

Meeting: **SPECIAL AUDIT COMMITTEE**  
Date: **4 JULY 2014**  
Time: **2.00PM**  
Venue: **COMMITTEE ROOM**  
To: **Councillors C Pearson (Chair), J Cattanach, Mrs D Davies,  
M Dyson, Mrs C Mackman (Vice Chair), J McCartney,  
I Nutt, R Price and Mrs S Ryder**

## Agenda

**1. Apologies for absence**

**2. Disclosures of Interest**

A copy of the Register of Interest for each Selby District Councillor is available for inspection at [www.selby.gov.uk](http://www.selby.gov.uk) .

Councillors should declare to the meeting any disclosable pecuniary interest in any item of business on this agenda which is not already entered in their Register of Interests.

Councillors should leave the meeting and take no part in the consideration, discussion or vote on any matter in which they have a disclosable pecuniary interest.

Councillors should also declare any other interests. Having made the declaration, provided the other interest is not a disclosable pecuniary interest, the Councillor may stay in the meeting, speak and vote on that item of business.

If in doubt, Councillors are advised to seek advice from the Monitoring Officer.

**3. Chair's Address to the Audit Committee**

**4. A/14/8 – Constitutional Changes**

To receive the report of the Solicitor to the Council, pages 3 to 53 attached

**Mary Weastell**  
**Chief Executive**

<b>Date of Next Meetings</b>
29 July 2014 (Special)
24 September 2014
14 January 2015
15 April 2015

Enquiries relating to this agenda, please contact Richard Besley on:  
Tel: 01757 292227  
Email: [rbesley@selby.gov.uk](mailto:rbesley@selby.gov.uk)

**To:** Audit Committee  
**Date:** 4 July 2014  
**Author:** Gillian Marshall, Solicitor to the Council  
**Lead Officer:** Mary Weastell, Chief Executive  
**Executive Member:** Councillor Mark Crane

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**Title:** Review of the Constitution

**Summary:** This Report sets out the matters arising from the Audit Committee consideration of Part 4 - Rules and Procedures of the constitution on 12th of June 2014. It also considers and introduces the general rules around delegation of functions that apply to Part 3 - Responsibility for Functions to be considered at the meeting.

**Recommendations:**

- (i) To consider the Draft Protocol on filming and recording the Council meetings and the proposed wording for the agendas and chairs announcements attached at Appendix A; and
- (ii) subject to any amendments proposed to the Draft Protocol, to refer interim constitution changes relating to the recording of budget votes in the filming and recording of Council meetings to the Executive for comments and Council for approval in September 2014.
- (iii) To consider the draft Terms of Reference for a combined Policy and Review and Overview and Scrutiny Committee and the proposal to expand the remit of the Audit Committee to cover governance matters attached at appendices B and C.
- (iv) To consider the revised rules contained in appendices D to G and approve them as reflecting the outcomes of the decisions at the meeting on 12 June.
- (v) To consider, in the light of the advice offered in the report on the legal powers relating to delegation of functions, the provisions of Part 3 of the constitution and to instruct officers to draft any proposed amendments for consideration by the Audit Committee.

## **Reasons for recommendation**

- (i) To progress the review of the Constitution.

### **1. Introduction and background**

- 1.1 Audit Committee have been requested to undertake a review of the Constitution of the Council and report back to the Executive and to Council (minute 94 of Council on 29 April 2014 refers)
- 1.2 Audit Committee resolved to look first at Part 4 of the Constitution – the Rules of Procedure and this work was undertaken on 12 June 2014. This report progresses the outcomes of that consideration, identifies areas where interim changes could be made to the constitution to reflect legislative changes, and provides for approval marked up drafts showing the changes proposed at that meeting.
- 1.3 Audit Committee now wish to move on to look at Part 3 - Responsibility for Functions.

### **2. The Report**

- 2.1 Where Members resolved to recommend specific drafting amendments to sections of Part 4 these are shown as tracked changes on the attached
  - Appendix D – Council Procedure Rules
  - Appendix E – Access to Information procedure Rules
  - Appendix F – Overview and Scrutiny Procedure Rules
  - Appendix G – Officer Employment Procedure Rulesfor Members to consider and approve.
- 2.2 Part 3 of the Constitution is intended to comply with the legal duty to maintain an up-to-date record of which part of the Council which individual has responsibility for particular decisions.

Understanding who has the authority to make decisions in respect of what matters and the limits and controls that apply are fundamental to ensuring that the Council acts lawfully. A decision made by a committee person without delegated authority is ultra-vires and subject to challenge.

Understanding the scheme of delegation is also fundamental to the proper working of executive structures. It helps to identify those responsible for putting matters onto the forward plan, for developing policy and for scrutinising decision making.

### **3. Legal/Financial Controls and other Policy matters**

#### **3.1 Legal Issues**

- 3.1.1 Under the Local Government Act 1972 (section 101) a local authority may make decisions as one corporate body or may delegate functions powers and duties to a committee, subcommittee or to an officer. Executive arrangements are overlaid onto this existing structure. Once executive arrangements are in place the law sets out a hard split for the functions between the executive and the rest of the Council. This split is established by exception and the default position is that every function of the local authority is an executive function unless it is specified in law that it is not. These exceptions are listed in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended from time to time.
- 3.1.2 The regulations divide functions into three types; Council functions (which are not be the responsibility of the executive) local choice functions (where the Council has a discretion whether to exercise them via the executive or Council) and shared functions (being the formulation and adoption of the budget and policy framework). The policies in the budgetary and policy framework are subject to a required process involving the executive and scrutiny before final approval by full Council (the Budgetary and Policy Framework Rules). All other matters are, by default, executive functions but the executive must exercise the functions in accordance with the budgetary and policy framework. If the executive proposes an action not in accordance with the framework it requires the consent of the full Council.
- 3.1.3 Essentially full Council is responsible for (and can largely delegate functions relating to) electing and removing the leader, approving the budget, setting Council tax, approving the plans in the strategic framework, elections, planning, licensing, staff, scrutiny decisions taken by the executive and the standards of conduct of councillors.
- 3.1.4 The executive is responsible for all other matters. It may delegate its functions to a committee but only insofar as that committee consists of members of the executive or is an area committee. It may also delegate to officers.
- 3.1.5 There are some committees that local authorities must have; these include a licensing committee (which will exercise functions under the Licensing Act 2003 and the Gambling Act 2005) and one or more scrutiny committees.
- 3.1.6 The Council appoints the members of each committee. A committee may then appoint a sub-committee. The composition of each committee and subcommittee must reflect the overall political balance of the authority. Except in relation to the finance committee, committees may include non-elected councillors but with a few

exceptions these co-opted committee members do not have voting rights.

- 3.1.7 The Council, a committee or subcommittee, may delegate its functions to an officer. The executive can also delegate its functions to an officer. Officer functions are therefore derived from both the Council and the executive. Where the power to make the decision has been delegated to an officer, the officer can make that decision without consultation and the decision takes effect as a decision of the authority. The authority will be bound by that decision provided that the officer was acting within the limits of their delegated authority. Officers can authorise other officers to carry out the functions on their behalf (sub delegation).
- 3.1.8 Any proposals to amend Part 3 of the constitution must take into account the legal structure rules set out above.
- 3.1.9 Under Article 15 of the Constitution changes will only be approved by Council after consideration of the proposals by the Executive taking into account the advice of the Chief Executive or Monitoring Officer.

#### **Financial Issues**

- 3.2.1 There are no financial issues arising from this report.

#### **4. Conclusion**

- 4.1 That Audit Committee should consider the draft protocol set out at appendix A and consider whether to recommend its adoption as part of the constitution. If so, whether to recommend to the September meeting of Council (subject to consideration by the Executive) that this amendment together with that relating to record of voting on budget decisions should be implemented as interim changes to reflect legislative requirements.
- 4.2 That Audit Committee should consider the draft terms of reference for a combined Policy Review and Scrutiny committee attached at appendix B and consider whether it wishes to propose such an arrangement and if so, the appropriate number of members to sit on the committee.
- 4.3 That Audit Committee should consider the draft terms of reference for an Audit and Governance committee set out at appendix C and if it wishes to propose such an arrangement, the appropriate number of members to sit on is the committee.
- 4.4 That Audit Committee consider the revised draft of the Council Procedure Rules attached at appendix D to reflect the decisions made in the previous meeting.

- 4.5 That Audit Committee consider the revised draft of the Access to Information Procedure Rules attached at appendix E.
- 4.6 That Audit Committee consider the revised draft of the Overview and Scrutiny Procedure Rules attached at appendix F to reflect the decisions made in the previous meeting.
- 4.7 That Audit Committee consider the revised draft of the Officer Employment Procedure Rules attached at appendix G to reflect the decisions made in the previous meeting

**5. Background Documents**

None

***Contact Officer:***

Gill Marshall Solicitor to the Council x42095

**Appendices:**

- Appendix A – North Yorkshire County Council, Protocol on Audio/Visual Recording and Photography at Meetings
- Appendix B – Draft Terms of Reference, Policy Review and Scrutiny Committees
- Appendix C – Draft Terms of Reference, Governance and Audit Committees
- Appendix D – Marked draft of Council Procedure Rules
- Appendix E – Final draft Access to Information Procedure Rules
- Appendix F – Revised Overview & Scrutiny Rules
- Appendix G – Revised Officer Employment Procedure Rules

### North Yorkshire County Council

#### Protocol on Audio/Visual Recording and Photography at Meetings

The County Council is committed to being open and transparent in the way it conducts its decision making. The County Council allows recording at County Council and committee and sub-committee meetings which are open to the public, subject to the recording being conducted under the direction of the Chairman of the meeting. The County Council understands that some members of the public attending its meetings may not wish to be recorded. The Chairman of the meeting will facilitate this by ensuring that any such request not to be recorded is respected by those doing the recording.

The rules which the County Council will apply are:-

1. Anyone wishing to record must contact, prior to the start of the meeting, the Democratic Services Officer whose details are set out on the Agenda.
2. The recording must be overt (ie clearly visible to anyone at the meeting) but non-disruptive.
3. All those visually recording a meeting are requested to focus only on recording councillors, officers and those members of the public speaking to the meeting.
4. Any member of the public has the right not to be recorded. Agendas for meetings will make it clear that recording can take place. If any member of the public speaking at the meeting does not wish to be recorded, they must let the Chairman of the meeting know.
5. Any children or young people under the age of 18 who are present at the meeting are not to be filmed unless their parents/guardians have given their written consent.
6. The Chairman of the meeting has absolute discretion to stop or suspend recording if, in his/her opinion, continuing to do so would prejudice proceedings at the meeting or if the person recording is in breach of these rules. The circumstances in which this might occur include:-
  - recording is disrupting the proceedings of the meeting;
  - there is public disturbance or a suspension of the meeting;
  - the meeting has resolved to exclude the public for reasons which are set down in the County Council's Constitution;
  - a member of the public participating in the meeting objects to being recorded.
7. The recording and reporting on meetings of the County Council, its committees and sub-committees is subject to the law and it is the responsibility of those doing the recording and reporting to ensure compliance. This will include the Human Rights Act, the Data Protection Act and the laws of libel and defamation. The recording should not be edited in a way that could lead to misinterpretation or misrepresentation of the proceedings or infringement of the County Council's values or in a way that ridicules or shows a lack of respect for those in the recording. The County Council would expect any recording in breach of these rules to be removed



from public view. The County Council will have no liability for material published by any other person unless it is itself undertaking the publication through its offices.

A failure to follow these requirements may lead to a request to record being refused at subsequent meetings of the County Council, its committees and sub-committees.

Please contact, in advance of the meeting, the Democratic Services Officer whose details are set out on the Agenda if the recording you wish to do involves equipment which is larger than a smart phone, tablet or compact camera or if you have special requirements eg to move around the room to record or film from different angles. The use of lighting for filming/flash photography will usually be allowed if it is arranged via the Democratic Services Officer prior to the meeting. The County Council requires contact in advance of the meeting so it can ensure the meeting will not be unduly disrupted and there is a safe environment to transact the business.

**DRAFT TERMS OF REFERENCE**

**Policy Review and Scrutiny Committee**

1. To contribute to the development of the policies contained in the Budgetary and Policy Framework of the Council.
2. To consider and undertake policy reviews referred by the Executive.
3. To propose and undertake an annual programme of work of up to two policy reviews or inquiries into existing Council policy.
4. To advise on policy implementation.
5. To consider and comment upon the implications on Selby District of the policies of partner organisations and other agencies delivering public services in the District.
6. To scrutinise the performance of the Council and that of its partner organisations and other agencies delivering services within the Selby District.
7. To exercise the Council's statutory obligations and powers in relation to Overview and Scrutiny.
8. Exercise the right of call-in of decisions and recommendations made but not yet implemented
9. To issue reports and make recommendations, where appropriate, and in relation to any matters listed above, for consideration by the Council, Executive or the relevant committee of the Council

**DRAFT TERMS OF REFERENCE**

**Governance and Audit Committee**

1. To scrutinise and monitor the control systems, procedures and risk management systems operating at the Council.
2. To monitor and report annually on the effectiveness of the Council's Constitution.
3. To scrutinise and approve the Council's Annual Governance Statement, statement of accounts, income and expenditure and balance sheet or records of receipts and payments (as the case may be).
4. To be satisfied that the Council's assurance statements, including the Annual Governance Statement, have been properly developed and considered by councillors.
5. To receive the Annual Standards Report prepared by the Monitoring Officer.
6. To receive, but not direct, internal audit service strategy and plan and monitor performance.
7. To receive the annual report of the internal audit service
8. To review summary internal audit reports and the main issues arising, and seek assurance that action has been taken where necessary
9. To consider the effectiveness of the Council's risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements.
10. To seek assurances that action is being taken on risk-related issues identified by auditors and inspectors.
11. To consider the reports of external audit and inspection agencies relating to the actions of the Council.
12. To ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted.
13. To review the financial statements, external auditor's opinion and reports to councillors, and monitor management action in response to issues raised by external audit.

14. To issue reports and make recommendations, where appropriate, and in relation to any matters listed above, for consideration by the Council, Executive or the relevant committee of the Council.

DRAFT

## **COUNCIL PROCEDURE RULES**

### **1. Annual Meeting of the Council**

#### **1.1 Timing and Business**

The Annual Meeting of the Council shall be held:

- (a) in a year when there is an ordinary election of councillors, on the eighth day after the retirement of councillors or on such other day within 21 days immediately following the retirement of the outgoing councillors, as the Council may fix;
- (b) in any other year, on such day in the month of May as the Council may fix.

The order of business at the Annual Meeting will be:

- (a) if the Chairman and Vice-Chairman are absent, to choose a person to preside, such person not being a member of the Executive;
- (b) to elect a Chairman and appoint a Vice-Chairman;
- (c) to approve the minutes of the last meeting;
- (d) to receive any announcements or communications from the Chairman and/or the Chief Executive;
- (e) to elect the Leader of the Council only where the Leader's term of office has expired or where the office of Leader is vacant;
- (f) to note the Members of the Executive as appointed by the Leader of the Council (only when the Members of the Executive's terms of office have expired or where there is a vacancy amongst the members of the Executive);
- (g) to appoint committees and to appoint Chairs and Vice-Chairs of committees in accordance with 1.2 below;
- (h) other business specified in the agenda.

#### **1.2 Selection of councillors on committees and outside bodies**

At the Annual Meeting, the Council will appoint the Standing Committees of the Council. The Standing Committees of the Council will be:

- Planning Committee -10 councillors
- Licensing and Appeals Committee -10 councillors
- Policy Review Committee - 9 councillors
- Scrutiny Committee - 9 councillors

- Audit Committee – 9 councillors

The Council will also appoint Substitute Members to the Standing Committees who may exercise the powers set out in Rule 28 of these Rules.

Seats on committees shall be distributed among the political groups in proportion to their membership on the Council. Before the Annual Meeting of the Council, and at any other time that a review of the allocation of seats is required, the Chief Executive shall consult Group Leaders on the membership of committees and report to the Annual or next following meeting of the Council. Such consultations and report shall determine the allocation to the different political groups and recommend such appointments to give effect to the wishes of the political groups.

A political group shall contain a minimum of 2 councillors in order to be recognised for proportionality. The group leaders will notify the Chief Executive in writing of the membership of each group.

The Council shall also appoint the Chairs and Vice-Chairs of each Standing Committee and each Community Engagement Forum Partnership Board in accordance with the provisions of this Constitution.

The Council will appoint representatives to outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable by the Executive.

### **1.3 Dissolution of Committees and Sub-Committees**

Any Committee or Sub-Committee may be dissolved by the Council at any time save that the Council must have at least one Overview and Scrutiny Committee.

## **2. Ordinary Meetings**

Ordinary meetings of the Council will take place in accordance with a programme to be fixed by the Council. Ordinary meetings will:

- (a) elect a person to preside if the Chairman and Vice-Chairman are not present;
- (b) approve the minutes of the last meeting;
- (c) receive any declarations of interest from councillors;
- (d) receive any communications which have been submitted before 5 pm on the day before a meeting, (except in the case of an emergency which will be determined by the Chief Executive), that the Chairman, Leader or Chief Executive may wish to give councillors;
- (e) receive any announcements from the Chairman, Leader, Members of

the Executive or the Chief Executive;

- (f) deal with any business required by statute to be done;
- (g) receive any reports from statutory officers of the Council;
- (h) receive petitions;
- (i) dispose of business (if any) remaining from the last meeting;
- (j) receive questions from and provide answers to, the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting (see Rule 10.1);
- (k) receive and answer questions submitted by councillors, in accordance with Rule 11.2;
- (l) receive reports from the Executive and/or Leader and receive questions and provide answers on any of those reports;
- (m) receive reports from the Council's committees and receive questions and provide answers on any of those reports;
- (n) receive reports about and receive questions and provide answers on the business of joint arrangements and external organisations;
- (o) consider motions; and
- (p) consider any other business specified in the summons to the meeting, including consideration of proposals from the Executive in relation to the Council's budget and policy framework.

### **3. Extraordinary Meetings**

#### **3.1 Calling Extraordinary Meetings**

The Chief Executive may call an Extraordinary Meeting of the Council. In addition those listed below may request the Chief Executive to call Council meetings in addition to Ordinary meetings:

- (a) the Council by resolution;
- (b) the Chairman of the Council;
- (c) the Leader;
- (d) the Monitoring Officer;
- (e) Chief Finance Officer; and

- (f) any 4 councillors if they have signed a requisition presented to the Chairman of the Council and he/she has refused to call a meeting or has failed to call a meeting within 7 clear working days of the presentation of the requisition.

### **3.2 Business**

An Extraordinary meeting of the Council shall consider only such items of business as may be specified in the request for the meeting.

### **4. Time and place of meetings**

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

### **5. Notice of and summons to meetings**

The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules. At least 5 clear working days before a meeting, the Chief Executive will send a summons signed by him or her to every councillor or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

### **6. Chairman of meeting**

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

### **7. Quorum**

The quorum of a meeting will be one quarter of the whole number of Members entitled to attend. During any meeting if the Chairman counts the number of councillors present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next Ordinary meeting.

### **8. Quorum of committees**

The quorum for a committee is one quarter of the whole number of the committee but shall not be less than three voting councillors.

### **9. Duration of meeting**

Unless the majority of councillors present vote for the meeting to continue, any meeting that has lasted for 3 hours will adjourn immediately. Remaining



business will be considered at a time and date fixed by the Chair. If he/she does not fix a date, the remaining business will be considered at the next Ordinary meeting.

## **10. Questions by the public**

### **10.1 General**

Members of the public may ask questions of the Chairman, Leader of the Council, Executive Member or Chair of a committee at Ordinary meetings of the Council during a period of up to 30 minutes set aside for the purpose.

### **10.2 Order of questions**

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

### **10.3 Notice of questions**

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Chief Executive no later than noon 5 clear working days before the day of the meeting. Each question must give the name and address of the questioner.

### **10.4 Number of questions**

At any one meeting no person may submit more than one question and no more than one such question may be asked on behalf of one organisation.

### **10.5 Scope of questions**

The Chief Executive may reject a question if it:

- is not about a matter for which the local authority has a responsibility or which affects the District;
- is defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Council in the past 6 months;
- relates to any existing or proposed application, permission, licence, consent, benefit, grant or enforcement action; or
- requires the disclosure of confidential or exempt information.

### **10.6 Record of questions**

The Chief Executive will immediately send a copy of the question to the councillor to whom it is to be put. Rejected questions will include reasons for rejection and the questioner will be so informed.

Copies of all questions will be circulated to all councillors and will be made

available to the public attending the meeting.

#### **10.7 Asking the question at the meeting**

The Chairman will invite the questioner to put the question, If a questioner who has submitted a written question is unable to be present, they may ask the Chairman to put the question on their behalf. The Chairman may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

#### **10.8 Supplementary question**

A questioner who has put a question in person may also put one supplementary question without notice to the person who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Chairman may reject a supplementary question on any of the grounds in Rule 10.5 above.

#### **10.9 Written answers**

Any question which cannot be dealt with during public question time, because of lack of time or because of the non-attendance of the councillor to whom it was to be put, or because the answer is more conveniently given in writing will be dealt with by a written answer.

#### **10.10 Discussion**

Unless the Chairman decides otherwise, no discussion will take place on any question, but any councillor may move that a matter raised by a question be referred to the Executive or the appropriate committee. Once seconded, such a motion will be voted on without discussion.

#### **10.11 Public question time**

Public question time will be limited to 30 minutes in total, each questioner will be allocated not more than 5 minutes, 3 minutes for the original question and 2 minutes for one supplementary question. The response to any question will not exceed 3 minutes for the initial question and 2 minutes for a supplementary question.

#### **10.12 Presentations**

At the discretion of the Chairman, representatives of partner organisations, or potential partner organisations, may be invited to give presentations and answer questions, in relation to a specific item on the agenda.

### **11. Questions by councillors**

### **11.1 On reports of the Executive or committees**

A councillor may ask the Leader, Executive Member or Chair of a committee any question, without notice, upon an item relevant to their responsibilities. The Leader, Executive Member or Chair of a committee shall each have no more than 10 minutes to respond to such questions and any supplementary questions that may be asked. Each Councillor may ask of each postholder no more than one question and a related supplementary question.

### **11.2 Questions on notice at the Council**

Subject to Rule 11.4, a councillor may ask:

- the Chairman;
- the Leader;
- an Executive Councillor; or
- the Chair of any committee,

a question on any matter in relation to which the Council has powers or duties or which affects the District.

### **11.3 Questions on Notice at committees and sub-committees**

Subject to Rule 11.4 below a councillor who is a member of a committee or sub-committee may ask the Chair of it a question on any matter in relation to which the Council has powers or duties or which affect and which fall within the terms of reference of that committee or sub-committee.

### **11.4 Notice of questions**

A councillor may only ask a question under Rule 11.2 if either:

- (a) they have given at least 3 clear working days notice in writing or by electronic mail of the question to the Chief Executive; or
- (b) the question relates to urgent matters, they have the consent of the Chairman and the content of the question is given to the Chief Executive by noon on the day of the meeting.

### **11.5 Response**

An answer to a question under Rule 11.1, 11.2 and 11.3 may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer

circulated later to all councillors.

#### **11.6 Supplementary question**

A councillor asking a question under Rule 11.2 may ask one supplementary question, without notice, of the councillor to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply.

#### **12. Petitions**

The Council will determine how to deal with or otherwise respond to the petition in accordance with the Petitions Procedure Rules set out in Part 4 of this Constitution.

#### **13. Motions on notice**

##### **13.1 Notice**

Except for motions which can be moved without notice under Rule 14, written notice of every motion, signed by at least 5 councillors, must be delivered to the Chief Executive at least 7 clear working days before the date of the meeting.

##### **13.2 Motion set out in agenda**

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the councillor giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

##### **13.3 Scope**

Motions must be about matters for which the Council has a responsibility or which affect the District and should not concern a matter that has been before Council within the preceding 6 months.

##### **13.4 Reference of motion to Executive or committee**

Motions for which notice has been given under 13.1 shall, upon being moved and seconded, stand referred to the Executive or committee as the Council may determine for consideration and report, unless the Chairman considers it convenient and conducive to the dispatch of business to allow the motion to be dealt with at the meeting at which it is brought forward.

Where a motion stands referred, the mover shall not speak until the report on the motion comes before the Council. The Executive or committee shall report back to the next Ordinary meeting of the Council or such other meeting as it may advise, and the report shall advise the Council whether or not the motion should be adopted or give such other advice as is

appropriate.

#### **14. Motions without notice**

The following motions may be moved without notice:

- (a) to appoint a Chairman of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or councillor arising from an item on the summons for the meeting;
  
- (f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to hold a recorded vote;
- (j) to proceed to the next business;
- (k) to put a question to the vote;
- (l) to adjourn a debate;
- (m) to adjourn a meeting;
- (n) to continue the meeting beyond 3 hours in duration – see Rule 9;
- (o) to extend the time limit for questions or speeches;
- (p) to suspend a particular Council Procedure Rule;
- (q) to exclude the public and press in accordance with the Access to Information Procedure Rules;
- (r) to not hear further a councillor named under Rule 23.3 or to exclude them from the meeting under Rule 23.4; and
- (s) to give the consent of the Council where its consent is required by this Constitution.

## **15. Rules of debate**

### **15.1 No speeches until motion seconded**

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

### **15.2 Right to require motion in writing**

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

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

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

### **15.4 Content and length of speeches**

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed 5 minutes without the consent of the Chairman. The time limit is not applicable to the annual 'State of the Area Address', the Budget Speech and budget proposals by the opposition or the responses given to them. The Chair's statement at committee shall not exceed 10 minutes.

### **15.5 When a councillor may speak again**

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

- (a) to speak once on an amendment moved by another councillor;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;
- (c) if his/her first speech was on an amendment moved by another councillor, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (d) in exercise of a right of reply (see Rule 15.9);
- (e) on a point of order (see Rule 15.12 ); and
- (f) by way of personal explanation (see Rule 15.13).

### **15.6 Amendments to motions**

- (a) An amendment to a motion must be relevant to the motion and will either be:

- (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
- (ii) to leave out words;
- (iii) to leave out words and insert or add others; or
- (iv) to insert or add words.

As long as the effect of (ii) to (iv) is not to negate the motion.

- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If an amendment is not carried, other amendments to the original motion may be moved, provided notice thereof is given before debate on the previous motion is closed.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the Chairman will accept any further amendments, or if there are none, put the substantive motion to the vote.
- (f) For the purposes of this paragraph, the debate shall be deemed to be closed when the mover of the motion starts to reply to the debate.

### **15.7 Alteration of motion**

- (a) A councillor may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A councillor may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

### **15.8 Withdrawal of motion**

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

withdraw.

### **15.9 Right of reply**

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (c) The mover of the amendment has no right of reply to the debate on his or her amendment.

### **15.10 Motions which may be moved during debate**

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

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) to put the question to the vote;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) to continue the meeting beyond 3 hours in duration – (Rule 9 above refers);
- (h) to exclude the public and press in accordance with the Access to Information Procedure Rules; and
- (i) to not hear further a councillor named under Rule 23.3 or to exclude them from the meeting under Rule 23.4.

### **15.11 Closure motions**

- (a) A councillor may move, without comment, the following motions at the end of a speech of another councillor:
  - (i) to proceed to the next business;
  - (ii) to put the question to the vote;
  - (iii) to adjourn a debate; or



- (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Chairman thinks the item has been sufficiently discussed, he/she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion to put the question to the vote is seconded and the Chairman thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

#### **15.12 Point of order**

A councillor may raise a point of order at any time. The Chairman will hear them immediately. A point of order may only relate to an alleged breach of these Council Procedure Rules or the law. The councillor must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Chairman on the matter will be final.

#### **15.13 Personal explanation**

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

### **16. State of the Area Address**

#### **(a) Nature of Address**

The Leader will make a 'State of the Area Address' annually on a date and in a form to be agreed, normally at the June Council meeting.

#### **(b) Form of Address**

The Leader will decide the form of the Address, with the aim of enabling the widest possible public discussion and publicity. This may include holding workshops and other events. The Leader will also attend the first convenient meeting of the <sup>1</sup>Policy Review Committee

<sup>1</sup> Amendment agreed at Council on 13 December 2011 for implementation on 1 January 2012

after the Address has been given to Council, answer questions on the Address, and consider the formal response of that committee in due course.

(c) Results of consequent discussions and deliberations:

The results will be:

- (i) reported to the <sup>2</sup>Policy Review Committee;
- (ii) disseminated as widely as possible within the community and to agencies, organisations and the Council's key partnerships; and
- (iii) used as the basis for the proposed budgetary and policy framework which the Leader proposes to Council for the coming year.

## **17. Themed debate**

The agenda for an Ordinary meeting of the Council may contain an item for consideration of a particular theme or subject on any matter within the Council's powers or duties or which affects the District. The Chairman may move that the Council Procedure Rules be suspended (in accordance with Rule 25.1 (Suspension) and Rule 25.2 (Amendment of Council Procedure Rules) to enable a speaker (who need not be a councillor) to address the Council on the theme or subject, and to deal with questions or comments either from councillors or from the public.

## **18. Previous decisions and motions**

### **18.1 Motion to rescind a previous decision**

A motion or amendment to rescind a decision made at a meeting of the Council within the past 6 months cannot be moved unless the notice of motion is signed by at least 5 councillors.

### **18.2 Motion similar to one previously rejected**

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past 6 months cannot be moved unless the notice of motion or amendment is signed by at least 5 councillors. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for 6 months.

## **19. Voting**

### **19.1 Majority**

<sup>2</sup> Amendment agreed at Council on 13 December 2011 for implementation on 1 January 2012

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

### **19.2 Chairman's casting vote**

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

### **19.3 Show of hands**

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

### **19.4 Recorded vote**

Where a recorded vote is required in accordance with paragraphs (a) or (b) below then the minute of the proceedings shall include a record of the names of persons who cast a vote for the decision or against the decision or who abstained from voting.

A recorded vote is required in the following circumstances:-

(a) Any vote required to be recorded by law<sup>3</sup>, or

(b) Any vote where, before the vote is taken on any matter before Council, any 5 of the Councillors present at the meeting demand that the votes are recorded.

### **19.5 Right to require individual vote to be recorded**

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

### **19.6 Voting on appointments**

If there are more than 2 people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for

<sup>3</sup> The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 introduced a requirement for recording votes on budget meetings

one person. This principle will also apply where there is more than one position to be filled and there are more nominees than positions.

## **20. Minutes**

### **20.1 Signing the minutes**

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

### **20.2 No requirement to sign minutes of previous meeting at Extraordinary Meeting**

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraphs 41(1) and (2) of schedule 12 relating to signing of minutes.

### **20.3 Form of minutes**

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

## **21. Record of attendance**

All councillors present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

## **22. Exclusion of public**

Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Part 4 of this Constitution or Rule 24 (Disturbance by the public).

## **23. Councillors' conduct**

### **23.1 Standing to speak**

When a councillor speaks at the Council meeting they must stand and address the meeting through the Chairman. If more than one councillor stands, the Chairman will ask one to speak and the others must sit. Other councillors must remain seated whilst a councillor is speaking unless they wish to make a point of order or a point of personal explanation.

### **23.2 Chairman standing**

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

### **23.3 Councillor not to be heard further**

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

### **23.4 Councillor to leave the meeting**

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

### **23.5 General disturbance**

If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he/she thinks necessary.

## **24. Disturbance by the public**

### **24.1 Removal of a member of the public**

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

### **24.2 Clearance of part of meeting room**

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

## **25. Suspension and amendment of Council Procedure Rules**

### **25.1 Suspension**

All of these Council Procedure Rules except Rules 19.5 and 22 may be suspended by motion on notice or without notice if at least one half of the whole number of councillors are present. Suspension can only be for the duration of the meeting.

### **25.2 Amendment**

Any motion to add to, vary or revoke these Council Procedure Rules will, when proposed and seconded, stand adjourned without discussion to the next Ordinary meeting of the Council other than as a general review of the Constitution.

**26. Application to committees and sub-committees**

Unless a more specific meaning is explicit or implied by its context, reference to a committee throughout the Constitution shall be taken to mean any body of councillors appointed for a lawful purpose to undertake business on behalf of the Council, including but not only, committees, sub-committees, boards and working groups.

All of the Council Procedure Rules apply to meetings of the Council. None of the rules apply to meetings of the Executive. Only Rules 5, 6, 8, 9, 11, 12, 14, 15, 19, 20-24, and 31 apply to meetings of committees and sub-committees.

A Councillor who is not a member of a committee or sub-committee may attend any meeting but may only speak (but not vote) at the discretion of the Chair of the committee or sub-committee.

**27. Role of a committee Chair and Vice-Chair**

- (a) To chair meetings of the Council's committees so that the business of those committees can be carried out effectively and with regard to the rights of councillors and in the interest of the community.
- (b) To ensure that the provisions of the Constitution in relation to the conduct of meetings are observed.

**28. Appointment of substitute members of committees and sub-committees**

- (a) Powers and duties

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

- (b) Substitution

Substitute councillors may attend meetings in that capacity only:

- (i) after notifying the Democratic Services Manager before the commencement of the meeting of the intended substitution.
- (ii) to take the place of the ordinary councillor for whom they are

the substitute;

- (iii) where the ordinary councillor will be absent for the whole of the meeting; and

## **29. Right to attend meetings by non-members of committees or sub-committees**

- (a) Any councillor can attend any committee or sub-committee meeting as of right but must sit apart from the body of the meeting and take no part.
- (b) Councillors who wish to speak on an item should declare this and may speak with the Chair's consent. The consent of the Chair will not be unreasonably withheld. The councillors will be allowed to speak after any presentation, but before the debate. The councillors will be allowed to speak for no more than 5 minutes.
- (c) Councillors who wish to speak on an item specifically related to the ward they represent will be allowed to participate in the debate as non-voting councillors for that specific item. (The Chief Executive will rule on any question concerning the relevance of items to specific wards).

## **30. Public involvement at committees**

Where, in the opinion of the Chair, it is of value to a committee to hear relevant views from members of the public in relation to a specific item on the agenda, those views may be heard after any presentation by an officer on the item, but before the debate by councillors. The Chair will normally allow one person to speak on each item for a maximum of 5 minutes, any variation to be at the discretion of the Chair.

## **31. Withdrawal from the meeting due to a Disclosable Pecuniary Interest<sup>4</sup>**

Where a Councillor (or co-opted member) has a disclosable pecuniary interest (as defined from time to time by regulations) that Councillor (or co-opted member) must withdraw from the meeting room, including from the public gallery, during the whole consideration of the relevant item of business, except where s/he is permitted to remain as a result of the grant of a dispensation.

<sup>4</sup> Amendment approved by Council on 24 April 2012 for implementation on 1 July 2012

## **ACCESS TO INFORMATION PROCEDURE RULES**

### **1. Scope**

- 1.1 These rules apply to all meetings of the Council, Overview and Scrutiny Committees, Community Engagement Forums, regulatory committees and public meetings of the Executive (together called meetings).
- 1.2 These rules also cover public rights of access to information, in relation to Council and Executive functions, including those under the Freedom of Information Act 2000, and Members' rights of access to information

### **2. Additional rights to information**

- 2.1 These rules do not affect rights to information contained elsewhere in this Constitution or provided by statute or at common law.

### **3. Rights of the Public to attend meetings**

- 3.1 Members of the public may attend all meetings subject only to the exceptions in these Rules.

### **4. Notice of meeting**

- 4.1 The Council will give at least 5 clear working days' notice of any meeting by posting details of the meeting at its principal offices and on its website - [www.selby.gov.uk](http://www.selby.gov.uk)

### **5. Notice of Private Executive Meetings**

- 5.1 Where the Executive is likely to consider an item which contains exempt or confidential information and will require the public to be excluded from the meeting to prevent the disclosure of information, a notice must be published 28 clear days in advance of the meeting that includes a statement of the reasons for the meeting being held in private for that item. The notice should include details of how representations can be made.
- 5.2 Where the report contains confidential information as defined below the public must be excluded.
- 5.3 At least 5 clear days before the meeting a further notice will be published setting out the reasons for holding any part of the meeting in private, details of any representations received about why the meeting should be in public and the response to those representations.
- 5.4 If the date of the meeting and the urgency of the decision makes compliance with this requirement impractical, the meeting may only be held in private with the agreement of the Chair of the relevant scrutiny committee, or if there is no such person the Chairman of the Council. As soon as reasonably



practicable after this permission is obtained a notice will be published setting out the reasons why the matter is urgent and cannot be reasonably delayed.

## **6. Public access to agenda and reports before the meeting**

- 6.1 The Council will make copies of the agenda and reports that are open to the public available for inspection at the designated office at least 5 clear working days before the meeting, except that where a meeting is convened at shorter notice, the copies of the agenda and reports shall be open to inspection from the time the meeting is convened.
- 6.2 If an item is added to the agenda and the report is open to the public, the revised agenda will be open to inspection from the time the item was added to the agenda.
- 6.3 Moreover, that item will not be considered unless by reason of special circumstances, which shall be specified in the minutes and the Chair of the meeting agrees that it is urgent.

## **7. Supply of copies**

- 7.1 The Council will make available for the use of members of the public present at meetings, a reasonable number of copies of the agenda and of those reports which are open to the public
- 7.2 The Council will supply copies of the following 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 Monitoring Officer thinks fit, copies of any other documents supplied to councillors in connection with an item.
- 7.3 Copies of documents supplied to members of the public, where the Council is the copyright holder, may be reproduced in any publically available medium.

## **8. Access to minutes etc after the meeting**

- 8.1 The Council will make available copies of the following for 6 years after a meeting:
- (a) the minutes of the meeting or where appropriate records of decisions taken, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;

- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

## **9. Background papers**

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

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

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report,

excluding any published works or those which disclose exempt or confidential information (as defined in Rule 10). and in respect of executive reports, the advice of a political advisor, or any draft report or document.

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

Copies of any background papers for meetings of the Executive will be made available for inspection at the Council offices and published on the Council's website.

The Council will make available for public inspection for 4 years after the date of other meetings one copy of each of the documents on the list of background papers.

## **10. Summary of public's rights**

A written summary of the public's rights to attend meetings and to inspect and copy documents, as set out in these Rules, must be kept at and available to the public at the Council's principal offices. These Access to Information Procedure Rules constitute the written summary.

## **11. Exclusion of access by the public to meetings**

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

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

## **11.2 Meaning of confidential information**

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

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

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

- (a) the meeting resolves so to exclude the public, and that resolution identifies the proceedings or part of the proceedings to which it applies, and
- (b) that resolution states by reference to the descriptions in Schedule 12A to the Local Government Act 1972 the description of the exempt information giving rise to the exclusion of the public, and
- (c) that resolution states, by reference to reasons given in a relevant report or otherwise, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

In these circumstances, public access to reports, background papers and minutes will also be excluded.

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.

## **11.4 Meaning of exempt information**

Exempt information means information falling within any of the categories set out in the following table, subject to the qualifications and interpretations in Parts 2 and 3 of Schedule 12A to the Local Government Act 1972 (as amended).

<b>Category</b>	<b>Condition</b>
1. Information relating to any individual.	Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
2. Information which is likely to reveal the identity of an individual.	Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).	<p>Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information</p> <p>Information within paragraph 3 is not exempt if it must be registered under various statutes, such as the Companies Acts or the Charities Act 2011.</p> <p>“Financial or business affairs” includes contemplated, as well as past or current, activities</p>
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or officer-holders under the authority.	<p>Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information</p> <p>“Labour relations matter” are as specified in paragraphs (a) to (g) of section 218(1) of the Trade Unions and Labour Relations (Consolidation) Act 1992, i.e. matters which may be the subject of a trade dispute within the meaning of that Act or any dispute about any such matter</p>
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
6. Information which reveals that the authority proposes – (a) to give under any enactment a notice	Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the

<b>Category</b>	<b>Condition</b>
under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment	exemption outweighs the public interest in disclosing the information
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime	Information is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information

Information falling within any of paragraphs 1-7 is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission under regulation 3 of the Town and Country Planning General Regulations 1992.

#### **11.5 Disorderly Conduct – discretion to exclude public**

The public may also be excluded from meetings, where the meeting so resolves, in the exercise of a lawful power of exclusion in order to maintain orderly conduct or to prevent misbehaviour at a meeting

#### **12. Record of decisions of meetings other than Executive meetings**

After any meeting of the Council or committees of the Council, whether held in public or private, the Chief Executive 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.

#### **13 Records of decisions at Executive meetings**

After any meeting of the Executive the proper officer will, as soon as practicable, produce a written statement which must include:

- (a) the name of the decision-making body and a date of the decision;
- (b) A record of every decision taken and the reasons for those decisions;
- (c) Details of any alternative options;
- (d) A record of any conflict of interest or Disclosable Pecuniary Interests declared by any member of the decision making body;

#### **14. Additional rights of access for councillors**

#### 14.1 **Material relating to forthcoming business**

- (a) All Members are entitled to inspect any document which is in the possession or under the control of the Executive or its committees and contains material relating to any business to be transacted at a public meeting unless
  - (i) it contains exempt information falling within Paragraphs 1, 2, 4, 5 and 7 of paragraph 12A set out above; or
  - (ii) it contains exempt information falling within Paragraph 3 of Schedule 12A set out above to the extent that the information relates to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract; or
  - (iii) it contains the advice of a political adviser or
  - (iv) it is a draft report or draft background paper
  - (v) it is not a report or a background paper as defined in these Rules
- (b) All Members are entitled to inspect any document which is in the possession of or under the control of the Council and contains material relating to any business to be transacted at a meeting of the Council or any of its committees or sub-committees unless
  - (i) it contains exempt information falling within Paragraphs 1, 2, 4, 5 and 7 of paragraph 12A set out above or
  - (ii) it contains exempt information falling within Paragraph 3 of Schedule 12A set out above to the extent that the information relates to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract.

#### 14.2 **Material relating to Key Decisions by Officers**

All Members of the Council will be entitled to inspect any document in the possession or under the control of the Executive or its committees which relates to any Key Decision made by an Officer unless any of the exceptions in these Rules apply.

#### 14.3 **Nature of rights**

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

## **15 Overview and Scrutiny Committee Members' access to documents**

### **15.1 Rights to copies**

Subject to Rule 14.2 (Material relating to key decisions), any Overview and Scrutiny Committee Member will be entitled to copies of any document which is in the possession or control of the Executive and which contains material relating to any business transacted at a public or private meeting of the Executive or its committees.

The documents must be provided as soon as practicable but no later than 10 clear days after the request is received.

### **15.2 Limit on rights**

Overview and Scrutiny Committee Members will not be entitled to:

- (a) any document that is in draft form; or
- (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.
- (c) the advice of a political adviser or assistant.

Where the Monitoring Officer determines that Overview and Scrutiny Committees are not entitled to a copy of a document that has been requested for the reasons set out above, the Executive must provide the relevant Scrutiny Committee with a written statement setting out the reasons for that decision.

## **16 MEMBERS ACCESS – NEED TO KNOW**

### **16.1 Meaning of the Need to Know**

Members have the right to seek information, explanation and advice which they may reasonably need in order to assist them in properly discharging their duties as a Member of the Council. This can range from a request for general information about some aspect of the Council's activities to a request for specific information on behalf of a constituent. Such approaches should normally be made to the relevant Director.

### **16.2 The Nature of Requests**

Members should:

- (i) justify the request in specific terms, unless circumstances exist where a Member's need to know will be presumed – for example where a Member is on a committee and wants to inspect documents relating to that committee's business, or where the information requested is already in the public domain
- (ii) only use the information for the purpose for which it was provided, and get the prior agreement of the relevant Director to any disclosures to the press or the public

### **16.3 Limit on rights**

There are a number of factors which may limit or outweigh a Member's need to know, including:

- (i) the need to know does not extend to a 'roving commission' through Council documents
- (ii) the need to know would only extend to personal information in exceptional cases
- (iii) draft documents compiled in the context of emerging Council policies, and draft reports will not usually be disclosed
- (iv) a Member of one party group will not have a need to know in relation to a document prepared for another party group
- (v) documents prepared specifically for one Member will not, unless he/she agrees, normally be provided to another Member
- (vi) documents will not be disclosed where the relevant Director believes that use of those documents by a Member may prejudice the Council's or the public interest.
- (vii) the level of resources required to deal with locating and supplying documents.

### **16.4 Procedure**

Whether a Member has a need to know will be determined initially by the Director who holds the document in question (with advice from the Monitoring Officer). The Director must not have regard to party political advantage, nor must the Director's determination have the effect of preventing the Member concerned from giving evidence in Court, or of penalising the Member for so doing.

All internal documents and copies produced to any Member for inspection in accordance with this Rule will be produced on the basis that, in the absence of malice, officers are expressly indemnified in respect of any claim in litigation that may result from such publication.



## **17 DISCLOSURE OF CONFIDENTIAL INFORMATION BY MEMBERS**

- 17.1 Where a decision has been made under these Rules to exclude public access on the basis that exempt information would otherwise be disclosed, the Council requires a Member who wishes to disclose that information to approach the relevant Director, for a decision whether that information should be disclosed. Disclosure by a Member will only be refused, if the Director decides that in the event the Council received an FOI request at that time, the Council would not be obliged to disclose that information. The Council also requires in every case, so far as reasonably practicable a Member must give the relevant Director reasonable notice of their intention to make such a disclosure.
- 17.2 In deciding whether the Council would be obliged to disclose that information in response to an FOI request, the relevant Director will give particular consideration to the public interest reasons for disclosure proposed by the Member, and to the Member's right of freedom of expression and the particular importance of that right for elected representatives'

## **18 PUBLIC ACCESS TO OTHER INFORMATION - FREEDOM OF INFORMATION**

- 18.1 Where a member of the public makes a request for information under the Freedom of Information (FOI) Act 2000, they will be informed in writing by the Council whether it holds such information, and if that is the case, they will have that information communicated to them, unless an exemption applies.
- 18.2 An FOI request must be in writing, state the name of the applicant and an address for correspondence, and describe the information requested. A request will be treated as made in writing where the text is transmitted by electronic means (e-mail), is received in legible form, and is capable of being used for subsequent reference.
- 18.3 FOI requests will be dealt with by the Lead Officer for the relevant service area.
- 18.4 FOI requests must generally be dealt with within 20 working days of receipt.
- 18.5 The Council will not comply with FOI requests where one or other of the exemptions applies. These include:
- information which is otherwise reasonably accessible
  - information intended for future publication
  - information where disclosure would be likely to prejudice

- the national or local economy
- crime prevention/detection, prosecutions, and certain civil proceedings
- health and safety
- commercial interests
- information provided in confidence
- personal information

18.6 In relation to most of the exemptions, the Council must also apply the ‘public interest test. Even where the terms of an exemption seem to apply, the Council is still under a duty to disclose, unless the public interest in maintaining the exemption outweighs the public interest in disclosure.

## **19 RIGHTS OF APPEAL**

### **19.1 Appeals against refusals of FOI requests**

If an FOI request is refused by the Council, the applicant may request a review of that decision by the Solicitor to the Council. If the complaint does not result in the disclosure of the relevant information an applicant may then apply to the Information Commissioner for a decision as to whether the Council has complied with the relevant provisions of the Freedom of Information Act 2000 or the Environmental Information Regulations.

### **19.2 Appeals where Public Access is denied to a Report or Background Papers**

If a member of the public is denied access to a report or background papers under these Rules, they may appeal at the relevant meeting by giving notice in writing to the Democratic Services Manager, such notice to be received not less than 24 hours before the relevant meeting is due to be held. Any such appeal will be considered as the first item on the agenda.

### **19.3 Appeals where a Member is denied inspection of a document**

If a Member is denied inspection of a document under their statutory rights or their need to know rights, they may appeal to the Chief Executive.

A decision made by a Director to withhold the inspection of any internal document shall be valid and remain in force unless and until altered on an appeal.

## **20. Filming and Recording of Meetings**

The Council has adopted the protocol at Appendix 1 to these Rules covering the filming and recording of meetings.

## **OVERVIEW AND SCRUTINY PROCEDURE RULES**

### **1. Application of Rules**

These rules apply to the Overview and Scrutiny Committees set out in Article 6 of this Constitution and to any of their sub-committees. For the avoidance of doubt the Council's statutory Overview and Scrutiny functions are performed by the Policy Review Committee and Scrutiny Committee only.

### **2. Composition and Terms of Reference**

All Councillors (except Members of the Executive) may be members of an Overview and Scrutiny Committee. However no Councillor may be involved in scrutinising a decision which he/she has been directly involved in.

Overview and Scrutiny Committees and their sub-committees may recommend to the Council the appointment of a number of people as non-voting co-optees. The Council shall determine the number of co-optees it may appoint.

The Terms of Reference for Overview and Scrutiny Committees are described in Article 6 of Part 2 and Paragraph 6 of Part 3 of this Constitution.

Overview and Scrutiny Committees and their sub-committees will be free of any party whip.

### **3. Meetings of the Overview and Scrutiny Committees and Sub-Committees**

There shall be not less than 2 ordinary meetings of each Overview and Scrutiny Committee each year. Additional ordinary meetings and extraordinary meetings may be called from time to time as and when appropriate. An Overview and Scrutiny Committee or sub-committee meeting may be called by the Chair or by any 3 Members of the committee/sub-committee or by the Chief Executive, if he/she considers it necessary or appropriate.

### **4. Quorum**

The quorum for an Overview and Scrutiny Committee shall be as set out for committees in the Council Procedure Rules in Part 4 of this Constitution.

### **5 Who chairs meetings of the Overview and Scrutiny Committees?**

Chairs and Vice-Chairs of Overview and Scrutiny Committees shall be appointed by the Council and will be drawn from among the councillors sitting on the committee. The Chairs and Vice Chairs of Overview and Scrutiny Sub-Committees shall be appointed by the committee which establishes the sub-committee.

## **6. Work programmes and agenda items**

Each year all Overview and Scrutiny Committees will formulate a work programme setting out their planned work for the year ahead.

Any member of an Overview and Scrutiny Committee or sub-committee shall be entitled to give notice to the Chief Executive that he/she wishes to have an item relevant to the functions of that committee/sub-committee included on the agenda for the next practicable meeting. The Chief Executive shall comply with such requests.

Any councillor shall be entitled to give written notice to the Chief Executive to have an item included on an Overview and Scrutiny work programme. Such matters must be either relevant to the discharge of any function of the Authority or which affect all or part of (or any person who lives or works in) the area to which the councillor is elected. The appropriate committee or sub-committee will then decide whether to include that item and will notify the councillor (a) whether the item is to be included in its draft work programme (and if not why not) and (b) the outcome of any consideration of the substantive item.

Where the Council, or the Executive, asks Overview and Scrutiny to consider any particular matter the appropriate Overview and Scrutiny Committee, or the appropriate sub-committee, will adjust their work programme to the extent necessary to carry out that review and report back in writing to the Council or the Executive. The Council and/or the Executive shall consider the report of the committee/sub-committee within one month of receiving it.

## **7. Call-in**

Call-in should only be used where councillors have evidence which suggests that the decision-maker(s) did not take the decision in accordance with the principles set out in Article 13 (Decision-making).

- (a) When a decision is made by the Executive, or a key decision is made by an officer with delegated authority from the Executive, the decision shall be published, principally by electronic means, and shall also be available at the main offices of the Council normally within 5 clear working days of being made. Councillors will be sent copies of the records of all such decisions within the same timescale and by the same means, by the person responsible for publishing the decision.
- (b) That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 clear working days after the publication of the decision, unless the Scrutiny Committee objects to it and calls it in.
- (c) During the 5 clear working day period between a decision being published and its implementation, the Chief Executive shall call-in a decision for scrutiny by the Scrutiny Committee if so requested in

writing by any 5 councillors who are not members of the Executive and shall then notify the Executive of the call-in. He/she shall call an extraordinary meeting of the Scrutiny Committee where possible after consultation with the Chair, if an ordinary meeting will not be held within 7 clear working days from the date of the call-in request. The Chief Executive will notify the Executive and any other relevant councillors and officers of the call-in and the date on which it will be considered. Written requests will be a single document or a number of documents saying the same thing which taken together are received from 5 councillors.

Such a document or documents may be submitted electronically to the Chief Executive and the Chief Executive shall accept the validity of the document unless anything is brought to his/her attention which challenges its validity.

- (d)<sup>1</sup> The sponsor of the “call in” or one of the other co-signatories shall present the grounds for the call-in and their concerns about the decision to the Scrutiny Committee. The Scrutiny Committee will then hear from any other relevant contributors and then debate and determine the matter. In reaching a decision on the matter the Scrutiny Committee may also comment on the validity of the “call-in”
- (f) Having considered the decision, the Scrutiny Committee may refer it back to the Executive for reconsideration, setting out the reasons in writing, providing any other information which might be useful to the Executive when it reconsiders the matter or it may refer the matter to Council.
- (f) If the Scrutiny Committee fails to meet within 14 clear working days of receiving a valid call-in request, or does meet but does not refer the matter back to the Executive or on to Council, the decision shall take effect on the date of the Scrutiny Committee meeting, or the expiry of that 14 clear working day period, whichever is the earlier.
- (g) If the matter was referred to Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object it has no locus to make decisions in respect of an Executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case the Council will refer any decision to which it objects back to the Executive, together with the Council’s views on the decision. Within 20 clear working days of receiving the views of the Council the Executive shall decide whether to amend the decision or not before implementing it.
- (h) If the Council does not refer the decision back to the Executive, the

<sup>1</sup> Amendment approved by Council on 11 September 2012

decision will become effective on the date of the Council meeting.

- (i) The call-in procedure set out above shall not apply where the decision being taken by the Executive is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public interest. The record of the decision, and notice by which it is made public shall state whether in the opinion of the Executive the decision is an urgent one, and therefore not subject to call-in. The Chairman of the Council must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chairman, the Vice-Chairman's consent shall be required. In the absence of both, the Chief Executive or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
- (j) The operation of the provisions relating to call-in and urgency shall be monitored annually by the Chief Executive, and a report submitted to the Council with proposals for review if necessary.

## **8. The conduct of meetings**

- (a) Overview and Scrutiny Committees and their sub-committees shall consider business in the following order:
  - (i) minutes of the last meeting;
  - (ii) any declarations of interest;
  - (iii) the forward plan
  - (iv) any response from the Executive to a previously-forwarded report;
  - (v) the business otherwise set out in the agenda for the meeting.
- (b) When an Overview and Scrutiny Committee or one of its sub-committees is conducting a review or investigation, it shall have the right to documents and other information as described in the Access to Information Procedure Rules set out in Part 4 of this Constitution.
- (c) Where an Overview and Scrutiny Committee conducts investigations they are to be conducted with the following principles:
  - (i) that the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;
  - (ii) that those assisting the committee by giving evidence be

treated with respect and courtesy; and

- (iii) That the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- (d) An Overview and Scrutiny Committee or any of its sub-committees (in relation to matters falling within their terms of reference) may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. It may require the Leader, any Member of the Executive or councillor, the Head of Paid Service and any Chief Officer or Director to attend before it to explain, in relation to their remit, the following:
- (i) any particular decision or series of decisions and the reasons for them;
  - (ii) the extent to which any action or lack of action affects the Council and/or implements Council policy;
  - (iii) performance and outcomes in relation to the areas under their control.

It is the duty of those persons to attend if required, but such attendance will follow written notice from the Chief Executive, who will give to the relevant person at least 7 clear working days notice in writing or by electronic mail of the meeting at which he/she is required to attend. The notice will indicate the nature of the item and whether there is a requirement to produce any papers or other background information, or whether a report is required.

If, exceptionally, the relevant councillor or officer is unable to attend on the required date, an alternative date may be arranged by mutual agreement.

An Overview and Scrutiny Committee or any of its sub-committees may invite persons other than those set out above to give evidence, including individuals from outside the Council or from other organisations. In this case attendance is voluntary.

If there is a wish for officers below Director level to give evidence, then that attendance shall only be with the agreement of the Head of Paid Service or a Chief Officer.

- (e) Following any investigation or review, an Overview and Scrutiny Committee or sub-committee shall prepare a report, for submission to the Executive and/or Council as appropriate and shall make its report and findings public.

## **9. Reports from Overview and Scrutiny Committees and Sub-Committees**

At the conclusion of any Overview and Scrutiny activity the committee or sub-committee will publish and submit its views, findings or recommendations, in writing, to any appropriate body of the Council, an officer or relevant partner/outside organisation.

Where such a report is submitted to a body of the Council or an officer the Chief Executive shall ensure that suitable arrangements are made so that the report is considered and that a response is reported back to the Overview and Scrutiny Committee or sub-committee within 2 months. Where the original submission was published, the response shall also be published and where the original submission was copied to separate individuals, the response shall also be circulated to the same individuals. Where a report is made to an outside organisation the Chief Executive shall request consideration of it and a response.

The Chair of the Overview and Scrutiny Committee or sub-committee which has submitted the report shall be entitled to attend any meeting of the Council, its committees or the Executive to present the report.

Any report or response to or from Overview and Scrutiny shall exclude any confidential information and may exclude any exempt information. Where such exclusions are made a summary should be included which does not disclose the confidential or exempt information.

## **10. Joint Overview and Scrutiny Committees**

The Council may decide to participate in Joint Overview and Scrutiny Committees for the purpose of securing local improvement targets.



## **OFFICER EMPLOYMENT PROCEDURE RULES**

These Rules incorporate the provisions of the Local Authorities (Standing Orders) (England) Regulations 2001 ('the Regulations').

### **1. Appointment to be on merit**

All appointments shall be made on merit irrespective of age, race, disability, ethnicity, gender, or religion and belief or political beliefs or sexual orientation or other protected characteristic.

### **2. Recruitment and appointment**

#### **(a) Declarations**

- (i) All applicants will be required to disclose whether or not they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an officer and/or a councillor at Selby District Council or the partner of such persons. Applicants failing to disclose such a relationship will be disqualified from the appointment, or if appointed, will be dismissed without notice.
- (ii) No candidate so related to a councillor or an officer will be appointed without the authority of the relevant Chief Officer, Director or an officer nominated by him/her.

#### **(b) Seeking support for appointment.**

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

### **3. Recruitment of officers**

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

#### **(a) draw up a statement specifying:**

- (i) the duties of the officer concerned; and
- (ii) any qualifications or qualities to be sought in the person to be appointed;

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

**4. Appointment of Head of Paid Service, Monitoring Officer, Chief Officers and Section 151 Officer**

- (a) Subject to Rule 4 below, the Council will approve the appointment of the Head of Paid Service and Monitoring Officer following the recommendation of such an appointment by an Appointments Panel of the Council.
- (b) Subject to Rule 4 below, an Appointments Panel of the Council will appoint Chief Officers (except the Head of Paid Service) and the officer with Section 151 responsibilities.

(For the purposes of Rules 3 (a) and (b) an Appointments Panel shall be politically balanced and comprise a minimum of 4 and a maximum of 6 councillors including the Leader and relevant Executive Member(s)).

**5. Offer of appointment as Head of Paid Service, Monitoring Officer, Chief Officer or Section 151 Officer.**

An offer of appointment as Head of Paid Service, Monitoring Officer, Chief Officer or Section 151 Officer must not be made by the Council until:

- (a) the Appointments Panel has notified the Proper Officer of the name of the person to whom an offer is proposed and any other particulars which it considers are relevant to the appointment;
- (b) the Proper Officer has notified every Member of the Executive of:
  - (i) the name of the person to whom an offer is proposed;
  - (ii) any other particulars relevant to the appointment which have been notified to the Proper Officer; and
  - (iii) the period within which any objection to the making of the offer is to be made by the Leader on behalf of the Executive to the Proper Officer; and
- (c) either:
  - (i) the Leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the Appointments Panel that neither he/she nor any other Member of the Executive has any objection to the making of the offer;

- (ii) the Proper Officer has notified the Appointments Panel that no objection was received by him/her within that period from the Leader; or
- (iii) the Appointments Panel is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

(For the purposes of this paragraph 'Proper Officer' means an officer appointed by the Council for this purpose in accordance with the Regulations and can be a different officer depending on the appointment being made).

## 6. Disciplinary action

- (a) **Suspension.** The Head of Paid Service, Monitoring Officer and Section 151 Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than 2 months.
- (b) **Independent person.** No other disciplinary action other than suspension as set out above may be taken in respect of any of those officers except in accordance with a recommendation in a report made by a 'designated independent person', as defined by and appointed in accordance with the powers set out in Regulation 7 of the Regulations.

## 7. Dismissal of Head of Paid Service, Monitoring Officer, Chief Officer or Section 151 Officer

- (a) In this paragraph, 'dismissor' means, in relation to the dismissal of an officer of the Council, the authority or, where a committee or sub-committee or another officer is discharging the function of dismissal on behalf of the Council, that committee, or sub-committee or other officer, as the case may be. Where a committee or sub-committee is formed for this purpose, at least one Member of the Executive must be a Member of that committee/sub-committee which must otherwise be politically balanced.
- (b) Subject to paragraph 5, notice of the dismissal of the Head of Paid Service, Monitoring Officer, Chief Officer or Section 151 Officer must not be given by the dismissor until:
  - (i) the dismissor has notified the Proper Officer of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;
  - (ii) the Proper Officer has notified every Member of the Executive

of:

- the name of the person who the dismissor wishes to dismiss;
- any other particulars relevant to the dismissal which the dismissor has notified to the Proper Officer; and
- the period within which any objection to the dismissal is to be made by the Leader on behalf of the Executive to the Proper Officer; and

(iii) either:

- the Leader has, within the period specified in the notice under sub-paragraph (b)(ii), notified the dismissor that neither he/she nor any other Member of the Executive has any objection to the dismissal;
- the Proper Officer has notified the dismissor that no objection was received by him/her within that period from the Leader; or
- the dismissor is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

(For the purposes of this paragraph 'Proper Officer' will have the same meaning as paragraph 4 and as defined in the Regulations).

- (c) In the case of the Head of Paid Service, the Council must approve that dismissal before the notice of dismissal is given.

## **8. Other Officers**

- (a) **Officers other than those referred to in rules 3, 4, 5 and 6 above** Appointment, dismissal, or the taking of disciplinary action against all other officers is the responsibility of the Head of Paid Service or an officer nominated by him/her.
- (b) Except as reserved herein, disciplinary action shall be discharged by the Head of Paid Service or by an officer nominated by him/her and in accordance with the procedures adopted and/or amended by the Council from time to time.
- (c) Councillors will not be involved in the appointment, dismissal or discipline of any officer below Chief Officers, the Section 151 Officer or the Monitoring Officer.

