action, and it is the officer who is accountable for it.

6.7 Finally, it must be remembered that officers within a Department are accountable to their Executive Director and that whilst officers should always seek to assist a Chairman (or indeed any Member), they must not, in so doing, go beyond the bounds of whatever authority they have been given by their Executive Director.

7. Member/Officer Roles

7.1 Traditionally, the distinction between roles turns on Members being responsible for determining policy whilst officers are responsible and accountable for implementing policy and managing the organisation. Given these roles, officers are expected to work within and pursue Council policies. Equally, Members must not interfere with executive matters that are the responsibility of managers.

7.2 Organisational, managerial, political, and other changes in local government have all combined to prevent this traditional distinction being used as a precise demarcation tool to define the respective roles of Members and officers (if it ever could be). However, it remains a useful touchstone to guide Members and officers. The former should guard against becoming involved in

operational detail whilst the latter must demonstrate commitment to the properly formulated policies of the Council irrespective of any personal views.

7.3 It is a fundamental principle that officers should not hold themselves out to third parties as having power to bind the Council (leaving aside any issue of delegated powers). Similarly, Members should not seek to negotiate with third parties and purport to represent the will of the Council.

7.4 Officers are accountable to their Executive Director from whom they will normally receive their work through the line management structure. There will be occasions when officers receive work direct from a member of the Cabinet or from the Chairman of a committee, sub-committee, or panel. Officers will routinely liaise with their line managers on their capacity to undertake such tasks. There may be occasions when the Executive Director or other senior officer reverts to the Member concerned to discuss the impact of such work. It would not normally be expected that other members would approach officers with tasks (save for the Chairman of the Council in relation to their secretary).

8. Correspondence

8.1 Correspondence between an individual member and an officer will not as a matter of course be copied (by the officer) to any other Member. Where correspondence is copied to another member, this should be made clear to the original Member. In other words, a system of "silent copies" should not be employed. Members will, of course, bear in mind that officers will brief Chairmen and portfolio holders as outlined in paragraph 6.3 above.

8.2 Where an officer corresponds with a Member on a matter of general interest in their ward or parish, it is in the best interests of the Council to ensure that other Members in the locality are informed of such matters. In these circumstances, copies of correspondence will normally be sent to all Members in the locality unless there is a reason why this is not appropriate.

8.3 Official letters on behalf of the Council should normally be sent out over the name of the appropriate officer, rather than under the name of a Member. It will be appropriate in certain circumstances (e.g., representations to a Government Minister) for a letter to appear over the name of a Member, but this should be the exception rather than the norm. Letters which for example, create obligations or give instructions on behalf of the Council should never be sent out over the name of a Member. When Members use official Council notepaper, they should be careful to make clear the capacity in which they are writing.

9. Involvement of Ward Councillors

9.1 Whenever a public meeting is organised by the Council to consider a local issue, all the Members representing the ward or wards affected should as a matter of course be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the ward Members should be notified at the outset.

9.2 Officers will seek both to inform and to keep Members informed about any initiative which is being developed. However, Members must be aware of the pressures on officers' time and that officers may exercise judgement as to how much information is provided. Officers will seek in a timely manner both to inform and to keep members informed about any initiative which is being developed or decision which is to be made that affects the Ward.

10. Ceremonial Events

10.1 The Chairman of the Council, or in their absence the Vice-Chairman, will be the appropriate person to lead Council ceremonial events which are not specifically associated with a Cabinet function or particular committee and to represent the Council by invitation at ceremonial events of other organisations which are not specifically associated with a Cabinet function or particular committee.

10.2 Portfolio holders and Chairmen of committees (or, where Chairmen are not available, Vice-Chairmen) are the appropriate candidates for ceremonial events within the scope of their portfolios or committees. Where the relevant portfolio holder is not available, he or she may nominate any other Member of the Council. If neither the Chairman nor Vice-Chairman of a Committee are available, any other Member may be nominated by the Chairman or Vice-Chairman.

10.3 Local Members should always be informed of, and where possible, invited to, ceremonial events taking place within their wards, as should Parish and Town Councils as appropriate.

10.4 Any Member taking part in a ceremonial event must not seek disproportionate personal publicity or use the occasions for party political advantage bearing in mind that the Member is representing the Council as a whole.

11. Public Relations and Press Releases

11.1 The Council's PR and Marketing team services the Council as a whole and must operate within the limits of the Local Government Act 1986, which prohibits the Council from publishing material which appears to be designed to influence public support for a political party. Council press releases are drafted by officers and will often contain quotations (within the limits of the Local Government Act 1986) from the Leader and Deputy Leader of the Council, the relevant portfolio holder the Chairman and Vice-Chairman of the committee or sub-committee whose service is involved and from the Chairman and Vice-Chairman of the Council about ceremonial events. Such press releases are issued on behalf of the Council, and it would not, therefore, be appropriate when repeating quotations from Members to indicate their party-political affiliation or to attribute policies or initiatives to the ruling group.

11.2 Similar considerations apply to Partners magazine. Valuable Member guidance to the magazine is provided by the Communications Advisory Group. However, the ultimate editorial discretion resides with officers who must ensure that the content reflects a corporate point of view. OBJ

12. Other Codes

12.1 Officers are subject to the Council's Disciplinary and Grievance Procedures and Harassment Policy, which are incorporated into their contracts of employment.

12.2 Integral to this are an Officer Code (based upon the LGMB's Code of Conduct for Local Government Employees) and the National Code of Local Government Conduct (by which all Members have declared, on accepting office, that they will be guided).

12.3 A significant number of officers throughout the Council are also subject to codes from their professional bodies e.g., Law Society, RTPI etc.

12.4 Reference has already been made to the procedures incorporated into the Council's Standing Orders for dealing with grievances by officers against Members or by one Member against another.

Protocol for the Monitoring Officer

Protocol for the Monitoring Officer

Protocol for the Section 151 Officer

Protocol for the Section 151 Officer

Guidance for Members and Officers

Dealing with Planning Matters
A local code of good practice

Guidance for Members and Officers Dealing with Planning Matters

Part 6

Members' Scheme of Allowances

Members' Scheme of Allowances

Part 7

Council and Officer Management Structure

Council Structure

Executive Decisions are taken by the Council's Cabinet. This consists of the Leader of the Council and the seven other councillors who are portfolio holders.

Full Council is chaired by the Chairman. It has five committees: Audit, Licensing, Planning, Overview and Scrutiny and Staffing.

Management Structure

Key people in our senior leadership team and how the Council is structured.

Part 8

Council, Cabinet and Committee membership, and role descriptions for some appointments

Current membership of Council Bodies

Council

Cabinet

Audit Committee

Licensing Committee

Overview and Scrutiny Committee

Development Management Committee

Staffing and Appeals Committee

Standards Committee

Key Appointment Descriptions

Leader of the Council

Deputy Leader of the Council

Portfolio Holder - Cabinet Member

Overview and Scrutiny Committee Member