

Oldham Borough Council



**Council Meeting
Wednesday 8 January 2020**

OLDHAM BOROUGH COUNCIL

To: ALL MEMBERS OF OLDHAM BOROUGH COUNCIL,
CIVIC CENTRE, OLDHAM

Tuesday, 31 December 2019

You are hereby summoned to attend a meeting of the Council which will be held on Wednesday 8 January 2020 at 6.00 pm in the Council Chamber, Civic Centre, for the following purposes:

14 Constitutional Amendments (Pages 1 - 96)

NOTE: The meeting of the Council will conclude 3 hours and 30 minutes after the commencement of the meeting.

A handwritten signature in black ink that reads "Carolyn Wilkins". The signature is written in a cursive style with a large, looping initial 'C'.

Carolyn Wilkins
Chief Executive

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Report to COUNCIL

Constitutional Amendments

Officer Contact: Liz Drogan, Head of Democratic Services, Mark Hardman, Constitutional Officer

8th January 2020

Reason for Decision

This refresh of the Council Constitution has been undertaken with two principal objectives in mind. Firstly, to ensure that all legislative and procedural references are current and up to date, including cross referencing to detailed procedures from more descriptive content and, secondly, to look to simplify, so far as possible, what will always be a complex procedural document to aid both understanding and application to practical circumstances.

The Council's Constitution is based around guidance and a suggested model proposed in conjunction with the Local Government Act 2000. While the Council's procedures and principal references within the Constitution have been updated over time, the piecemeal nature of the legislative developments have likewise been reflected in the piecemeal amending of the Constitution. Amendments over time have been made to deliver the immediate implication of the legislation. As a result, content might not 'flow', cross referencing might not be complete, and incidental changes might not always be appreciated. This Review seeks to bring coherence to these piecemeal amendments and to ensure that incidental and cross references are incorporated in full.

Recommendations

1. That Full Council agree the suggestions amendments as detailed at Appendices 1-6.
2. That any further consequential amendments arising from the suggested amendments are delegated to the Director of Legal.

Constitutional Amendments

1 Background

- 1.1 Given the original Council Constitution was derived from guidance and a draft without practical experience of the current governance style, together with the subsequent piecemeal development of the Constitution, means that the Constitution may not be presented to best effect. While a full narrative flow that would aid understanding is perhaps not attainable, not least given the complexity of certain procedures and the reliance on the Constitution in law, efforts have been taken to simplify presentation and, where possible, to make the content more focused.

2 Current Position

- 2.1 It should be stressed that this review has been a 'refresh' exercise and focused on updating and refining content, not revising procedural arrangements. As such, while content might have been redrafted or relocated, there should be nothing 'new' in terms of procedural arrangements. Where potentially contradictory content has been found, this has been considered against the law, current procedural arrangements and a consideration of the intent of the Constitution. Efforts have also been made to enhance cross referencing to aid use of the Constitution in practical circumstances.

To avoid repetition below, several themes/circumstances have been addressed in various Parts of this Constitution refresh –

- procedural arrangements for the executive and the Council are now better aligned than were suggested by the 2000 Act guidance and model Constitution and previously separate content has now been consolidated;
- current content refers to 'the Cabinet' when sometimes meaning 'the executive' in its wider sense. This reflected the immediate post 2000 Act implementation which saw the Cabinet as the only form of the executive. The subsequent establishment of Cabinet Committees and delegation to individual Members means the use of the term 'Cabinet' is inappropriate when talking about the wider executive; and
- the establishment of the 'strong leader' model meant that certain former Council functions passed to the Leader and the review has picked up and redrafted a number of consequential amendments.

Outside of the above, highlights of the review exercise are as follows -

Part 1 Summary and Explanation

This Part of the Constitution is intended to provide a basic welcome and introduction to the Constitution and, as such, proposed amendments/redrafts in this Part are intended to make simpler statements, leaving more technical statements to other parts of the Constitution.

Opportunity has been taken to revisit the section on 'the Council's staff', widening the scope of the current content, which appeared to relate only to managerial or senior officers, to make it inclusive of all staff. Amendments under the Citizen's Rights section rationalise the common rights of access to Council and executive meetings and documentation and also now include the recent rights of advance notice of private executive business and to record meetings.

Part 2 Articles

This part of the Constitution can be regarded as a series of statements or descriptions about various aspects of the Council and serves to signpost readers to more detailed and procedural content. It is suggested that Articles should be brief and, in the main, not include detailed procedural content. Principal refreshed areas in this part are

- Article 6, Overview and Scrutiny – detailed terms of reference moved to Part 3 in common with other Committees;
- Article 7, The Executive – redrafted Article, moving much content to Executive Procedure Rules;
- Article 9, The Standards Framework – redrafted Article reflecting the importance of standards and conduct of both Members and Officers;
- Article 11, Working in Partnership – redrafted Article reflecting commitment to partnership/co-operative working;
- Article 18, Health – Article deleted as content/signposting is reflected elsewhere in the Articles.

Part 4A Council Procedure Rules

Amendment to this Part is largely concerned with consolidating content and re-ordering provisions, so far as is possible, in the order in which they might arise in the conduct of a meeting.

Part 4B Access to Information Procedure Rules

Amendments are largely concerned with reflecting, as appropriate, aligned of Council and executive procedures, confirming some current access to information and executive arrangements, and consolidating key decision content.

Part 4C Budget and Policy Framework Procedure Rules

Amendments are largely concerned with consolidating content.

Part 4D Executive Procedure Rules

Amendments are largely concerned with consolidating content taken from Article 7 and ensuring that the procedural arrangements for all forms of executive delegation are reflected.

Taken as a whole, the proposed amendments to the above parts of the Constitution may appear extensive. However, some of the proposed revisions are relatively minor, for example re-ordering content to aid accessibility and understanding. Where more detailed amendments are proposed, it is important that the Constitution reflects both current legislative requirements and procedural practice.

3 Options/Alternatives

- 3.1 Option 1 – To agree the suggested refresh and amendments to the Constitution.
Option 2 – Not to agree the suggested refresh and amendments to the Constitution.

4 Preferred Option

- 4.1 Option 1 is the preferred option to ensure coherence to previous piecemeal amendments and to ensure that incidental and cross references are incorporated in full.

5 **Consultation**

5.1 The Constitutional Working Group recommended the suggested changes to Full Council.

6 **Legal Services Comments**

6.1 Legal comments are provided in the body of the report.

7 **Background Papers**

7.1 Oldham Council Constitution

8. **Appendices**

- 8.1 Appendix 1 – Part 1 Summary and Explanation
Appendix 2 – Part 2 Articles of the Constitution
Appendix 3 – Part 4 A Council Procedure Rules
Appendix 4 – Part 4 B Access to Information Rules
Appendix 5 – Part 4 C Budget and Policy Framework
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Part 1

Summary And Explanation

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PART 1 - SUMMARY AND EXPLANATION

The Constitution

The Oldham Metropolitan Borough Council has agreed a Constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

The Constitution is divided into 17 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 at the end of the document.

Ambition and Objectives of the Council

Our ambition is to deliver a co-operative future where everyone does their bit to create a confident and ambitious Borough.

There are three corporate objectives that underpin the delivery of the ambition. They are:

- An Inclusive Economy where people and enterprise thrive
- Thriving Communities where everyone is empowered to do their bit
- Co-operative Services with people and social value at their heart

The objectives have been developed to reflect the key priorities of the Council including economic growth and regeneration, strong local leadership and delivering value for money services.

The corporate ambition and objectives form the basis of the Council's Corporate Plan. The Corporate Plan is the Council's main strategy document. Its primary purpose is to set out our story of place and our priorities for Oldham - what we are doing and why we are doing it.

Co-operative Oldham

Oldham Council is committed to developing a co-operative future; one where citizens, partners and staff work together to improve the Borough and create a confident and ambitious place. We want all our employees and members of the community to be able to play an active part in building our co-operative Borough. Put simply, becoming a co-operative Borough is about everybody doing their bit and everybody benefitting.

This is our opportunity to transform the way the Council does business and reshape the relationship between the Council and its residents. This will mean

that the Council will strengthen its civic leadership role, leading by example and enabling residents and communities to become more self-reliant.

In order to achieve our goal of creating a co-operative future where everyone does their bit to create a confident and ambitious Borough, we understand that the Borough's residents will need to be able to take greater responsibility for themselves and for their communities.

Services from many different parts of the Council and partner agencies from across the Borough are already working to deliver Oldham's co-operative future. This means that a significant amount of work is already underway to support this ambition.

In Oldham, working co-operatively can mean many different things – it is not just about delivering services through co-operatives or mutuals. Co-operative working is fundamentally about working in a way which gets the maximum benefit and impact from the resources that the public sector spends. It helps to empower residents to take greater control of their own lives. Although this could mean delivering a service to a co-operative or mutual, it also means transforming Council-run services to make sure that what is delivered is shaped by its service users.

Working co-operatively also means the Council operates by our co-operative values and principles. Some examples are investing our money in ethical places, paying our staff a 'living wage' and actively seeking to better connect staff with the communities they work with through a volunteering scheme. In other cases, working co-operatively means giving residents the opportunity to work in collaboration with us to co-produce and possibly deliver services that are relevant and meaningful to them.

Being a Co-operative Council does not change the challenges we face in respect of making significant savings from our budgets. It does however provide a new approach and opportunity in terms of how those decisions are made and how we can mitigate the impact.

What's in the Constitution?

Article 1 of the Constitution explains the purpose of the Constitution. Articles 2 – 17 explain the rights of citizens and how the key parts of the Council operate. These are:

- Members of the Council (Article 2).
- Citizens of Oldham Borough and the Council (Article 3).
- The Full Council (Article 4).
- Mayor and Deputy Mayor (Article 5).
- Overview and Scrutiny (Article 6).

- The Executive (Article 7).
- Regulatory and other Committees (Article 8).
- The Standards Framework (Article 9).
- District Working (Article 10).
- Working in Partnership (Article 11)
- Joint Arrangements (Article 12).
- Officers (Article 13).
- Decision Making (Article 14).
- Finance, Contracts and Legal Matters (Article 15).
- Review and Revision of the Constitution (Article 16).
- Suspension, interpretation and publication of the Constitution (Article 17).

How the Council operates

The Council is composed of 60 Councillors elected every four years with one-third elected three years in four. 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 to ensure high standards in the way they undertake their duties. The Monitoring Officer and the Standards Committee ensure that training and advice is provided 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 elects the Leader of the Council (the 'Leader') to lead in the delivery of executive functions and to determine appropriate decision making arrangements in respect of these functions. The Council appoints Committees and delegates to Officers to assist in the delivery of Council functions.

The role of the full Council is detailed in Article 4 of this Constitution.

How decisions are made

The Executive - The Executive is responsible for most day-to-day decisions. The Cabinet, the principal executive decision making body, is made up of the Leader and up to 9 other Councillors appointed by the Leader, one of whom will also be appointed Deputy Leader of the Council (the 'Deputy Leader'). As well as the Cabinet, the Leader may also decide to delegate executive functions to Cabinet Committees or Boards, individual Cabinet Members, area committees and Officers, or arrange for functions to be delivered through joint arrangements.

When major decisions are to be discussed or made, these are published in the 'Key Decision Document' in so far as they can be anticipated. If these major

decisions are to be discussed at a meeting of the Cabinet, this meeting will be open for the public to attend except where confidential or exempt items are being discussed. The Cabinet has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

Regulatory and other Committees - Functions that are not the responsibility of the Executive, for example planning and licensing, are Council or 'non-executive' functions. The Council may delegate these functions to Committees and Officers, or may arrange for functions to be delivered through joint arrangements.

Overview and Scrutiny - The Council's Overview and Scrutiny arrangements support the work of the executive and of the Council as a whole. Overview and Scrutiny bodies are consulted by the Cabinet on the development of policy and the Council budget. Overview and Scrutiny considers executive decisions subject to 'call-in' that have been made by the Cabinet or other executive bodies but not yet implemented. This enables a consideration as to whether the decision is appropriate, and the decision maker may be recommended to reconsider the decision. Overview and Scrutiny may allow citizens to have a greater say in Council matters and, to a certain extent, in service delivery by other bodies, by holding local inquiries into matters of local concern that lead to reports and recommendations which advise the Cabinet and the Council as a whole on policy, budget and service delivery.

Council Employees

The Council has people working for it to give advice, implement Councillors' decisions, manage the day-to-day delivery of services and deliver those services to residents and customers. Some employees have a specific duty to ensure that the Council acts within the law and uses its resources wisely. Employees have to agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties, and a Protocol governs the relationships between employees and Members of the Council. These documents are included at Part 5 of this Constitution.

Citizens' Rights

Citizens have a number of rights in their dealings with the Council. These are further considered in Article 3 of this Constitution. Some of these are legal rights, whilst others depend on the Council's own processes. Where members of the public use specific Council services, for example as a parent of a school pupil or as a Council tenant, they have additional rights. These are not covered in this Constitution.

Citizens have the right to:

- vote at local elections if they are registered;
- contact their local Councillor about any matters of concern to them;
- obtain a copy of the Constitution;
- attend meetings of the Council, Cabinet and any Committees of the Council or of the Cabinet except where confidential or exempt matters are being discussed, confidential and exempt matters being as described in the Access to Information Procedure Rules at Part 4 of this Constitution - inspect agenda, reports and background papers both before and after meetings of the Council, the Cabinet or any Committees of the Council or the Cabinet, except where those documents contain confidential or exempt information;
- inspect minutes or decision notices arising from meetings of the Council, the Cabinet or any Committees of the Council or the Cabinet or from any decision taken by an individual Cabinet member or, in certain circumstances, an Officer under delegated powers.
- petition to request a referendum on a mayoral form of Cabinet;
- participate in public question time at most meetings of the Council and contribute to investigations by the overview and scrutiny bodies when requested;
- speak at meetings of the Planning Committee on individual planning applications in accordance with the protocol attached at Appendix 3 to this Constitution;
- find out, from the Key Decision Document, what major decisions are to be discussed by the Cabinet or decided by the Cabinet or officers, and when;
- to have 28 days notice of what business is likely to be considered in private at a meeting of the Cabinet; to be able to audio or video record meetings of the Council, Cabinet or any Committee, except when the meeting is considering confidential or exempt information and the public have been excluded from the meeting;
- complain to the Council in accordance with the Council's adopted complaints process
- complain to the Local Government and Social Care Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;
- complain to the Standards Committee if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct;
- inspect the Council's accounts and make their views known to the external auditor;
- inspect documents deposited with the Council under the provisions of an Act of Parliament or statutory instrument or pursuant to the Rule of Procedure of either House of Parliament; and
- make copies of or extracts from or, subject to the payment of a reasonable fee, to require a photographic copy or extract from any document which the public are entitled to inspect.

District Working

The Council has a number of District Leads as detailed at Article 11. The role of the District Lead is to work closely with all elected members in their district to support them in their role as strong local leaders. The District Lead also plays a vital role in championing the needs of the District. They provide leadership across the district and ensure parallels exist between corporate and local priorities.

The role is a strategic position that requires vision and the ability to look beyond ward issues to those that affect the district as a whole. It is important that the District Lead is able to make decisions based on district priorities which may not always align fully with ward priorities.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Constitutional Services Section on 0161 770 5151



Part 2

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PART 2: 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 the Oldham Metropolitan Borough Council.

1.3 Purpose of the Constitution

The purpose of the Constitution is to:

- a. enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
- b. support the active involvement of citizens in the process of local Council decision-making;
- c. help Councillors represent their constituents more effectively;
- d. enable decisions to be taken efficiently and effectively;
- e. create a powerful and effective means of holding decision-makers to public account;
- f. ensure that no one will review or scrutinise a decision in which they were directly involved;
- g. ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions;
- h. provide a means of improving with regard to best value principles the delivery of services to the community; and
- i. assist in seeking continued improvement in the delivery of services to the community by the Council itself and in partnership with other organisations.

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 Constitution as set out in Article 16 to ensure that the aims and purposes of the Constitution are given full effect and continue to remain relevant to the Council and the community.

PART 2: ARTICLE 2 – MEMBERS OF THE COUNCIL

2.1 Composition and eligibility

2.1.1 Composition.

The Council will comprise 60 members, otherwise called Councillors. Councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Boundary Commission for England and approved by Parliament.

2.1.2 Eligibility.

Only registered voters of the area or those who during the previous 12 months have occupied land as an owner or tenant or have worked in the Oldham Council area are eligible to hold the office of Councillor. This is subject to the statutory disqualifications.

2.2 Election and terms of Councillors

2.2.1 The ordinary election of a third of all Councillors will be held on the first Thursday in May in each year beginning in 2006 (unless otherwise stipulated by legislation), except that in 2009 and every fourth year after, there will be no regular election. The terms of office of Councillors will be four years starting on the fourth day after being elected and finishing on the fourth day after the date of the regular election four years later.

2.2.2 Casual vacancies which arise as a result of a Councillor ceasing to be a Member of the Council before the end of their term of office are filled by the holding of a by-election which shall be held on an appropriate Thursday. However, should a person cease to be a Councillor in the final six months of their term of office, the election may be held in abeyance until the normal May election.

2.3 Roles and functions of all Councillors

2.3.1 Key roles.

All Councillors will:

- a) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions
- b) effectively represent their communities, balancing the different interests identified in the Ward or the community, and bring their views into the Council's decision making process, i.e. become the advocate of and for their communities;
- c) contribute to the good governance of the area and actively encourage community public participation and citizen involvement in decision making;

- d) deal effectively with individual casework fairly and impartially, and act as an advocate for constituents in seeking to resolve particular concerns or grievances;
- e) participate in the governance and management of the Council, being involved in decision making and, as required, in the exercise of the Council's quasi-judicial functions;
- f) be available to represent the Council on other bodies; and
- g) maintain the highest standards of conduct and ethics.

2.3.2 **Rights and duties**

- a) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- b) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or officer entitled to know it. For this purpose, "confidential" and "exempt" information are 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.

PART 2: ARTICLE 3 – CITIZENS OF OLDHAM BOROUGH AND THE COUNCIL

3.1 Citizens' rights

3.1.1 Citizens have the rights as outlined in this Article. The rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 and in Appendix 1 of this Constitution.

3.1.2 Voting and petitions

Citizens lawfully on the electoral roll for the area have the right to vote in elections and referenda held in their electoral area and to sign a petition to request a referendum for an elected mayor form of Constitution.

3.1.3 Information

Citizens have the right to

- a) be able to consult or obtain a copy of this Constitution
- b) attend meetings of the Council and the Cabinet and of their respective Committees and Boards, except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- c) find out from the Key Decision Document what key decisions will be taken by the Cabinet, a Cabinet Committee or Board, a Cabinet Member or an Officer in consultation with the appropriate Cabinet Member;
- d) find out from the published Notice what business is going to be considered in private at meetings of the Cabinet and at Cabinet Committees and Boards and how to make representations about this;
- e) see reports and background papers, and any records of decisions made by the Council, Cabinet, any Council or Cabinet Committee or Board, an individual Cabinet Member and, in certain circumstances, an Officer under delegated powers, except where they contain confidential or exempt information;
- f) inspect the Council's accounts and make their views known to the external auditor; and
- g) inspect documents deposited with the Council under the provisions of an Act of Parliament or a statutory instrument or pursuant to the Rule of Procedure of either House of Parliament.

3.1.4 Participation.

Citizens have the right to

- a) participate in the Council's question time arrangements at meetings of the Council, Cabinet, Committees and Boards;

- b) contribute to investigations by overview and scrutiny committees in accordance with Overview and Scrutiny Procedure Rules at Part 4 of this Constitution;
- c) speak at meetings of the Planning Committee on individual planning applications in accordance with the protocol attached at Appendix 3 to this Constitution; and
- d) be consulted on matters where there is a statutory requirement for the Council to consult and in other circumstances where the Council considers it right and proper to do so.

3.1.5 **Complaints**

Citizens have the right to complain to

- a) the Council itself under its complaints scheme;
- b) the Local Government and Social Care Ombudsman after using the Council's own complaints scheme;
- c) the Council's Monitoring Officer about a breach of the Councillors' Code of Conduct and
- d) the Information Commissioner about a breach of the Data Protection Act 1998 and 2018 in the processing of their personal data and about failure to uphold their information Access rights under Freedom of Information Act 2000 and Environmental Information Regulations 2004.

3.2 **Citizens' Responsibilities**

Citizens must not be violent, abusing or threatening to Councillors or Council employees and must not wilfully harm things owned by the Council, Councillors or Council employees.

PART 2: ARTICLE 4 – THE FULL COUNCIL

4.1 Council meetings

There are three types of Council meeting:

- a) the annual meeting;
- b) ordinary meetings;
- c) extraordinary meetings;

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

4.2 Functions of the full Council

Only the Council will exercise the following functions:

- a) adopting the Constitution;
- b) electing the Mayor;
- c) approving or adopting the Policy Framework, the Budget and any application to the Secretary of State in respect of any Housing Land Transfer;
- d) 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 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;
- e) electing the Leader of the Council;
- f) agreeing and/or amending the terms of reference for Council committees, deciding on their composition and making appointments to them, including appointments of independent and co-opted members, where appropriate;
- g) appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council;
- h) adopting a Code of Conduct for elected and co-opted members and appointing Independent Persons to advise the Council, Standards Committee and others on matters relating to complaints against such members;
- i) adopting a scheme of Members' allowances and determining Mayoral and Deputy Mayoral and conferences allowances;
- j) confirming the appointment of the Head of Paid Service and the dismissal of the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer;
- k) all non-Executive functions which the Council decides should be undertaken by itself rather than a committee, including
 - i. changing the name of the area;

- ii. conferring the title of Honorary Alderman or Freedom of the Borough; and
 - iii. making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal bills;
- l) all other matters which, by law, must be reserved to Council.

4.3 Meanings

4.3.1 Policy Framework

The Policy Framework means the following plans and strategies:

- Licensing and Gambling Policies;
- Plans and Strategies which together comprise the Local Plan – Core Strategy;
- Community Safety and Cohesion Partnership Strategy;
- Oldham Plan (sustainable community strategy); and
- Youth Justice Plan.

Plans and Strategies which the Council has chosen to include in the policy framework

- Children's and Young People Strategic Plan;
- The Council's Corporate Plan;
- Fair Employment Charter;
- Integrated Commissioning Framework; and
- Pay Policy Statement.

Additional plans and strategies may be approved or adopted as part of the Policy Framework from time to time.

Any minor changes to the Policy Framework documents can be determined by the Chief Executive in consultation with the Leader of the Council and Leader of the Main Opposition Group and referred to the next Council meeting.

4.3.2 Budget

The Budget means

- 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;
- estimates of other amounts to be used for the purposes of such a calculation;
- estimates of such a calculation;
- amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992;
- the setting of virement limits;

- Medium Term Financial Strategy; and
- Capital Strategy.

4.3.3 **Housing Land Transfer**

Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985

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PART 2: ARTICLE 5 – THE MAYOR, DEPUTY MAYOR, YOUTH MAYOR AND DEPUTY YOUTH MAYOR

5.1 Role and function of the Mayor and Deputy Mayor

- 5.1.1 The Mayor will be elected and the Deputy Mayor appointed by the Council annually. The Mayor and, in his/her absence, the Deputy Mayor will have the following roles and functions:
- a) to uphold and promote the purposes of the Constitution, and to rule on the Constitution when necessary;
 - b) to preside over the principal meetings of the Council in accordance with Council Procedure Rules so that the business of the Council can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
 - c) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and a place at which members who are not on the Cabinet are able to hold the Cabinet to account;
 - d) to determine matters relating to key decisions and the consideration of executive matters in private in the absence of the Chair of the Overview and Scrutiny Committee(s) as specified in the Access to Information Procedure Rules.
 - e) to promote public involvement in the Council's activities;
 - f) to attend such civic and ceremonial functions as the Council and he/she determines appropriate.
- 5.1.2 The Mayor cannot be a member of the Cabinet. No member of the Cabinet may chair a meeting of the Council in the absence of the Mayor.

5.2 Role and function of the Youth Mayor and Deputy Youth Mayor

- 5.2.1 The Youth Mayor will be the outgoing Chair of the Youth Council, to enable a confident, trained and experienced person to hold the position of Youth Mayor.
- 5.2.2 The Deputy Youth Mayor will be current Chair of the Youth Council. Should the outgoing Chair not wish to be the Youth Mayor, there will be an internal election within the Youth Council.
- 5.2.3 The Oldham Youth Mayor has the following responsibilities:
- a) to attend at a range of Civic Duties throughout the year alongside the Mayor to represent young people;
 - b) to attend a range of Civic Duties throughout the year without the Mayor;

- c) to be an advocate for Children and Young People at a range of events and ceremonies;
- d) to represent a positive image of Children and Young People in Oldham;
- e) to be an active member of Oldham Youth Council;
- f) to report to Oldham Youth Council each month and give an update of their work;
- g) to represent the views and opinions of Oldham young people and Oldham Youth Council; and
- h) to be a link between Young People and Councillors.

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PART 2: ARTICLE 6 – OVERVIEW AND SCRUTINY

6.1 Terms of Reference

The Council will appoint such Overview and Scrutiny bodies as it considers appropriate to discharge the Overview and Scrutiny functions conferred by sections 9 and 21 of the Local Government Act 2000, section 19 of the Police and Justice Act 2009 and, to the extent as determined by the Council under section 28 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, sections 20-27 of those 2013 Regulations. The Overview and Scrutiny bodies established, and their respective terms of reference, are detailed at Part 3 of the Constitution.

6.2 General Role and Function

Members of Overview and Scrutiny bodies established will, within their respective terms of reference,

- a) play a positive role in assisting the Council and the Executive in the development of the policy framework and the budget by in depth analysis of issues arising;
- b) conduct research and consultation in the analysis of policy options;
- c) consider and implement mechanisms to encourage and enhance community participation in the development of policy options and in the scrutiny process in general;
- d) question members of the Executive and appropriate Committees and senior Officers about issues and proposals affecting Oldham;
- e) monitor the performance of partners and of internal and external service providers against standards and objectives, liaising with external and partnership organisations to ensure that the interests of local people are enhanced by collaborative working;
- f) evaluate the validity of executive decisions through the call in process;
- g) contribute to the identification and mitigation of risk;
- h) examine and review the performance of Committees of the Council over time;
- i) play a positive role in examining and reviewing the performance of the Executive in relation to its policy objectives, performance targets and/or particular service areas, investigating and addressing the causes of poor performance;
- j) question members of the Executive and of Committees and senior Officers about their decisions and performance, in comparison with service plans and targets, or particular initiatives or projects;

- k) make recommendations to the Council, the Executive or an appropriate Committee arising from the outcome of the scrutiny process; and
- l) demonstrate an objective and evidence based approach to scrutiny.

6.3 Proceedings of Meetings and the Scrutiny Function

Overview and Scrutiny bodies will conduct their proceedings and scrutiny functions in accordance with the Procedure Rules set out in Part 4 of this Constitution.

6.4 Interests in relation to Overview and Scrutiny Committees

In addition to any interest a Member may need to declare in accordance with the Council's Code of Conduct, no Councillor shall participate in any business before an Overview and Scrutiny Committee if they were party to the decision made in respect of that item.

6.5 Whipping

The whip shall not apply from any of the political groups on their respective members on the Overview and Scrutiny Committee while taking part in Overview and Scrutiny business.

6.6 Scrutiny Officer

The Council will designate one of its officers to act as the Scrutiny Officer for the Council to

- promote the role of the authority's overview and scrutiny committee(s);
- provide support to the authority's overview and scrutiny function and members of those Committee; and
- provide guidance to Members and officers of the Council in relation to overview and scrutiny functions.

PART 2: ARTICLE 7 – THE EXECUTIVE

7.1 Role

The Executive carries out all of the Council’s functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution. All executive functions are vested in the Leader of the Council (the “Leader”) who may, as he/she sees fit, delegate executive functions to the Cabinet, Cabinet Committees or Boards, individual Cabinet Members, area committees or Officers, or arrange for the delivery of executive functions through joint arrangements. Details of such delegations are contained in Part 3 to this Constitution and the executive arrangements of the Council shall comply with the Executive Procedure Rules at Part 4 of this Constitution.

7.2 Leader of the Council

7.2.1 The Leader of the Council (the “Leader”) will be a Councillor elected to the position of Leader by the Council.

7.2.2 The Council will decide on the term of office of the Leader which must expire no later than the day of which the Council holds its first Annual meeting after the Leader’s normal day of retirement as a Councillor unless:

- i. he/she resigns from the office of Leader; or
- ii. he/she is no longer a Councillor; or
- iii. he/she is removed from office by resolution of the Council and a successor appointed

7.3 The Cabinet – appointment of the Deputy Leader of the Council and Cabinet Members

The Cabinet is made up of the Leader together with between two and nine further Councillors appointed to the Cabinet by the Leader. One of the Councillors appointed by the Leader will also be appointed as Deputy Leader of the Council (the “Deputy Leader”). The Councillors appointed by the Leader of the Council shall be known as Cabinet Members and may be allocated portfolios of responsibility by the Leader. Details of Cabinet Member portfolios are provided in Part 3 of this Constitution. Rules for the appointment of the Deputy Leader and Cabinet members are provided at Part 4 of the Constitution.

7.4 Cabinet Committees, Sub-Committees and Boards and Joint Committees

The Leader may establish Committees, Sub-Committees and Boards of the Cabinet, or Joint Committees in agreement with the Leader or Leaders of other local authority/ies, and appoint such Cabinet members to serve on them as substantive or substitute members as considered appropriate. Details of such bodies established are provided at Part 3 of this Constitution.

7.5 Executive Delegation and Terms of Reference

7.5.1 The Leader determines the nature and extent of the delegation of executive functions and powers to the Cabinet, Cabinet Committees or Boards, individual Cabinet Members, area committees or Officers, or through joint arrangements, and the terms of reference of any Cabinet Committee, Board or Joint Committee established.

7.5.2 The Cabinet may delegate all or some of its powers to a Cabinet Committee or Board, an area committee or an officer. A Cabinet member may delegate all or some of their delegated powers to an area committee or an Officer. A Cabinet Committee or Board, or an individual Cabinet member holding delegated powers, may delegate all or some of their delegated powers to an area committee or an Officer

7.5.3 Details of such delegations and the terms of reference are provided at Part 3 of this Constitution.

7.6 Proceedings of the Cabinet

Proceedings of the Cabinet and of Cabinet Committees, Boards and Joint Committees, and the procedures for the exercise of delegated executive powers generally, shall be undertaken in accordance with the Executive Procedure Rules and with the requirements of the Access to Information and the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution.

PART 2: ARTICLE 8 – REGULATORY AND OTHER COMMITTEES

8.1 Regulatory and other committees

The Council has established and appoints to the Committees set out below with the terms of reference outlined in Part 3 of the Constitution -

- Planning Committee
- Licensing Committee and Licensing Panels
- Appeals Committee
- Selection Committee
- Audit Committee
- Commons Registration Committee
- Traffic Regulation Order Panel
- Standards Committee
- Charitable Trustee Committee
- Independent Panel

8.2 Health and Wellbeing Board

The Council has established, pursuant to section 194 of the Health and Social Care Act 2012, a Health and Wellbeing Board with membership and terms of reference as outlined in Part 3 of the Constitution.

PART 2: ARTICLE 9 - THE STANDARDS FRAMEWORK

9.1 Oldham Council is committed to the highest standards of behaviour and has established Codes and procedures to maintain these standards.

9.2 The Council is committed to complying with the seven Principles of Public Life -

Selflessness - Holders of public office should act solely in terms of the public interest.

Integrity - Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity - Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability - Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness - Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty - Holders of public office should be truthful.

Leadership - Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

9.3 **Code of Conduct for Members of the Council**

9.3.1 The Council expects Members and co-opted Members of the Council to behave according to the highest standards of personal conduct in everything they do as a Member. To promote and maintain these high standards the Council has adopted a Code of Conduct for Members, in line with its obligations under section 27(2) of the Localism Act 2011. This Code of Conduct is contained at Part 5 to this Constitution.

9.3.2 Members must provide notice to the Monitoring Officer of their disclosable pecuniary interests as required by the Localism Act 2011 and declare personal interests as required by the Code. These interests are compiled in a Register of Interests that is open for public inspection.

9.3.3 Members must not participate in the business of the Council where they have a disclosable pecuniary interest or in circumstances where a personal interest becomes a prejudicial interest under the terms of the Code of Conduct unless a dispensation is granted to the Member(s).

9.4 Oversight of the Code of Conduct for Members

9.4.1 Complaints Procedure

The Council has adopted a procedure whereby a person who feels that a Member or a Co-opted Member has breached the Code of Conduct may submit a complaint to the Monitoring Officer.

9.4.2 Standards Committee

The Council has established a Standards Committee with the principal purposes of promoting and maintaining high standards of conduct by Members and Co-opted Members, of assisting those Members to observe the Members' Code of Conduct; and to advise the Council on the adoption or revision of the Members' Code of Conduct. The Committee comprises Council Members, Independent Persons, and Members of the Parish Councils within the Borough. The terms of reference for the Standards Committee are included within Part 3 of the Constitution.

9.4.3 Monitoring Officer

The Monitoring Officer is the Officer of the Council who oversees the arrangements that the Council must have in place, in accordance with sections 28(6) and (7) of the Localism Act 2011, under which allegations that a Member or co-opted Member of the Council has failed to comply with the Code of Conduct can be investigated and decisions made on such allegations.

9.4.4 Independent Person

An Independent Person is a person appointed by the Council under Section 28(7) of the Localism Act 2011 whose views must be sought by the Council before it takes a decision on an allegation which the Monitoring Officer has decided shall be investigated, and whose views can be sought by the Council at any other stage or by a Member or Co-opted Member against whom an allegation has been made.

9.5 Code of Conduct for Officers

9.5.1 The Council and the public expect the highest standards of conduct from all employees of the Council. The Code of Conduct for Officers draws together existing laws, regulations and conditions of service to guide employees in their day to day work to help employees maintain and improve standards and to help protect employees from misunderstanding and unfair criticism. This Code of Conduct is contained at Part 5 to this Constitution.

9.5.2 An appendix to the Code highlights the ways in which concerns about employee conduct can be raised, and how the Council will address such matters by either investigating and dealing with the matter internally, by referring the matter to the Police, by referring the matter to the External Auditor, or by establishing an independent inquiry.

9.6 **Protocol for Member/Officer Working Arrangements**

9.6.1 Members and Officers have separate and distinct roles within the Council. It is important, therefore, that any dealings with Members and Officers should observe reasonable standards of mutual courtesy and respect and that neither should seek to take unfair advantage of their position in any circumstances.

9.6.2 The Council has adopted this Protocol to provide guidance on Member/Officer working arrangements and it forms the basis of the Council's working arrangements, assisting Members and Officers to maintain the highest standards of integrity and propriety and to ensure that all they do is seen by others to be done properly, fairly and, where possible, openly. This Protocol is contained at Part 5 to this Constitution.

PART 2: ARTICLE 10 – DISTRICT WORKING

10.1 Districts

There are seven District representing the different parts of the Borough as follows:-

District	Wards Covered
Oldham East	Alexandra St Mary's St James Waterhead
Oldham West	Coldhurst Medlock Vale Werneth
Failsworth and Hollinwood	Failsworth East Failsworth West Hollinwood
Chadderton	Chadderton Central Chadderton North Chadderton South
Saddleworth and Lees	Saddleworth North Saddleworth South Saddleworth West and Lees
Royton	Royton North Royton South
Shaw and Crompton	Crompton Shaw

10.2 District Leads

- 10.2.1 The role of the District Lead is to work closely with all elected members in their district to support them in their role as strong local leaders.
- 10.2.2 The District Lead also plays a vital role in championing the needs of the district. They provide leadership across the district and ensure parallels exist between corporate and local priorities.
- 10.2.3 The role is a strategic position that requires vision and the ability to look beyond ward issues to those that affect the district as a whole. It is important that the District Lead is able to make decisions based on district priorities which may not always align fully with ward priorities.

10.3 Requirements of the District Lead

The District Lead is a Councillor who will -

- a) provide leadership within and beyond the district;
- b) support elected members in the district in their role as local leaders;
- c) engage with elected members across the district and encourage active contribution to district initiatives that take place;
- d) work with the District Team to develop the District Plan, ensuring it reflects both local and corporate priorities;
- e) champion the district as a place and represent the district in any discussions and/or negotiations at a borough level;
- f) lead of any applications to the Local Improvement Fund.
- g) Chair relevant working groups as appropriate;
- h) lead on the development of a district Community Engagement Strategy, ensuring all residents have an opportunity to contribute their ideas or concerns to the district;
- i) work as appropriate with the Executive Management Team, District Co-ordinator and District Team to plan and deliver against locally agreed priorities;
- j) liaise and work with other District Leads as and when required to deliver against priorities that cross district boundaries;
- k) liaise with and respond to the Chairs and Vice Chairs of the Overview and Scrutiny Committees as and when required;
- l) ensure that all actions and activities of the district are carried out in a socially inclusive way, in full acknowledgement and discharge of the equality legislation pertaining to all protected characteristics, and also legislation pertaining to the environment;
- m) work with the Cabinet Member for Neighbourhood Services to identify further opportunities for district working as appropriate;
- n) be the lead member in a district for corporate campaigns and ensure the involvement of Ward Members in supporting this activity.
- o) work, as appropriate, through formal and informal partnership with voluntary, private sector and other public sector interests to enhance the economic, social and environmental wellbeing of the local community;
- p) support the development of a strong Voluntary, Community and Faith sector which can work with the District Team in improving the quality of life of local people and encouraging the active involvement of residents in this;
- q) promote the Voluntary, Community and Faith sector as a key driver of local productivity, recognising the contribution of this sector in improving the economy and enterprise of the district;
- r) champion events, festivals and celebrations across the district.
- s) provide leadership in building strong cohesive communities within and beyond the district; and
- t) promote equality of opportunity and eliminate discrimination.

PART 2: ARTICLE 11 – WORKING IN PARTNERSHIP

11.1 Ambition and Objectives of the Council

11.1.1 The ambition of the Council is to deliver a co-operative future where everyone does their bit to create a confident and ambitious Borough.

11.1.2 There are three corporate objectives that underpin the delivery of the ambition. They are:

- An Inclusive Economy where people and enterprise thrive, where we make significant progress in improving living standards, wages and skills for everyone to give everyone in Oldham the opportunities to improve their own lives and to do this we need to build a new economic model that is fairer and more co-operative;
- Thriving Communities where everyone is empowered to do their bit and have the power to be healthy, happy, able to make positive choices and be able to both offer and access insightful and responsive support when required, support that will lead to better health, better job prospects and better life chances; and
- Co-operative Services with people and social value at their heart, where services collaborate, integrate and innovate to create the most effective and seamless services to deliver improved outcomes for residents and where social value through citizen influence and community action is realised.

11.1.3 The corporate ambition and objectives form the basis of the Council's Corporate Plan. The Corporate Plan is the Council's main strategy document.

11.2 The Oldham Partnership

11.2.1 These ambitions and objectives have been shared and adopted by a range of partner organisations as part of our Co-operative Oldham vision. The Oldham Leadership Board is a partnership of key elected Members, public sector Chief Executives, and business, community and voluntary sector leaders responsible for leading Oldham at the Borough level, across Greater Manchester, and beyond. The Leadership Board also provides Oldham solutions with an emphasis on leadership, collaboration and joint investment.

11.2.2 The Council's ambition and objectives are shared by the Oldham partnership and form the basis of the Oldham Plan, a collective action statement explaining how all the partners together can all best serve Oldham and help its people, districts and businesses to thrive.

- 11.2.3 The Board is able to hold all parts of the Oldham Partnership to account for the delivery of the shared objectives and ambitions through three partnership boards - Co-operatives and Neighbourhoods, Health and Wellbeing Board, and Economy and Skills – that all report to the Board and drive delivery of the collective ambitions and objectives, including key transformational and reform programmes.
- 11.2.4 These Boards are further supported by a range of other partnerships and networks of the Oldham Partnership, be they statutory or voluntary, all working to bring the benefits of collaborative and co-operative working. These include, for example, the Community Safety and Cohesion Partnership, the Oldham Housing Investment Partnership, the Oldham Town Centre Partnership, the Adult and Children’s Safeguarding Boards and the Oldham Community, Voluntary and Faith Partnership.
- 11.2.5 At Greater Manchester level, the Leadership Board focuses efforts and energy to help drive Greater Manchester forward as a whole, whilst enabling local solutions and ensuring Oldham benefits from any collective Greater Manchester-wide growth and reform.

PART 2: ARTICLE 12 – JOINT ARRANGEMENTS

12.1 General Power of Competence

The Council or the Cabinet may, subject to restrictions and limitations, exercise its general power of competence to make joint arrangements.

12.2 Joint arrangements

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

12.2.2 The Leader may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.

12.2.3 In most circumstances, the Leader may only appoint executive members to a joint committee and those members need not reflect the political composition of the local Council as a whole. However, the Leader may appoint members to a joint committee from outside the Cabinet where the joint committee has functions for only part of the area of the Council, and that area is smaller than two-fifths of the Council by area or population. In such cases, the Leader may appoint to the joint committee any Councillor who is a member for a ward which is wholly or partly contained within the area.

12.2.4 Details of any joint arrangements including any delegations to joint committees will be found in Part 3 of this Constitution.

12.3 Access to information

12.3.1 If the joint committee has been established by the Leader to exercise executive functions and all the members of the joint committee are members of the Executive in each of the participating authorities, the Access to Information Procedure Rules as they apply to the Cabinet will apply to the joint committee.

12.3.2 In all other cases, the Access to Information Procedure Rules as they apply to Council Committees will apply.

12.4 **Delegation to and from other local authorities**

- 12.4.1 The Council may delegate non-executive functions to another local Council or, in certain circumstances, the Cabinet of another local Council. The Council may delegate functions to a Joint Committee or body where joint arrangements with one or more local authorities have been entered into to promote the economic, social or environmental well-being of its area.
- 12.4.2 The Leader may delegate executive functions to another local Council or the executive of another local Council in certain circumstances.
- 12.4.3 The decision whether or not to accept such a delegation from another local Council shall be reserved to the Council meeting.

12.5 **Joint Arrangements with other Public Bodies**

Under Section 75 National Health Service Act 2006, Section 10 of the Children Act 2004 and the Health and Social Care Act 2012, local authorities, national health bodies and a number of other bodies have powers to delegate the exercise of some of their functions to each other and to co-operate in the exercise of their functions.

12.6 **Contracting Out**

The Council or the Cabinet 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.

PART 2: ARTICLE 13 - OFFICERS

13.1 Management structure

13.1.1 General

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

13.1.2 Chief Officers. The full Council have engaged persons for the following posts, who will be designated chief officers:

Post	Functions and areas of responsibility
a) Chief Executive	Statutory Head of Paid Service Overall corporate management and operational responsibility (including overall management responsibility for all officers) Provision of professional advice to all parties in the decision making process. Together with the Monitoring Officer, responsibility for a system of record keeping for all the Council's decisions. Representing the Council on partnership and external bodies (as required by statute or the Council). Community leadership and community cohesion. Director of Legal
b) Strategic Director of Reform	Director of Public Health including leisure, libraries and arts; Communications; Strategy, Partnerships and Policy; Business Intelligence; Transformation Programme Management Office; Director of Workforce and Organisation Design
c) Deputy Chief Executive	Director of Economy Director of Environmental Management Unity Partnership
d) Managing Director of Children's Services	Statutory Chief Education Officer Director of Children's Social Care Director of Education, Skills and Early Years Children's Services and all age Safeguarding
e) Managing Director of	Statutory Director of Social Services

Community Services and Adult Social Care	Deputy Managing Director Health & Adult Social Care Community Services Adult Social Care All age disability Care Management
f) Strategic Director Commissioning	Director of Finance

13.1.3 **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.

13.2 Statutory Officers

The Council have designated the following Officers to fulfil statutory posts.:

Officers	Statutory Officer Post
Chief Executive	Head of Paid Service
Director of Legal Services	Monitoring Officer
Director of Finance	Chief Finance Officer

Such posts will have the functions described below.

13.3 Functions of the Head of Paid Service

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, the number and grade of officers required for the discharge of functions and the organisation of officers.
2. **Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

13.4 Functions of the Monitoring Officer

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. The Monitoring Officer is authorised to reflect approved changes to the Council's structure and, where necessary to amend the Constitution to reflect changes to the Scheme of Delegation.
2. **Ensuring lawfulness and fairness of decision making.** After consulting with the Head of Paid Service and the Chief Finance

Officer, the Monitoring Officer will report to the Council or to the Cabinet 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.

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.
4. **Conducting investigations.** The Monitoring Officer will conduct investigations into matters referred by ethical standards officers or as referred by the Standards Assessment Sub-Committee and make reports or recommendations in respect of them to the Standards Committee.
5. **Proper officer for access to information.** The Monitoring Officer will ensure that executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available in accordance with legal requirements.
6. **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.
7. **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy framework issues to all Councillors.
8. **Restrictions on posts.** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

13.5 Functions of the Chief Finance Officer

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 will report to the Council or to the Cabinet 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.
2. **Administration of financial affairs.** The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.
3. **Contributing to corporate management.** The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

4. **Providing advice.** The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy framework issues to all Councillors and will support and advise Councillors and officers in their respective roles.
5. **Give financial information.** The Chief Finance Officer will provide financial information to the media, members of the public and the community.
6. **Restriction on posts.** The Chief Finance Officer must be a qualified accountant and cannot be the Monitoring Officer.

13.6 **Duty to provide sufficient resources to the Monitoring Officer and the Chief Finance Officer**

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

13.7 **Discharge of Functions of Director of Public Health**

The Director of Public Health has statutory responsibility for writing the annual report on the health of the local population.

13.8 **Conduct**

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

13.9 **Employment**

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

PART 2: ARTICLE 14 – DECISION MAKING

14.1 Council and Executive Decisions

14.1.1 Council Decisions

Council Decisions are made in relation to Council functions as defined by the Local Government Act 2000, the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended, and the Local Choice Functions determined as Council functions and detailed at Part 3 of the Constitution, and to matters that are referred to the Council by law.

14.1.2 Executive Decisions

Executive Decisions are made in relation to those functions not identified as Council functions by the Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended, and in relation to the Local Choice Functions determined as executive functions and detailed at Part 3 of the Constitution.

14.2 Responsibility for Decision Making

14.2.1 The Council will determine what part of the Council or which individual has responsibility for decisions relating to those matters which are defined as Council functions. These arrangements are set out in Part 3 (Responsibility for Functions) of the Constitution.

14.2.2 The Leader of the Council may determine to exercise any of the functions of the executive personally, or may arrange for the exercise of any of the Council's executive functions by:

- i) the Cabinet;
- ii) by a Committee of the Cabinet;
- iii) by a Member of the Cabinet;
- iv) by an officer of the Council;
- v) by another local authority or the executive of another local authority; or
- vi) joint arrangement with one or more other Local Authorities' executives, including the establishment of a joint committee with such authorities.

14.2.3 The Monitoring Officer will maintain a register of the Delegation of Executive functions and set these out in Part 3 (Responsibility for Functions) of the Constitution.

14.3 Categories of decision

14.3.1 Decisions reserved to full Council.

Decisions relating to the matters listed in Part 3.1 of this Constitution will be made by the full Council and not delegated.

14.3.2 Key Decisions

A key decision is any decision which is likely –

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

14.3.3 An operational description of a Key Decision and the procedural arrangements for the taking of key decisions are detailed in Access to Information Procedure Rules at Part 4 of this Constitution.

14.3.4 Principal Decisions – Definition

A decision in relation to a Council or an Executive function which is not a key decision and which:

- results in the Authority incurring expenditure or making savings (including receipt or loss of income) over £100,000 each year; or
- is, in the opinion of the Director, of such significance that a record of the decision would ensure transparency and accountability in relation to decision making within the Authority.

14.3.5 Administrative Decisions – Definition

A decision in relation to a Council or Executive function which is not a key or a principal decision and results in the Authority incurring expenditure up to £100,000. The decision must

- be within an approved budget and not in conflict with the Budget and Policy Framework or other approved policies;
- not raise new issues of policy

14.4 Principles of decision making

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

- **Proportionality** - the action must be proportionate to the desired outcome;
- **Consultation** – there will be appropriate consultation and professional advice from officers;

- All decisions will take into account the **European Convention on Human Rights**;
- **Openness and accountability** – in all decisions there will be a presumption in favour of openness;
- There will be **clarity of aims** and desired outcomes in respect of every decision made; and
- **Options** – an explanation of what options were considered and reasons for decisions will be provided.

14.5 **Decision making by the full Council**

Subject to Article 14.8, the Council meeting will follow the Council Procedure Rules set out in Part 4 of this Constitution when considering any matter.

14.6 **Decision making by the Cabinet.**

Subject to Article 14.8, the Cabinet will follow the Cabinet Procedures Rules set out in Part 4 of this Constitution when considering any matter.

14.7 **Recording Decisions**

All Council and Executive decisions will be recorded in accordance with the provisions of the Access to Information Procedure Rules set out in Part 4 of the Constitution.

14.8 **Considerations by Overview and Scrutiny Bodies**

Overview and scrutiny bodies will follow the Overview and Scrutiny Procedures Rules set out in Part 4 of this Constitution when considering any matter.

14.9 **Decision making by other committees established by the Council**

Subject to Article 15.8, other Council committees will follow those parts of the Procedures Rules set out in Part 4 of this Constitution as apply to them.

14.10 **Decision making by Council bodies acting as tribunals**

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

PART 2: ARTICLE 15 – FINANCE, CONTRACTS AND LEGAL MATTERS

15.1 Financial management

The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules and Contract Procedure Rules set out in Part 4 of this Constitution.

15.2 Contracts

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

15.3 Legal proceedings

The Director of Legal Services 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 he/she considers that such action is necessary to protect the Council's interests up to a limit of £250k.

15.4 Authentication of documents

15.4.1 Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Director of Legal Services or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

15.4.2 Any contract with a value exceeding £10,000 entered into on behalf of the Council in the course of the discharge of an executive function shall be made in writing. Such contracts must either be signed by at least two officers of the Council or made under the Common Seal of the Council attested by at least one officer, in accordance with the provision of the Contract Procedure Rules.

15.4.3 Every contract (and any subsequent variations) with a value exceeding £50,000 shall be executed under the Council's common seal and signed by the Director of Legal Services or authorised representative.

15.5 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Director of Legal Services. 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 Director of Legal Services should be sealed. The affixing of the Common Seal will be attested by the Director of Legal Services or some other person authorised by them.

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PART 2: ARTICLE 16 – REVIEW AND REVISION OF THE CONSTITUTION

16.1 Duty to monitor and review the constitution

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

16.2 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:

- a) observe meetings of different parts of the member and officer structure;
- b) undertake an audit trail of a sample of decisions;
- c) record and analyse issues raised with him/her by members, officers, the public and other relevant stakeholders; and
- d) compare practices in this Council with those in other comparable authorities, or national examples of best practice.

16.3 Changes to the Constitution

16.3.1 Approval.

Changes to the Constitution will only be approved by the full Council.

16.3.2 Amending the Constitution.

The Monitoring Officer is authorised to make amendments to the published Constitution –

- a) arising from any decision of the full Council
- b) changes made by the Leader of the Council in respect of the discharge of executive functions
- c) incidental changes arising as a result of approved organisational change, including officer designations for the purposes of schemes of delegation

PART 2: ARTICLE 17 – SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

17.1 Suspension of the Constitution

17.1.1 Limit to suspension

The Articles of this Constitution may not be suspended. Procedure Rules may only be suspended to the extent permitted by those Rules and the law.

17.1.2 Procedure to suspend.

A motion to suspend any rules will not be moved without notice unless at least one half of the Cabinet or Council 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.

17.2 Interpretation

The ruling of the Mayor 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.

17.3 Publication

17.3.1 The Chief Executive will give a printed copy of the current Constitution to each member of the Council upon delivery to him/her of that individual's declaration of acceptance of office on the member being elected to the Council.

17.3.2 The Chief Executive will ensure that copies are available for inspection on the Council's website and at Council Offices, Libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.

17.3.3 The Chief Executive will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.

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Part 4

Council Procedure Rules

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PART 4 - COUNCIL PROCEDURE RULES

Matters reserved to Council are outlined in the Council Terms of Reference in Part 3 of the Constitution.

1. ANNUAL MEETING OF THE COUNCIL

1.1 Timing and Business

In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting will take place on a date to be set by Council.

1.2 The annual meeting will:

- a) elect a person to preside if the Mayor or Deputy Mayor is not present;
- b) elect the Mayor;
- c) appoint the Deputy Mayor;
- d) approve the Minutes of the last meeting;
- e) deal with matters which the Mayor considers to be urgent business;
- f) receive any communications from the Mayor relating to the business of the Council;
- g) receive any petitions relating to the business of the Council (all petitions to be dealt with in accordance with the Council's Petitions Protocol);
- h) elect the Leader (if required);
- i) receive the report of the Leader on executive arrangements;
- j) decide the allocation of seats to political groups in accordance with the political balance rules;
- k) establish at least one Overview and Scrutiny Committee, a Licensing Committee (or such Committee as meets the requirements of the Licensing Act 2003) and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions;
- l) decide, within any statutory restriction, the size and terms of reference for those Committees;
- m) appoint to those Committees, including substitute Members;
- n) appoint a Chair for those Committees;
- o) appoint to outside bodies, except where appointment to those bodies has been delegated by the Council or are executive appointments;
- p) if not previously determined by Council, approve a programme of ordinary meetings of the Council for the year;
- q) consider notices of motion in the order in which they have been received by the Chief Executive (time limit – 30 minutes);
- r) consider motions of opposition business in accordance with Rules 8 and 10 (time limit – 30 minutes);
- s) agree amendments to and/or re-affirm the Constitution, including the Council (non-executive) Scheme of Delegation; and
- t) consider any business set out in the notice convening the meeting.

2. ORDINARY MEETINGS

2.1 Timings and Business

- 2.1.1 All ordinary meetings shall normally be held at 6.00pm and shall conclude at 9.30pm unless some other time fixed by statute or specified in the summons. The Mayor shall determine whether meetings where significant tranches of Budget proposals or major communications are considered shall conclude at 10.00pm.
- 2.1.2 Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting or by the Council at an ordinary meeting preceding the annual meeting.
- 2.1.3 Subject to any variation in the order of business under Rule 12.4 (c) or when the Mayor, in consultation with the Leaders of the political groups of the Council, considers it appropriate to move an officer report higher on the agenda, the order of business at every ordinary meeting of the Council will be:
- a) To choose a person to preside if the Mayor and Deputy Mayor are not present;
 - b) To approve as a correct record the Minutes of the last meeting of the Council; provided that, if a copy has been circulated to each Member of the Council not later than the date of issue of the Summons to attend the meeting, they will be taken as read;
 - c) To receive any declarations of interest from Members;
 - d) To deal with matters which the Mayor considers to be urgent business.
 - e) To receive any communications from the Mayor relating to the business of the Council. At the final ordinary Council meeting of any municipal year, the Mayor will indicate which members have provided notice that they are not returning as members in order to give other members the opportunity to address the meeting on their retirement;
 - f) To receive any petitions relating to the business of the Council (all petitions to be dealt with in accordance with the Council's Petitions Protocol); **(time limit - 20 minutes)**
 - g) To consider a presentation or resolution on a specific topic of relevance to the Borough, from the Youth Council; **(time limit – 20 minutes)**;
 - h) Question Time (see Council Procedure Rules 10 and 11) –
 1. Public questions **(time limit – 15 minutes)**;
 2. Leader and Cabinet Question Time **(time limit - 30 Minutes)**. (The Leader of the main Opposition group is entitled to 2 questions; the Leader of a Minority Opposition group who gives first notice of a question is entitled to 1 question.) Maximum 2 minutes per question and 2 minutes per response. Following questions from Opposition Leaders, the Mayor will call Members to ask questions on a politically-balanced basis. **In the absence of the Leader, a nominated representative may respond to the questions. In the absence of the Leader of the Opposition, a nominated representative may ask.**
 3. Cabinet Minutes **(time limit – 15 minutes)**. To receive the minutes of the Cabinet, to receive questions and observations on any items within those minutes from those Members of the Council who are not also

Members of the Cabinet, and to receive responses from appropriate Cabinet Members or their Deputies. To also receive annually a list of any urgent key decisions taken since the last annual report.

4. Joint Arrangements / Partnerships **(time limit – 15 minutes)**. To note the submitted Minutes, to receive questions and observations from Members on the discharge of the functions of Joint and Partnership Arrangements, and to receive responses from the relevant spokesperson;
 - i) To consider notices of Administration business in the order in which they have been received by the Chief Executive; **(time limit - 30 minutes)**
 - j) To consider notices of Opposition business in the order in which they have been received by the Chief Executive; **(time limit - 30 minutes)**
 - k) Other business (if any) specified in the Summons, including matters of call-in and any matters expressly required by statute. Without the suspension of Council Procedure Rules, the Chair of the Audit Committee may speak with permission and if requested when Council is considering a report from the Chair of the Audit Committee.
- 2.1.4 Any period of time not utilised in relation to items (a) – (j) in section 2.1 above is to be distributed to items (k).
- 2.1.5 The Council Budget Meeting shall be a sole item meeting, except that a communications item may be included.

3. EXTRAORDINARY MEETINGS

3.1 Calling Extraordinary Meetings

An extraordinary meeting of the Council may be called at any time by:

- a) the Council;
- b) the Mayor;
- c) any five Members of the Council if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition; or
- d) the Monitoring Officer or the Chief Finance Officer in pursuance of their statutory duties.

3.2 Business

Any request or requisition for an Extraordinary Meeting of the Council shall specify the reason for the calling of the meeting and give notice of a motion to be debated, unless the purpose is to receive reports or adoption of recommendations of Committees or Officers or any resolutions following from them. No business other than that specified in the summons to the meeting may be considered at an extraordinary meeting.

4. NOTICE AND SUMMONS TO MEETINGS

- 4.1 The Chief Executive or nominated Officer shall give notice to the public of the date, time and place of any meeting in accordance with the Access to Information Rules. At least five clear working days before a meeting, the Chief

Executive or deputed Officer shall send a summons by post or by electronic mail to every Member of the Council or leave it at their usual place of residence. Every Member of the Council will be served with a copy of the summons prior to the meeting, unless they give written notice to the Chief Executive or nominated Officer that they do not wish to receive a physical copy. The summons shall give the date, time and place of each meeting and specify the business to be transacted and shall be accompanied by any reports to be considered.

5. CHAIR OF MEETING

- 5.1 The Mayor shall preside at meetings of the Council and may exercise any power or duty of the Chair in ensuring the proper conduct of the meeting. If the Mayor is absent, the Deputy Mayor shall preside. If both are absent, the members of the Council in attendance shall appoint one of their number to Chair that meeting.
- 5.2 Whenever the Mayor speaks during a debate, or should the Mayor stand at any point during a meeting, any Member speaking or standing shall fall silent, and the meeting shall fall silent also.

6. MEMBERS SPEAKING TO THE COUNCIL

- 6.1 A Member shall speak to address the Council only when called upon by the Chair of the meeting. A Member called to speak shall, if able, stand when speaking and shall address the Mayor. If two or more Members indicate they wish to speak, the Mayor shall call on one to speak.

7. QUORUM

- 7.1 No business shall be transacted at a meeting of the Council unless at least one quarter of the whole number of Members of the Council are present. If, at the expiration of 15 minutes after the time for which any meeting is called, a quorum is not present then the Mayor or in his/her absence the Deputy Mayor or in the absence of both, the Monitoring Officer or his/her representative shall state that no meeting shall take place. If, during a meeting, a quorum is questioned and the Mayor, after counting the number of Members present, declares that there is not a quorum present, the meeting shall stand adjourned for an appropriate period to be determined by the Mayor.

8. DURATION OF MEETING

- 8.1 **Interruption of the Meeting**
Unless otherwise stated on the summons or provided for in accordance with Procedure Rule 2.1, at 9.30pm the Mayor will cease all debate and any Member speaking must immediately sit down. The Mayor will call for the vote immediately on the item under discussion. The vote will then be taken in the usual way without any further discussion.

8.2 Motions and Recommendations Not Dealt With

If there are other motions or recommendations on the summons that have not been dealt with by 9.30 pm or such other time arising from Procedure Rule 8.1 above and the mover indicates that he/she wishes it to be determined at the current meeting the Mayor shall then establish whether there is any opposition to the resolution. If that be the case then the Mayor will take one speech from the mover and one other member in opposition before the vote is taken. Any other outstanding motions or amendments will be moved and seconded and the vote will be taken without further debate until each outstanding matter has been concluded.

8.3 Recorded Vote

If during this process a recorded vote is requisitioned in accordance with Procedure Rule 16.3, the vote will be taken immediately.

9. SIGNING OF MINUTES

9.1 As soon as the Mayor has put the question that the Minutes of the last preceding meeting of the Council be signed as a correct record, any Member of the Council may put to the Mayor any question which has reference to their accuracy and no motion or discussion shall take place upon the Minutes, except upon their accuracy, and any question of their accuracy shall be raised by motion. If no such question is raised, or if it is raised, then as soon as it has been disposed of, the Mayor shall sign the minutes.

9.2 At an extraordinary meeting of the Council the minutes of the preceding meeting need not be signed and may instead be signed at the next ordinary meeting.

10. PUBLIC QUESTIONS

10.1 Notice of Public Questions

Written notice of the public question must be delivered to the Head of Constitutional Services no later than 5pm of the day of the Council meeting. Delivery includes the submission of questions via electronic media. The notice of the public question must include the questioner's name and full postal address.

10.2 Scope of Questions

Questions can be asked of Cabinet Members on ward or district matters. Questions shall not be accepted if the Monitoring Officer considers that the question:

- a) is not about a matter for which the Local Authority has a responsibility or which affects the Borough;
- b) requires or is likely to lead to the disclosure of exempt or confidential information;
- c) is defamatory, offensive or factually incorrect;
- d) is substantially the same as a question which has been asked at a Council meeting in the past six months;
- e) is formed to make a statement rather than to receive information.

10.3 **Order of Questions**

Questions from members of the public will be taken in the order received. Multiple questions by the same member of the public will only be considered after questions submitted singly, and then in the order of all second questions submitted, then all third questions submitted and so on.

10.4 **Asking the Question at the Meeting**

The Mayor will call on individual members of the public to address the relevant Cabinet member and read their respective question to the Council.

10.5 **Answers to Questions**

The relevant Cabinet Member or their Deputy may respond and the time allowed for responses to be limited to a maximum of two minutes each.

10.6 **Record of Questions**

Notices of questions will be dated and numbered as received and be open to public inspection.

10.7 **Time Limit on Public Questions**

The time allowed for public questions will be a maximum of 15 minutes.

11. **QUESTIONS BY MEMBERS**

11.1 **Questions to Leader and Cabinet Members, on Cabinet Minutes and on Joint Authority and Partnership Minutes**

Advance notice of questions to the Leader and Cabinet Members, on Cabinet Minutes and on Joint Authority or Partnership Minutes is not required. However, if a detailed or technical answer is expected at the meeting, notice should be given to the Chief Executive by noon at least two working days before the date of the meeting of Council. The time allowed to put the question shall be limited to a maximum of two minutes for each question.

11.2 **Answers to Questions**

An answer may be provided in the form of:

- a) A direct oral answer;
- b) A reference to a publication of the Council containing the desired information; or
- c) In the case of a detailed or technical response, a written response.

The time allowed for responses is limited to a maximum of two minutes for each question.

11.3 **Supplementary Questions and Observations**

After a question has been responded to, a Member may ask one supplementary question or make an observation which must relate to the original question or response.

12. NOTICES OF MOTION

12.1 Notice

Except for Motions which can be moved without notice under Rule 12.4, written or electronic notice of every motion, including those motions to be submitted by the Youth Council, signed by at least one Member, must be delivered to the Chief Executive no later than noon, seven working days before the meeting of Council. Such notices will be dated and numbered as received, filed in the office of the Chief Executive and be open to public inspection.

12.2 Scope

Every notice of motion will be relevant to some matter over which the Council has an influence.

12.3 Mover of Motion

12.3.1 No motion of which notice has been given in accordance with Procedure Rule 12 shall be moved in the absence of the Member of the Council in whose name it stands, unless he or she has given their authority in writing to the Chief Executive that the business shall be taken over by some other Member. Unless moved in accordance with this Procedure Rule or postponed by leave of the Council, such motion shall be considered as dropped and shall not be again moved without fresh notice.

12.3.2 A Member shall not speak more than once on any motion except to move or speak to an amendment, except in the exercise of the right of reply, or on a point of order, or by way of personal explanation.

12.3.3 Seconder of Motion

No motion of which notice has been given in accordance with Procedure Rule 12 shall be seconded in the absence of the Member of the Council in whose name it stands, unless he or she has given notice in writing to the Chief Executive that the business shall be seconded by another Member.

12.4 Motions without Notice

The following motions may be moved without notice:

- a) to appoint a Chairman of the meeting at which the motion is made;
- b) motions relating to the accuracy of the minutes
- c) to change the order of business in the agenda;
- d) to refer something to an appropriate body or individual;
- e) to appoint a Committee or an individual arising from an item on the summons;
- f) to receive reports or recommendations of the Executive, Committees or officers and determine any resolutions following from them;
- g) to withdraw a motion;
- h) to proceed to the next business;
- i) that the question be now put;
- j) to adjourn a debate;
- k) to adjourn a meeting;

- l) to extend the time limit for speeches as detailed in Rule 14.5;
- m) that the meeting continue beyond 9.30 pm or such other time as provided for under Procedure Rule 8.1 above;
- n) to suspend a particular Rule of Procedure;
- o) that the Council does resolve itself into Committee;
- p) to exclude the public and press in accordance with the Access to Information Procedure Rules;
- q) to give the consent of the Council where the consent of the Council is required by the Constitution.

12.5 Alteration of Motions

A Member may alter a motion which he/she has proposed, or of which notice has been given, with the consent of the seconder and of the Council. The consent of the meeting will be signified without discussion.

12.6 Motions Contravening Financial Procedure Rules

- 12.6.1 Any motion or report submitted to the Council which, if carried, would increase the Council's net revenue or capital budget or might otherwise contravene Financial Procedure Rules shall stand adjourned without debate and be referred to the Cabinet to receive a report on the detailed financial implications. When the Council reconvenes to consider the motion or report it shall receive the recommendation of the Cabinet on the matter before making a decision on the motion or report and on whether to effect any change to the Council's approved Budget.
- 12.6.2 In the event of urgency, the Council may consider such an item without delay on receipt of a report from the Cabinet Member with responsibility for Finance as to the financial implications.
- 12.6.3 Where a report of the Cabinet contains a recommendation at variance with that of another body, the Mayor will call upon the Leader of the Council to move the adoption of the relevant recommendation of the Cabinet. If the matter is then settled or disposed of by the Council, no further discussion on the matter shall take place at that Council meeting and the alternate recommendation shall fall.

13. NOTICE OF AMENDMENTS

- 13.1 An amendment to any matter contained within the summons to the meeting shall not be discussed unless the mover has given written or electronic notice of the text of the amendment in writing to the Chief Executive not later than noon the day preceding the meeting.
- 13.2 Where notice has been given of more than one amendment to a recommendation or a motion under Rule 12.1, those amendments shall be considered and put in the order of receipt of the notice.
- 13.3 It is not permissible to amend an amendment.
- 13.4 Amendments may only be merged or composited with the approval of the proposer and seconder of the amendment.

14. RULES OF DEBATE

14.1 No Speeches until Motion or Amendment Seconded

A motion or amendment shall not be discussed unless it has been proposed and seconded.

14.2 Right to Require Motion in Writing

Unless notice of the Motion has already been given in accordance with Rule 12 or the Motion is to be moved under Rule 12.4 it shall be reduced to writing and handed to the Mayor before it is further discussed or put to the meeting.

14.3 Secunder's Speech

Any Member who seconds a motion or amendment without making a speech may reserve his/her right to speak at a later period of the debate.

14.4 Content of Speeches

A Member shall direct their speech to the question under discussion or to a point of personal explanation or to a point of order.

14.5 Length of Speeches

14.5.1 Speeches - No Member may speak for longer than four minutes on any motion or amendment. The Council may consent to one extension of thirty seconds per speech.

14.5.2 Replies - A Member replying to debate on any motion or amendment may speak for six minutes. The Council may consent to one extension of one minute per reply.

14.6 Amendments to Motions

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

- a) to refer the matter to an appropriate body or individual for consideration or reconsideration;
- b) to leave out words;
- c) to leave out words and insert or add others (It is not permissible to delete a motion in its entirety and replace with a differently worded amendment);
or
- d) to insert or add words;

providing the effect of b) and d) is not to negate the motion or introduce a new proposal into the motion.

14.6.2 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.

14.6.3 If an amendment is rejected, other amendments may be moved on the original motion.

14.6.4 If an amendment is carried, the motion as amended, will take the place of the original motion and will become the substantive motion upon which any further amendment may be moved.

14.7 **Withdrawal of Motion**

A Member may withdraw a motion which he/she has proposed or of which notice has been given with the consent of the seconder and of the Council, the meeting's consent will be signified without discussion. No member shall speak on the motion after the proposer has asked permission for its withdrawal, unless such permission is refused.

14.8 **Right of Reply**

- a) The mover of a motion shall have a right of reply at the close of the debate on the motion, immediately before it is put to the vote.
- b) If an amendment is proposed, the proposer of the original motion is entitled to reply at the close of the debate on the amendment.
- c) The proposer of the amendment shall have a right to reply at the close of the debate on the amendment immediately before it is put to the vote.
- d) After every right of reply a decision shall be taken without further discussion.
- e) A Member exercising a right of reply shall not introduce a new matter.
- f) If any business is moved by the Leader of the Council at the closing of the debate the main Opposition Party Group Leader shall have a right to speak prior to the Leader exercising their right of reply.

14.9 **Motions which may be Moved During Debate**

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

- a) to withdraw a motion;
- b) to amend a motion;
- c) to proceed to the next business;
- d) that the question be now put;
- e) to adjourn a debate;
- f) to adjourn a meeting;
- g) to resolve into a Committee in accordance with Procedure Rule 12.4;
- h) to refer the subject of debate to Cabinet or an Overview and Scrutiny Committee;
- i) to exclude the press and public in accordance with the Access to Information Procedure Rules;
- j) to not hear further, or to exclude from the meeting, a member named under Procedure Rule 17.

14.10 **Closure Motions**

14.10.1 A Member who has not spoken on the matter before the Council may, at the conclusion of a speech of another Member, move without comment:

- "That the matter be now put";
- "That the debate be now adjourned";
- "That the Council proceeds to the next business";
- "That the Council does now adjourn"; or

“That *the subject of debate* be referred to the Cabinet” or “to an Overview and Scrutiny Committee”, as the case may be”

14.10.2 On seconding of any of the above, the Mayor will, if he/she considers that the matter before the meeting has been sufficiently discussed, put that closure motion to the vote. If such a motion is carried, the matter before the meeting shall be put to the vote, subject to the right of reply under Rule 14.8, or the debate shall be adjourned, or the Council shall proceed to the next business or the Council shall stand adjourned, or the business shall stand referred, as the case may be.

14.11 **Points of Order or Personal Explanation**

14.11.1 A Member may raise a point of order or make a personal explanation at any time.

14.11.2 A point of order is an objection submitted to the Mayor claiming some irregularity in the Constitution or the conduct of the meeting or a breach of the law such as:

- a) the use of irrelevant or improper language;
- b) a quorum is not present;
- c) an amendment negates the motion before the meeting;
- d) the motion is ultra vires or not within the scope of the notice given;
- e) no question is before the meeting; or
- f) these Procedure Rules are not being complied with.

14.11.3 A point of order relates to procedure only, and not the arguments or principals or political views put forward, nor with the truth or falsehood, correctness or incorrectness of statements made in the course of debate. A Member raising a point of order may not make a speech beyond clarification of the point of order. Any member raising a point of order shall state at the outset the Procedure Rule considered to have been infringed. Every point of order shall be decided by the Mayor, whose ruling shall be final and not open to discussion, before the debate on the business proceeds.

14.11.4 A personal explanation shall be confined to clarifying briefly some material part of a former speech by that Member at the same meeting which may have been misunderstood. A personal explanation may also enable a Member to refute or correct a statement attributed to him/her in any action he/she may have taken. The ruling of the Mayor on a point of order or on the admissibility of a personal explanation shall be final and may not be discussed.

15. **RESCISSION OF PRECEDING RESOLUTION**

No question or matter which within any Municipal Year has been twice decided by the Council in the same way shall, in the same Municipal Year, again be submitted for consideration, and this Procedure Rule shall not be evaded by the substitution of any motion differently worded, but, in principle, the same.

16. **VOTING**

- 16.1 **Majority**
Unless this Constitution or the law provides otherwise, any matter will be determined by a show of hands, and by a simple majority of those Members voting and present in the room at the time the question was put.
- 16.2 **Chairman's Casting Vote**
In the case of equality of votes, the Mayor shall have a second or casting vote.
- 16.3 **Recorded Vote**
If required by law or on the requisition of any member supported by five other Members who signify their support by show of hands before the voting on any question, the vote shall be recorded as to how each Member present and voting gave his/her vote.
- 16.4 **Individual Member Recorded Vote**
Where, immediately after a vote is taken at a meeting of the Council, any Member so requires, the Minutes of Council will record whether that person cast his or her vote for the question or against the question, or whether he/she abstained from voting.
- 16.5 **Voting on Appointments**
- 16.5.1 Where there are more than two persons nominated for any position to be filled by the Council, and of the votes given there is not a majority in favour of one person, the name of the person receiving the least number of votes of those present and voting shall be struck off the list and a fresh vote shall be taken, and so on until a majority of votes is given in favour of one person.
- 16.5.2 Where there are at any time two or more vacancies on the same body to be filled by the Council and more persons are nominated to fill those vacancies, each vacancy shall be dealt with separately in accordance with paragraph a) above.
- 17. MEMBERS' CONDUCT**
- 17.1 The Mayor may call the attention of the Council to continued irrelevancy, tedious repetition, unbecoming language or any breach of order on the part of a Member addressing the meeting and, after two warnings, shall not allow the Member to proceed. The Mayor shall call upon another Member to address the Council or, if no Member shall rise (subject to the right of the Mover to reply), put the question to the vote without further debate.
- 17.2 No Member may impute motives to, or use offensive expressions concerning, any other Member of the Council. In the event of any Member offending against this Rule, the Mayor may call upon the Member to withdraw the offensive remark.
- 17.3 If any Member of the Council persists in disregarding the authority of the Mayor or behaves irregularly, improperly or offensively or wilfully obstructs the business of the Council, the Mayor may call upon the Member to retire from the meeting for the remainder of the business.

18. SUSPENSION OF SITTING

In a case of defiance of the authority of the Mayor, the Mayor may, on obtaining the consent of a majority of the Members of the Council present and voting on the question so to do, have the offending Member or Members of the Council, removed, and either declare the meeting closed (and leave the Chair) or declare the meeting to be adjourned indefinitely or until some stated time. Upon such declaration the meeting shall forthwith be closed or stand adjourned accordingly, and no business shall be transacted until the next duly convened meeting, or until the resumption of the meeting, in accordance with the Mayor's pronouncement.

19. POWER TO RESOLVE INTO COMMITTEE

- 19.1 Should a Motion be moved in accordance with Procedure Rule 11.4(p) at the close of any speech, the Council may pass a resolution resolving itself into Committee.
- 19.2 The Council Procedure Rules shall apply to proceedings of the Council in Committee, except that any Member may speak more than once with the permission of the Mayor.

20. QUESTIONS AND CONFIDENTIAL OR EXEMPT INFORMATION

- 20.1 If any question arises on any matter as to the appointment, promotion, dismissal, salary or conditions of service, or as to the conduct of any person employed by the Council, such question shall not be the subject of discussion until the Council has decided whether or not the power of exclusion of the public under Section 100A(4) of the Local Government Act 1972 shall be exercised.
- 20.2 If any question arises on any matter and it is questioned whether a consideration of that matter will require matters containing confidential or exempt information to be disclosed, such question shall not be the subject of discussion until the Council has decided whether or not the power of exclusion of the public under Section 100A(4) of the Local Government Act 1972 shall be exercised.

21. ADMISSION OF THE PUBLIC TO MEETINGS

- 21.1 The public shall be admitted to all meetings of the Council so far as there is accommodation, but:
- a) at any meeting the Council may temporarily exclude the public from such meeting or any part thereof in accordance with Section 100A(2) or (4) of the Local Government Act 1972;
 - b) if a member of the public interrupts the proceedings at any meeting, the Mayor may, after warning, order that he/she be removed from the Council Chamber or that the part of the Chamber open to the public be cleared in accordance with Section 100A(8) of the Local Government Act 1972;

- c) if a member of the public making an audio or video recording of the meeting causes disruption to the meeting or to other members of the public in attendance, the person shall comply with any direction of the Mayor;
- d) a member of the public making an audio or video recording of the meeting shall remove their recording equipment from the room should the Council resolve to exclude the press and public.

21.2 Any person attending a meeting for the purpose of reporting the proceedings is to have reasonable facilities made available for taking their report.

22. ANNUAL BOROUGH REPORT

The Mayor will call upon the Leader to present an Annual Borough Report. After Council has considered the report it will be:

- a) disseminated as widely as possible within the community and to agencies and organisations in the area; and
- b) considered by the Leader in proposing the Budget and Policy framework to the Council for the coming year.

23. YOUTH COUNCIL ANNUAL REPORT

The Mayor will call upon the Youth Council on a date within the Municipal Year to present to Council an annual presentation of work undertaken by the Youth Council.

24. RULES WHICH APPLY TO COMMITTEES OF THE COUNCIL

The following Rules of Procedure will apply to all Committees and Sub-Committees of the Council, with the exception of the Appeals and Selection Committees:

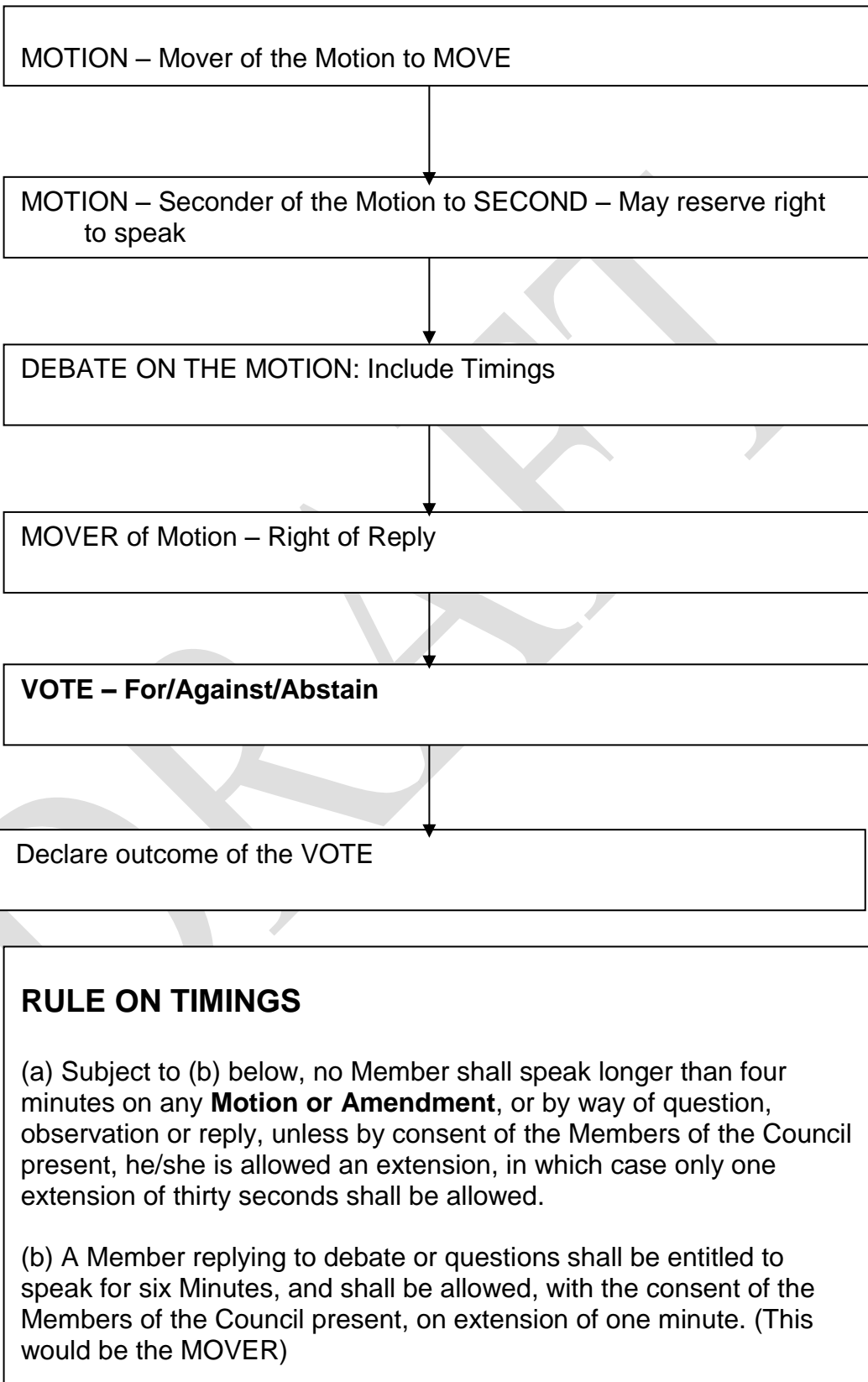
- Rule 4 Notice and Summons to Meeting
- Rule 5 Chair of Meeting
- Rule 6 Speaking to the Council (except for requirement to stand when speaking)
- Rule 7 Quorum (unless otherwise specified in the Constitution)
- Rule 9 Signing of Minutes
- Rule 14 Rules of Debate (except for time limits on speaking and, with the consent of the Chair, a Member may speak more than once on any matter)
- Rule 16 Voting (but not 16.3)
- Rule 17 Members' Conduct
- Rule 18 Suspension of Sitting
- Rule 20 Questions and Confidential or Exempt Information
- Rule 21 Admission of the public to meetings

AGENDA AND TIMINGS FOR COUNCIL MEETING

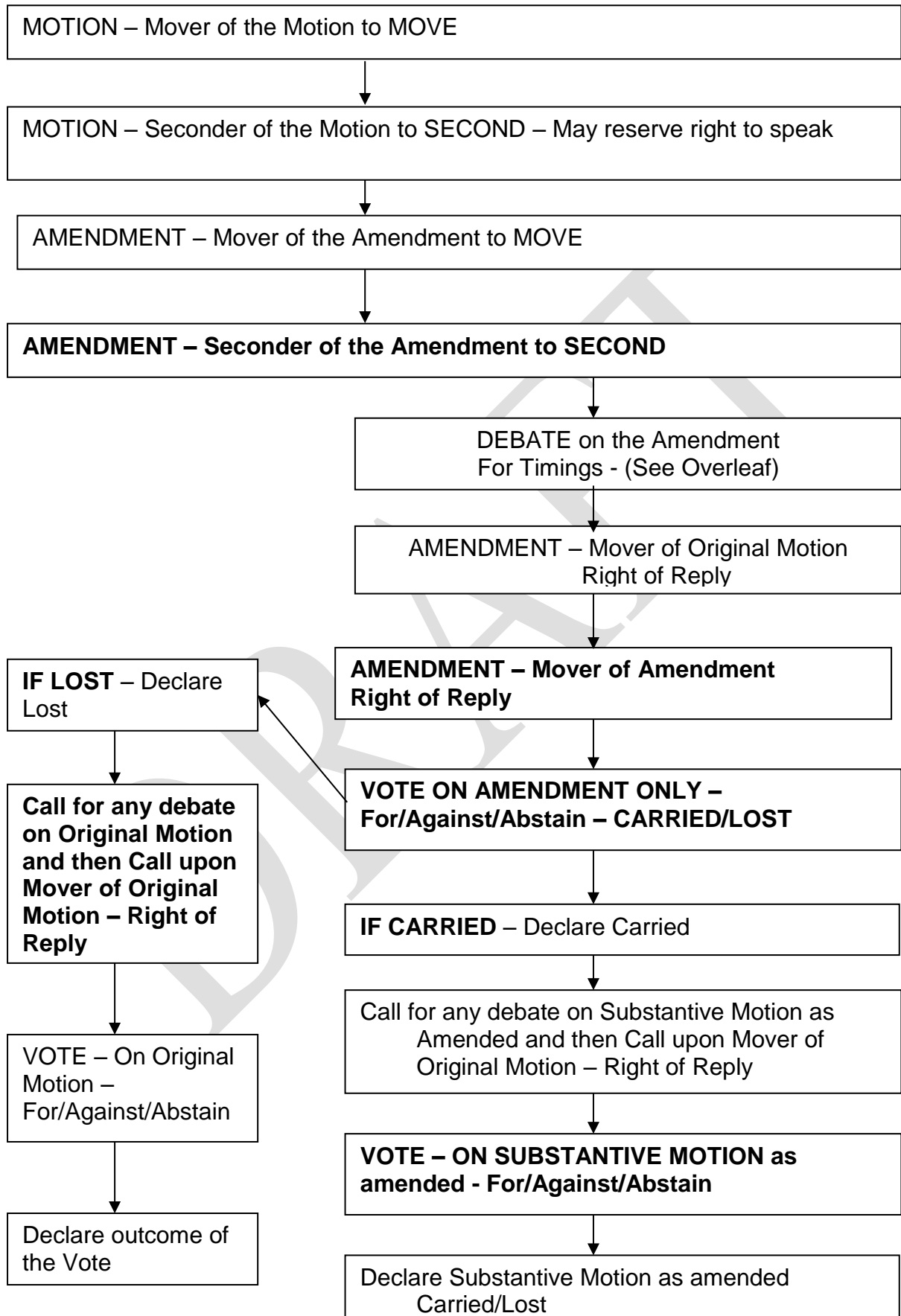
1. Minutes
2. Declaration of interest
3. Urgent business
4. Communications
5. Petitions
6. Youth Council **20 mins**
7. Question Time
 - Public questions **15 mins**
 - Questions to Leader and cabinet **30 mins**
 - Questions on Cabinet minutes **15 mins**
 - Questions on Joint Arrangements / Partnerships **15 mins**
8. Administration Motions **30 mins**
9. Opposition Motions **30 mins**
10. Other business, including reports

Note Any time not utilised in Items 1 – 9 will be allocated to Item 10.

PROCEDURE FOR NOTICE OF MOTIONS (NO AMENDMENT)



PROCEDURE FOR NOTICE OF MOTIONS (WITH AMENDMENT)



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Part 4

Access to Information Procedure Rules

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PART 4 - ACCESS TO INFORMATION PROCEDURE RULES

1. SCOPE

- 1.1 These rules apply to all meetings of the Council, Council Boards, Committees and Panels (as identified in Article 8 to the Constitution), Overview and Scrutiny Committees, the Cabinet and Committees and Boards of the Cabinet (as may be established by the Leader of the Council) (together called meetings).
- 1.2 These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

2. RIGHTS TO ATTEND MEETINGS

Members of the public may attend all meetings unless confidential or exempt information as defined in Procedure Rule 8 is to be considered and the meeting has resolved to exclude the public.

3. NOTICE OF MEETING

The Council will give at least five clear days' notice of any meeting by posting details of the meeting at the Civic Centre, Oldham, and on the Council's website.

4. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

The Council will make copies of the agenda and reports available for public inspection at the Civic Centre, Oldham and on the Council's website at least five clear days before the meeting unless the meeting is convened at shorter notice, in which case the agenda and reports will be available as soon as convened. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda. 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. SUPPLY OF COPIES

The Council will supply copies of the following documents to any person on payment of a charge for postage and any other costs:

- a) any agenda and reports which are open to public inspection;
- b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- c) if the Chief Executive thinks fit, copies of any other documents supplied to Councillors in connection with an item.

6. ACCESS TO AGENDA, MINUTES, DECISION RECORDS AND REPORTS

6.1 The Council will make available copies of the following for six years:

- a) the minutes of a meeting excluding any part which discloses exempt or confidential information;
- b) records of decisions taken, together with reasons, for all decisions taken by the Cabinet, Cabinet Committees and Boards, and for key decisions taken by individual Cabinet Members and by Officers, excluding any part which would disclose exempt or confidential information;
- c) a summary of any proceedings of any meeting not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- d) the agenda for any meeting; and
- e) reports relating to any items which would not disclose confidential or exempt information.

6.2 The relevant Chief Officer or report author will make available copies of the background papers referenced in any report available to the public for a period of four years.

7. MATTERS TO BE CONSIDERED IN EVERY REPORT TO ALL MEETINGS AND TO INDIVIDUAL DECISION MAKERS

7.1 Every report shall consider under separate headings the following matters:

1. Legal Implications
2. Financial Implications
3. Treasurer's comments
4. Human Resource Implications
5. Co-operative Implications
6. Risk Assessments
7. IT Implications
8. Property Implications
9. Environmental and Health and Safety Implications
10. Procurement Implications
11. Community cohesion, including crime and disorder implications in accordance with Section 17 of the Crime and Disorder Act 1998
12. Equality Impact

7.2 The person compiling a report must also set out a list of those documents (called background papers) relating to the subject matter of the report which in the opinion of the author disclose any facts or matters on which the report or an important part of the report is based and which have been relied on to a material extent in preparing the report.

7.3 The requirement to list background papers does not include published works, documents which would disclose exempt or confidential information (as defined in Rule 10) or, in respect of executive reports, the advice of a political advisor.

7.4 Background papers must be available for public inspection and where the report relates to an executive decision the background papers must also be

available on the Council's website

- 7.5 If the person compiling the report is to recommend that the public be excluded from the meeting during consideration of the report and/or from having access to the report on the grounds that the report contains exempt information, the person must give a consideration to the balance of public interest when recommending confidentiality.

8. SUMMARY OF PUBLIC'S RIGHTS

A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at the Civic Centre, West Street, Oldham.

9. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

9.1. Business to be considered in private – public notice

- 9.1.1 Prior to any executive meeting, public notice must be given at least 28 clear working days before any meeting of the Cabinet or of a Cabinet Committee or Board or of an area committee or called under joint arrangements where there is an intention to consider an item of business in private. The reason for the item of business to be considered in private must also be included. The notice provides an opportunity for representations to be made by the public as to why the business should be transacted in public.
- 9.1.2 A further notice must be published five clear days before the meeting, restating the reasons for consideration of business in private. The notice must also include details of any representations made about why the business should be transacted in public, and the Executive's response to the representations.
- 9.1.3 If the above timetable is impracticable, the business may still be considered in private if the Executive has had agreement from the Overview and Scrutiny Board Chairman (or if he/she is unable to act, from the Mayor or the Deputy Mayor). Public notice must then be given setting out the reasons why consideration of the business is urgent and cannot reasonably be deferred.
- 9.2 **Confidential information – requirement to exclude public**
- 9.2.1 The public must be excluded from any meeting 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.
- 9.2.2 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.
- 9.3 **Exempt information – discretion to exclude public**
- 9.3.1 The public may be excluded from any meeting 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.

- 9.3.2 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.
- 9.3.3 In all cases, before the public is excluded the meeting must be satisfied that, in all circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 9.3.4 Exempt information means information falling within the following categories (subject to any condition):

Category	Qualification/Interpretation
1. Information relating to any particular individual.	
2. Information which is likely to reveal the identity of any individual	
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).	<p>“Financial or business affairs” includes contemplated, as well as past or current, activities;</p> <p>Information is not exempt if it must be registered under</p> <p>(a) the Companies Acts (as defined in section 2 of the Companies Act 2006);</p> <p>(b) the Friendly Societies Act 1974;</p> <p>(c) the Friendly Societies Act 1992;</p> <p>(d) the Co-Operative and Community Benefits Societies Act 2014;</p> <p>(e) the Building Societies Act 1986; or</p> <p>(f) the Charities Act 2011.</p> <p>“Registered” in relation to information required to be registered under the Building Societies Act 1986, means recorded in the public file of any building society (within the meaning of that Act).</p>
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the Council, or a Minister of the Crown, and	<p>“Employee” means a person employed under a contract of service.</p> <p>“Labour relations matter” means—</p> <p>(a) any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which</p>

<p>any employees of, or office holders under, the Council.</p>	<p>may be the subject of a trade dispute, within the meaning of that Act); or (b) any dispute about a matter falling within paragraph (a) above; the enactments in paragraph (a) applying, with the necessary modifications, also to office-holders under the authority.</p> <p>“Office-holder”, in relation to the authority, means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority.</p>
<p>5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</p>	
<p>6. Information reveals that the Council 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.</p>	
<p>7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.</p>	

9.3.5 Information falling within any of paragraphs 1-7 is not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself planning permission or permission in principle under Regulation 3 of the Town and Country Planning General Regulations 1992.

10. 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 his or her opinion relate to items during which, in accordance with Rule 9, 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.

11. KEY DECISION DEFINITION

11.1 Key decision definition

A key decision is any decision taken by the Cabinet, a Board or Committee of the Cabinet or by an individual Cabinet member, or by an area committee, under joint arrangements or by an officer under delegated executive powers which -

- a) is likely to result in a local Council incurring expenditure which is, or the making of savings which are, significant having regard to the local Council's budget for the service or function to which any decision relates; or
- b) be significant in terms of its effects on communities living or working in the area comprising two or more wards in the area of the local Council; or
- c) require an application to be made for planning permission, listed building, ancient monument or conservation area consent; or
- d) comprise or include the making, approval or publication of a draft or final scheme which may require, either directly or in the event of objection, the approval of the Secretary of State or of a Minister of the Crown; or
- e) require the passage of local legislation or the adoption by the Council of national legislation or
- f) propose a response on behalf of the Council to consultation by the Secretary of State or a Minister of the Crown, where the consultation response could have a potential impact upon the Council to the extent defined in a or b above; or
- g) propose an alteration in the standard charges which the Council makes for any of its services.

11.2 Key Decision Definitions – qualification/interpretation

For the purposes of this definition, ‘significant’ with regard to expenditure or savings is defined as:

- a) revenue expenditure or saving that is neither provided for within the Budget, nor virement permitted by the Constitution;
- b) capital expenditure that is not provided for within:
 - i. the capital estimate for a specific scheme; or
 - ii. a lump sum capital estimate;
- c) the declaration of land or property, the estimated value of which exceeds £250,000, as surplus to the Council's requirements;
- d) securing approval in principle to the acquisition or disposal of land or property the value of which is estimated to exceed £250,000;
- e) securing approval in principle to the taking of, or the granting, renewal, assignment, transfer, surrender, taking of surrenders, review, variation or termination of any leases, licences, easements or wayleaves, at considerations in excess of £250,000 over the term of the agreement or a premium of £250,000;
- f) any decision which involves expenditure or savings over £250,000.

12. PROCEDURE BEFORE TAKING KEY DECISIONS

- 12.1 A key decision may not be taken unless 28 clear days Notice has been given of the intention to take a key decision and that Notice has been made available at the Civic Centre, Oldham and on the Council's website. The Notice will contain matters which will be the subject of a key decision to be taken by the Cabinet, a Board or Committee of the Cabinet, an individual member of the Cabinet, by an Officer or under joint arrangements during the period covered by the plan. It will describe the following in so far as the information is available or might reasonably be obtained:
- a) the matter in respect of which a decision is to be made;
 - b) where the decision taker is an individual, his/her name and title, if any and where the decision taker is a body, its name and details of membership;
 - c) the date on which, or the period within which, the decision will be taken;
 - d) a list of the documents submitted to the decision taker for consideration in relation to the matter;
 - e) the address from which copies of, or extracts from, any document listed is available;
 - f) that other documents relevant to those matters may be submitted to the decision maker and;
 - g) the procedure for requesting details of those documents (if any) as they become available
- 12.2 Exempt information need not be included in a Key Decision Document and confidential information cannot be included.

13. GENERAL EXCEPTION

- 13.1 If 28 clear days notice of a matter likely to be a Key Decision has not been given, then the decision shall only be made:
- a) if the date by which the decision must be taken makes it impractical to defer until it has been included on a later Notice issued in accordance with Rule 12 above
 - b) where the Deputy Chief Executive has obtained agreement in writing from the Chair of the Overview and Scrutiny Board (or his/her nominee), that the matter about which the decision is to be made cannot be deferred;
 - c) where the Deputy Chief Executive has made available at the Civic Centre, Oldham and on the Council's website, a 'General Exception Key Decision Notice'; and
 - d) after five clear days have elapsed following the day on which the Deputy Chief Executive made available the notice referred to in paragraph (c).;
- 13.2 Where this paragraph is complied with in any matter, Rule 12 above need not be complied with.

14. CASES OF SPECIAL URGENCY

- 14.1 Where the date by which an executive decision that would be a key decision must be made makes compliance with Key Decision procedures at Rule 12

and General Exception procedures at Regulation 13 above impracticable, the decision shall only be made where the decision maker has obtained agreement from the Chair of the Overview and Scrutiny Board (or his/her nominee) or if not available, the Mayor or in absence of the Mayor, the Deputy Mayor. Where this Rule applies, the decision is also exempt from call-in.

- 14.2 As soon as reasonably practicable after agreement has been sought, a notice must be published at the Civic Centre, Oldham, and on the Council's website, setting out the reasons why that the decision is urgent, and why it cannot reasonably be deferred.

15. REPORTS TO COUNCIL

15.1 When an Overview and Scrutiny Committee can require a report

If an Overview and Scrutiny Committee is of the opinion that a key decision has been taken which was not subject to Key Decision, General Exception or Special Urgency procedures, the Committee may require the decision taker 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 Chief Executive, who shall require such a report on behalf of the Committee when so requested (by the Chair or any 5 members).

15.2 Cabinet's report to Council

The decision taker will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 9 days of receipt of the written notice, or the resolution of the committee, then 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.

15.3 Annual report on special urgency decisions

The Leader will submit at least annually a report to the Council on all executive decisions taken in the circumstances set out in Rule 14 (Special Urgency) since the last such report was submitted. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

16. RECORD OF DECISIONS

After any meeting of the Cabinet or any of its committees, whether held in public or private, the proper officer or, where no officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting, alongside the date of the decision, and any declarations of interest made.

17. DELEGATED DECISIONS BY INDIVIDUAL MEMBERS OF THE CABINET AND OFFICERS

17.1 Reports intended to be taken into account

Where an individual member of the Cabinet or an Officer receives a report which he/she intends to take into account in making any **key** decision, then he/she will not make the decision until at least 5 clear days after receipt of that report.

17.2 Provision of copies of reports to Overview and Scrutiny Committees

On the giving of such a report to an individual decision maker, the person who prepared the report shall make it publicly available at the same time and will give a copy of it to the Chair of every relevant Overview and Scrutiny Committee as soon as reasonably practicable.

17.3 Record of individual decisions

As soon as reasonably practicable after a decision has been taken by an individual member of the Cabinet or a Key Decision or a Principal decision has been taken by an officer he/she will prepare, or instruct the proper officer to prepare, a record of the decision, including the name and title of the decision taker, the date of the decision, a statement of the reasons for the decision and any alternative options considered and rejected, and any declarations of interest made. After a decision has been taken, the notice of decision and any reports considered must be available for inspection in accordance with Rule 6.

18. OVERVIEW AND SCRUTINY COMMITTEE ACCESS TO DOCUMENTS

18.1 Rights to documents

Subject to Rule 18.2 below, a member of an Overview and Scrutiny Committee will be entitled to copies of any document which is in the possession or control of the executive and which contains material relating to:-

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

18.2 This must be provided as soon as reasonably practicable and no later than 10 clear days after the request is made.

18.3 Rights in relation to private decisions of the Cabinet

The Chairs of all Overview and Scrutiny Committees shall be entitled to foresight of papers in relation to private decisions of the Cabinet before the decision is made.

18.4 Limit on rights

A member of an Overview and Scrutiny Committee will not be entitled to:

- a) any document that is in draft form;
- b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise in accordance with the

- c) Scrutiny Work Programme; or
the advice of a political adviser appointed under s9 of Local Government and Housing Act 1989.

18.5 Rights to make material relating to decisions available

The Cabinet, or other decision making body, is also required to provide a report upon request by the relevant Overview and Scrutiny Committee if:

- a) A Key Decision was taken which was not in accordance with Rule 14 (Subject to Rule 16 (general exception) and Rule 17 (special urgency), or;
- b) A decision was taken which was not treated as a Key Decision but in the opinion of the Overview and Scrutiny Committee should have been a Key Decision.

19. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS

19.1 Material relating to previous business

All members are entitled to inspect any document which is in the possession or under the control of the executive and contains material relating to any business previously transacted in private at a meeting or by an individual Member or by an Officer making a key decision unless it contains confidential information; exempt information insofar as it relates to information relating to the business or financial affairs of any particular person (including the Authority holding that information), with the exception of information that relates to any terms proposed or to be proposed by or to the Authority in the course of negotiations for a contract, or which reveals that the authority proposes to give a notice imposing requirements on a person or make an order or direction under any enactment; or the advice of a political adviser.

19.2 Nature of rights

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



Budget and Policy Framework Procedure Rules

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PART 4 - BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

1. THE FRAMEWORK FOR EXECUTIVE DECISIONS

The Council will be responsible for the approval and adoption of the annual Budget and the policies, strategies and plans that form the Policy Framework as set out in Article 4 at Part 2 of this Constitution. Once a budget or a policy framework item has been formally approved by the Council, it is the responsibility of the Executive to implement it.

2. PROCESS FOR DEVELOPING THE BUDGET AND POLICY FRAMEWORK

- 2.1 The Executive will publicise in the Key Decision Document the timetable for making proposals to the Council for the adoption of the Budget and any item within the policy framework, including any draft policies, strategies or plans included within the scope of the policy framework that require the approval of the Council prior to submission to the Secretary of State or any Minister of the Crown for his/her approval, and make arrangements for consultation on those initial proposals. The chairs of Overview and Scrutiny Committees will also be notified of the timetable. The consultation period shall in each instance be not less than 6 weeks unless the Government or other body issues guidelines requiring a shorter period of time.
- 2.2 At the end of the consultation period, the Cabinet will draw up final proposals having regard to the responses to that consultation, including any response from the appropriate Overview and Scrutiny Committee. The Cabinet will take any response into account in drawing up final proposals for submission to the Council, and its report to Council recommending a decision will reflect the comments made by consultees and the Cabinet's response.
- 2.3 In reaching a decision, the Council may either
- a) adopt the Cabinet's proposals without amendment and the budget or policy framework item shall have immediate effect; or
 - b) resolve to amend the Cabinet's proposals and make an in-principle decision, in which case the Leader shall be given notice that he/she has five working days in which to notify the Chief Executive that he/she objects to the Council's resolution and to submit a response for the consideration of the Council; and either
 - (i) on receipt of the notice and if the Leader determines to object to the in-principle decision, the Leader shall give notice to the Chief Executive of
 - the nature of the objection to the Council's in-principle decision;
 - the reasons for the objection;
 - any amendment the Leader may wish to make to the

recommendation that had been put before the Council and the reasons for such amendment; or

- whether the Leader would intend to move the initial recommendation and;

on receipt by the Chief Executive of the Leader's objection, the Chief Executive will convene a meeting of the Council within ten working days; and

on consideration by the Council of the response of the Leader any decision of the Council shall be adopted and be implemented with immediate effect; or

- (ii) on receipt of the notice the Leader may determine not to object to the Council resolution and the in-principle decision of the Council shall stand approved and have immediate effect from either the date of receipt by the Chief Executive of written notice to that effect from the Leader or on the conclusion of the five working day notice period, whichever is the sooner.

3. DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

3.1 Subject to the provisions of paragraph 5 (virement) the Cabinet, individual members of the Cabinet 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, then that decision may only be taken by the Council, subject to paragraph 4 below.

3.2 In such cases, the Cabinet, individual members of the Cabinet and any officers or joint arrangements discharging executive functions shall take advice from the Director of Legal Services and/or the Director of Finance. If the advice of either Officer 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 and policy framework) shall apply.

4. URGENT DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

4.1 The Cabinet, individual members of the Cabinet and any 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 only be taken:

- a) if it is not practical to convene a quorate meeting of the full Council; and
- b) if the chair of a relevant Overview and Scrutiny Committee agrees that the decision is a matter of urgency.

- 4.2 The reasons why it is not practical to convene a quorate meeting of the Council and the Chair of the relevant Overview and Scrutiny Committees' consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the chair of a relevant Overview and Scrutiny Committee the consent of the Mayor, and in the absence of both the Deputy Mayor, will be sufficient.
- 4.3 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

In approving the Budget, the Council will also specify the extent of virement within the budget which may be undertaken by the Executive. The levels of virement shall be recorded and maintained in Financial Procedure Rules at Part 4 to this Constitution. Any other changes to the Budget are reserved to the Council.

6. IN-YEAR CHANGES TO POLICY FRAMEWORK

In approving a Policy Framework item, the Council shall specify the extent and nature of any changes to such an item that may be made by the Executive. Otherwise, no changes to any policy, plan or strategy which make up the policy framework may be made by the Executive.

7. CALL-IN OF DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

- 7.1 Where an Overview and Scrutiny Committee is of the opinion that a key 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 Director of Legal Services and/or Director of Finance.
- 7.2 In respect of functions which are the responsibility of the Cabinet, the Monitoring Officer's report and/or Chief Finance Officer's report shall be to the Cabinet with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the Cabinet must meet to decide what action to take in respect of the Director of Legal Services report and to prepare a report to either
- a) the Council in the event that the Director of Legal Services or the Director of Finance conclude that the decision was a departure from the budget or policy framework; or
 - b) to the Overview and Scrutiny Committee if the Monitoring Officer or the Chief Finance Officer conclude that the decision was not a departure from

the budget or policy framework.

- 7.3 If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Director of Legal Services and/or the Director of Finance 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 Overview and Scrutiny Committee may refer the matter 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 ten working days of the request by the Overview and Scrutiny Committee. At the meeting it will receive a report of the decision or proposals and the advice of the Director of Legal Services and/or the Director of Finance. The Council may either:
- a) endorse a decision or proposal of the Cabinet decision taker as falling within the existing Budget and Policy Framework and the decision may be implemented with immediate effect; or
 - b) accept that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget but resolve to amend the Council's financial regulations, the Budget or policy concerned to encompass the decision or proposal of the body or individual responsible for that executive function and the decision may be implemented with immediate effect; or
 - c) accept that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget but does not resolve to amend the Council's financial regulations, the Budget or policy concerned to accommodate it and require the Cabinet to reconsider the matter in accordance with the advice of either the Director of Legal Services/Director of Finance.



Part 4

Executive Procedure Rules

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PART 4 - EXECUTIVE PROCEDURE RULES

1. WHO MAY MAKE EXECUTIVE DECISIONS?

The Leader of the Council (the 'Leader') may discharge any executive function of the Council or may provide for any executive function of the Council to be discharged by the Cabinet; a Committee or Board of the Cabinet; an individual Cabinet Member; an officer of the Council; an area committee or under joint arrangements.

2. APPOINTMENTS AND DELEGATION BY THE LEADER

2.1 At the annual meeting of the Council, the Leader will present to the Council the following detail regarding executive arrangements -

- a) the names of the Members appointed to the Cabinet;
- b) the name of the Cabinet Member appointed Deputy Leader of the Council (the "Deputy Leader");
- c) the extent of any decision making delegated to Cabinet members individually, including details of the limitation on their delegation;
- d) the terms of reference and membership of any Cabinet Committees established, including details of the limitation on their delegation;
- e) the nature and extent of any delegation of executive functions to area committees, any other Council or any joint arrangements and the membership of any joint committee for the coming year; and
- f) the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officers to whom the delegations are made.

2.2 The details of any delegations determined by the Leader shall be recorded in the Council's scheme of delegation at Part 3 to this Constitution.

3. DEPUTY LEADER OF THE COUNCIL

3.1 The Leader must give written notice of the appointment of the Deputy Leader to both the person who he/she is appointing as Deputy Leader and to the Monitoring Officer. The appointment will take effect upon receipt of the Leader's written notice by both the person who the Leader is appointing as Deputy Leader and also the Monitoring Officer. The Monitoring Officer will keep a written record of the appointment of the Deputy Leader and will report the appointment to Council and the Cabinet at the earliest opportunity.

3.2 The Deputy Leader will hold office until the end of the Leader's term of office unless:

- a) he/she resigns from the office of Deputy Leader;
- b) he/she is no longer a Councillor;

- c) he/she is no longer a member of the Cabinet; or
- d) he/she is removed by the Leader who must give written notice of such removal to both the Deputy Leader and to the Monitoring Officer. The removal of the Deputy Leader will take effect upon receipt of the Leader's written notice by both the Deputy Leader and the Monitoring Officer. The Monitoring Officer will keep a written record of any removal of the Deputy Leader and the Leader will report any such removal to Council and the Cabinet at the earliest opportunity.

3.3 Where a vacancy occurs in the office of Deputy Leader, the Leader must appoint another person in the manner shown above.

3.4 It is the role of the Deputy Leader to act in the place of the Leader in circumstances where the Leader is unable to act or the office of Leader is vacant.

3.5 If, for any reason:

- a) the Leader is unable to act or the office of Leader is vacant; and
- b) the Deputy Leader is unable to act or the office of Deputy Leader is vacant,

the Cabinet must act in the place of the Leader or arrange for a Cabinet Member to act in his/her place.

4. CABINET MEMBERS

4.1 When appointing Cabinet Members, the Leader shall determine what Portfolios or areas of responsibility those members shall hold. When appointing a Cabinet Member the Leader must give written notice of the appointment and of the Portfolio to both the person who he/she is appointing and to the Monitoring Officer.

4.2 The appointment of the Cabinet Member will take effect upon receipt of the Leader's written notice by both the person who the Leader is appointing as an Executive Member and the Monitoring Officer. The Monitoring Officer will keep a written record of the appointment of a Cabinet Member and the Leader will report the appointment and the portfolio to Council and the Cabinet at the earliest opportunity.

4.3 A Cabinet Member will hold office until the end of the Leader's term of office unless:

- a) he/she resigns from the office of Cabinet Member; or
- b) he/she is no longer a Councillor; or
- c) he/she is removed by the Leader who must give written notice of such removal to both the Cabinet Member and to the Monitoring Officer. The removal of a Cabinet Member will take effect upon receipt of the Leader's written notice by both the Cabinet Member and the Monitoring Officer. The

Monitoring Officer will keep a written record of any removal of a Cabinet Member and the Leader will report any such removal to Council and the Cabinet at the earliest opportunity.

5. DELEGATION AND EXERCISE OF EXECUTIVE FUNCTIONS

The Leader shall inform the Monitoring Officer of the terms of reference and delegation arrangements of the Cabinet, Cabinet Sub-Committees and Boards and of the delegation of executive functions to area committees, officers or to be undertaken under joint arrangements. The Monitoring Officer shall notify the Council and amend the Constitution at the earliest opportunity.

6. CONFLICTS OF INTEREST

6.1 Members of the Cabinet will have due regard to the Members' Code of Conduct at Part 5 of the Council's Constitution.

6.2 If the exercise of an executive function has been delegated by the Leader to a Cabinet Member, a Committee of the Cabinet, an area committee or an Officer, and should a conflict of interest arise meaning that person or body cannot make a decision, then the function shall be exercised in the first instance by

- a) in the case of a Cabinet Member, the Leader;
- b) in the case of a Cabinet Committee or an area committee, the Cabinet; or
- c) in the case of an Officer, the relevant Cabinet Member.

6.3 If the exercise of an executive function has been delegated by a Cabinet Member, a Committee of the Cabinet or an area committee to an Officer and should a conflict of interest arise meaning that person cannot make a decision, then the function shall be exercised by the person or body who delegated the power.

6.4 If the Leader of the Council is personally conflicted on a matter that has been reserved to the Leader, then the Deputy Leader shall act in place of the Leader. If both the Leader and the Deputy Leader are conflicted, the matter shall be reserved to the Cabinet.

7. MEETINGS OF THE CABINET

7.1 The Cabinet will meet at least 10 times per year at times to be agreed by the Leader. The Cabinet shall meet at the Council's main offices or another location to be agreed by the Leader.

7.2 The Cabinet shall meet in public except where the meeting is to consider confidential or exempt information and where due notice of the intention to consider business in private has been given and the meeting has resolved to exclude the public in accordance with Access to Information Rules in Part 4 of this Constitution

- 7.3 The quorum for a meeting of the Cabinet shall be 4.
- 7.4 The Leader will chair meetings of the Cabinet. In the absence of the Leader, the statutory Deputy Leader shall chair the meeting. In the absence of both the Leader and Deputy Leader, the members of the Cabinet in attendance shall appoint a person from among those present to preside at that meeting.
- 7.5 At each meeting of the Cabinet the following business shall be conducted:-
- a) declarations of interest, if any;
 - b) consideration of the minutes of the last meeting;
 - c) public question time;
 - d) matters referred to the Cabinet (whether by an Overview and Scrutiny Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions of Overview and Scrutiny Procedure Rules or Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
 - e) consideration of reports from Overview and Scrutiny Committees; and
 - f) matters set out in the agenda for the meeting which shall indicate which are key decisions and have been treated as such in accordance with the Access to Information Procedure rules set out in Part 4 of this Constitution.
 - g) matters set out in the agenda for the meeting for consideration as private business where notice has been given in accordance with the Access to Information Procedure Rules set out in Part 4 of this Constitution.
- 7.6 Other business that may be considered by the Cabinet shall be:-
- a) Any member of the Cabinet or Chair of an Overview and Scrutiny Committee may put on the agenda of any Cabinet meeting any matter for which the Council holds a responsibility or which affects the Borough. The Chief Executive will comply with all lawful requests in this respect.
 - b) Any member of the Council may request an item be put on the agenda of any Cabinet meeting in respect of any matter for which the Council holds a responsibility or which affects the Borough. The Chief Executive will only refuse such a request for some substantial reason. The Cabinet agenda shall state the name of the member requesting the item, the Member shall be invited to attend the meeting (whether in public or private session). The Chief Executive has discretion to limit the number of such items of business at individual Cabinet meetings.
 - c) The Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the Chief Executive to call such a meeting in pursuance of their statutory duties.
- 7.7 Unless the Leader has directed otherwise, the Cabinet may further delegate their executive decision making powers to a Committee of the Cabinet, an area

committee or to an officer.

- 7.8 All reports to the Cabinet on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant Overview and Scrutiny Committees, and the outcome of that consultation. The level of consultation required will be appropriate to the nature of the matter under consideration. Reports about other matters submitted to the Cabinet or to any another executive decision maker shall set out the details and outcome of any consultation as appropriate.

8. DECISION MAKING BY INDIVIDUAL CABINET MEMBERS

- 8.1 Individual Cabinet Members may exercise such executive decision making powers as determined by the Leader and set out in the Scheme of Delegation. Such matters must be dealt with and determined in accordance with the requirements of Access to Information Procedure Rules and Overview and Scrutiny Procedure Rules at Part 4 of the Constitution and on consideration of a prepared report.

- 8.2 Unless the Leader has directed otherwise, an Individual Cabinet Member may further delegate their executive decision making powers to an area committee or to an officer.

9. DECISION MAKING BY COMMITTEES OF THE CABINET

- 9.1 Committees of the Cabinet may be appointed by the Leader who shall determine membership and delegation to the Committees which shall be set out the Scheme of Delegation. Meetings shall be held in public except where the meeting is to consider confidential or exempt information and where due notice of the intention to consider business in private has been given and the meeting has resolved to exclude the public in accordance with Access to Information Rules in Part 4 of this Constitution. Meetings and business shall be conducted in accordance with the requirements of Access to Information Procedure Rules and Overview and Scrutiny Procedure Rules at Part 4 of the Constitution.

- 9.2 Unless the Leader has directed otherwise, a Committee of the Cabinet may further delegate their executive decision making powers to an area committee or to an officer.

- 9.3 At each meeting of a Committee of the Cabinet the following business shall be conducted:-
- a) declarations of interest, if any;
 - b) consideration of the minutes of the last meeting;
 - c) public question time;
 - d) matters set out in the agenda for the meeting which shall indicate which are key decisions and have been treated as such in accordance with the

Access to Information Procedure Rules set out in Part 4 of this Constitution.

- e) matters set out in the agenda for the meeting for consideration as private business where notice has been given in accordance with the Access to Information Procedure Rules set out in Part 4 of this Constitution.

9.4 The quorum of a Cabinet Committee shall be two.

8. AREA COMMITTEES EXERCISING DELEGATED EXECUTIVE FUNCTIONS

10.1 The Leader may delegate executive functions to area committees which shall be set out the Scheme of Delegation. Meetings shall be conducted and Key Decisions and private business considered in accordance with the requirements of Access to Information Procedure Rules and Overview and Scrutiny Procedure Rules at Part 4 of the Constitution.

10.2 Unless the Leader has directed otherwise, an area committee may further delegate their executive decision making powers to an officer.

9. OFFICERS EXERCISING DELEGATED EXECUTIVE FUNCTIONS

The Leader may delegate executive functions to Officers which shall be set out the Scheme of Delegation. Key Decisions will be dealt with in accordance with the requirements of Access to Information Procedure Rules and Overview and Scrutiny Procedure Rules at Part 4 of the Constitution.

12. DECISION MAKING UNDER JOINT ARRANGEMENTS OR BY ANOTHER AUTHORITY

The Leader may arrange for executive functions to be delivered through joint arrangements or by another authority. Procedural matters in respect of functions exercised through a joint arrangement will comply with the law and with this Constitution, varied only to align the procedural arrangements of the partner authority or authorities and as specified in a Heads of Terms agreement. Procedural matters in respect of functions exercised by another local authority will comply with the law and as specified in a Heads of Terms agreement.