

**PART 3**

**RULES OF PROCEDURE**

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**PART 3A: COUNCIL PROCEDURE RULES**

**1. Annual Meeting of The Council**

**1.1. Timing and Business**

1.2. In a year when there is an ordinary election of Councillors, the Annual Meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the Annual Meeting will take place in March, April or May.

1.3. The Annual Meeting will:-

- (a) elect a person to preside if the Lord Mayor and the Deputy Lord Mayor are not present;
- (b) receive any apologies for absence;
- (c) receive any correspondence and announcements of the Lord Mayor;
- (d) elect the Chair of the Council (being Lord Mayor of the City);
- (e) give a vote of thanks to the Retiring Lord Mayor;
- (f) elect the Vice-Chair of the Council (being Deputy Lord Mayor of the City);
- (g) elect the Leader of the Council in any year in which the current Leader's term of office expires. If the Council does not elect the Leader at the Annual Meeting, the election of the Leader shall be an item on the agenda at every ordinary meeting of the Council after the Annual Meeting until the Leader is elected. The existing Leader appoints a Deputy Leader and Cabinet for the discharge of Executive Functions until the Leader is elected; where this is not possible, the Deputy Leader shall become Leader and appoint a Deputy Leader and Cabinet for the discharge of Executive Functions until the Leader is elected;
- (h) receive the report of the Leader of the Council on the appointment of the Deputy Leader, the composition of the Cabinet and the appointment of Deputy Cabinet Members and the allocation of Executive Functions within the Cabinet;
- (i) agree the minutes of the last meeting and their signature;
- (j) receive the return of persons elected as Councillors (when applicable);

- (k) receive any declarations of interest from Councillors;
- (l) establish the Licensing and Regulatory Committee, Planning Committee, Health and Wellbeing Board, Scrutiny Co-ordination Committee, Scrutiny Boards, Audit and Procurement Committee, an Ethics Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions as set out in Part 2, of this Constitution. This may also include the appointment of the Chair and Deputy Chair of those bodies;
- (m) decide the size and terms of reference for those Scrutiny Boards and Committees;
- (n) decide the allocation of seats to political groups in accordance with the political balance rules;
- (o) receive nominations and appoint Councillors to serve on each Scrutiny Board, and Committee;
- (p) receive nominations and appoint to outside bodies;
- (q) approve a programme of ordinary meetings of the Council, Cabinet, Scrutiny Boards, Committees and Advisory Panels for the year including the date and time of the next Annual Meeting; and
- (r) consider any business set out in the notice convening the meeting.

1.4. If it becomes clear either before the Annual Meeting or on the day itself that there are areas of contention, then the fall-back position will be to adjourn the Annual Meeting following the appointment of the Lord Mayor/Deputy Lord Mayor and reconvene to a future date provided that it complies with the timescale referred to in Rule 1.1.

## **2. Ordinary Meetings**

2.1. Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's Annual Meeting. Ordinary meetings will:-

- (a) elect a person to preside, if the Lord Mayor and the Deputy Lord Mayor are not present;
- (b) receive any apologies for absence;
- (c) agree the minutes of the last meeting and their signature;

- (d) receive any return of persons elected as Councillors;
- (e) present the Citizen of the Month Award;
- (f) receive any correspondence and announcements of the Lord Mayor;
- (g) receive any petitions in accordance with the Petitions Procedure Rules;
- (h) receive any declarations of interest by Councillors;
- (i) determine any matters left for determination by the City Council;
- (j) consider recommendations for the City Council;
- (k) receive questions and provide answers to Councillors (except at the Council Tax/Budget setting meeting);
- (l) receive any statement by the Leader of the Council or his or her nominated speaker on any changes to the composition of the Cabinet or allocation of executive functions within the Cabinet or to employees or on any matter of significant importance to the City;
- (m) consider motions; and
- (n) approve extensions to the programme of ordinary meetings of the Council, Cabinet, Scrutiny Boards and Committees.

**3. Extraordinary Meetings**

**3.1. Calling Extraordinary Meetings**

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

- (a) the Council by resolution;
- (b) the Lord Mayor;
- (c) the Monitoring Officer or
- (d) any five Councillors if they have signed a requisition presented to the Lord Mayor and if the Lord Mayor has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

- 3.3. Any requisition under Rule 3.1(d) will be addressed to the Lord Mayor by being left for the Lord Mayor at a location\* designated by the City Solicitor. The requisition will indicate the business to be transacted at the meeting.

\*NB: The location currently designated is Room 79 in the Council House.

- 3.4. The date, time and location of any extraordinary meeting will be fixed by the Monitoring Officer after consultation with the Lord Mayor and the Leader of the Council.

**3.5. Honorary Aldermen and/or Honorary Alderwomen**

- 3.6. The Council has approved a protocol for the enrolment of Honorary Aldermen and/or Honorary Alderwomen. That protocol is attached at Annex 2 to this part.

**4. Time Place and Duration of Meetings**

- 4.1. The time and place of meetings will be determined by the Monitoring Officer and notified in the summons.

- 4.2. Any ordinary meeting of the Council may be cancelled, rearranged or relocated by the City Solicitor following consultation with the Lord Mayor and the Leader of the Council.

- 4.3. Where there is no formal Council Business to consider and approve (i.e. recommendations or items for consideration) the Council Meetings identified as "If Necessary" in the Municipal Calendar may be cancelled, but only following consultation with the Lord Mayor and the Leader of the Council.

- 4.4. There will be no restriction on the duration of meetings except that if any Council meeting continues for a period of more than 3 hours, there will be a break in proceedings as soon as 3 hours has elapsed since the start of the meeting unless the Council votes unanimously to continue without a break or the Lord Mayor or other person chairing the meeting determines that the remainder of the business of the meeting can be concluded within a reasonable time so as to render any break unnecessary. The break will be for a maximum of 30 minutes. This provision is intended to safeguard the health and wellbeing of Councillors and employees present at any meeting.

**5. Notice of and Summons to Meetings**

- 5.1. The Monitoring Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information

Rules. At least five clear days before a meeting, the Monitoring Officer will send a signed summons by post to every Councillor or leave it at their usual place of residence or such other place as requested. 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. Chair of Meeting**

- 6.1. The Lord Mayor or, if absent, the Deputy Lord Mayor will chair meetings of the City Council. In the absence of both the Lord Mayor and the Deputy Lord Mayor, the City Council will elect another Councillor, other than a Member of the Cabinet, to chair the meeting.
- 6.2. If it is necessary to select a Councillor to chair the meeting in the absence of the Lord Mayor and the Deputy Lord Mayor, the Chief Executive (or, in his or her absence, the Monitoring Officer) will call for a Councillor to move that another Councillor should be nominated to chair the meeting.
- 6.3. If discussion arises on that motion, the Chief Executive, if absent the Monitoring Officer) will exercise the powers of the Chair to regulate that discussion and to maintain order at the meeting.
- 6.4. The Lord Mayor will be addressed "Lord Mayor". The Deputy Lord Mayor, when chairing the meeting, will be addressed as "Deputy Lord Mayor" and any other Councillor elected to chair a meeting will be addressed as "Chair".
- 6.5. The Deputy Lord Mayor or other Councillor chairing the meeting will be entitled to exercise any power of the Lord Mayor in relation to the conduct of that meeting.

**7. Quorum**

- 7.1. Subject to Rule 7.5, no business will be dealt with unless there is a quorum of 14 Councillors.
- 7.2. If, at the expiration of 15 minutes after the time at which any meeting is arranged to be held, there is no quorum present, the meeting will not take place.
- 7.3. If during any meeting, the Lord Mayor, after counting the number of Councillors present, declares that there is not a quorum present, the meeting will stand adjourned for fifteen minutes.
- 7.4. If, after 15 minutes, there is no quorum present, the meeting will end. The consideration of any business not transacted will be adjourned to a date, time and location fixed by the Lord Mayor at that time or, if

they do not fix a date, time and location, to the next ordinary meeting.

- 7.5. If Councillors are required to leave the meeting due to their declaration of an interest their leaving the meeting will affect the quorum so long as they are absent.

**8. Questions by Councillors**

- 8.1. At ordinary meetings of the Council, except the Council Tax and/or Budget setting meeting, there will be a Question Time. The procedure for dealing with Written Questions at Council Meetings is set out at paragraph 8.2.

- 8.2. A Councillor may put in writing a question concerning any matter relating to Council business to be answered at the meeting by the appropriate Cabinet Member, Deputy Cabinet Member, Chair or other Councillor. Such questions must be delivered to the Monitoring Officer at a designated location\* or sent electronically to Governance Services not later than 9.00 a.m. at least 5 clear working days before the date scheduled for the meeting of the City Council. The deadline for receiving written questions is 9.00 am on the Monday, a week before the Council Meeting on the Tuesday. As soon as any question is received, it will be forwarded to the appropriate Cabinet Member, Deputy Cabinet Member, Chair or other Councillor or Director.

\*NB: the location currently designated is Room 79 in the Council House.

- 8.3. The Cabinet Member, Deputy Cabinet Member, Chair or other Councillor will arrange for a written response to be prepared, which must be with them by 5.00 pm on the Friday before Council.

- 8.4. The Cabinet Member, Deputy Cabinet Member, Chair or other Councillor will then have up until 4.00 pm on the Monday the day before Council to check the responses before it needs to be e-mailed to the appropriate Governance Services Officer. The Governance Services Officer will then send the responses to all Councillors by 5.00 pm on the Monday. Copies of all the responses will be circulated at the Council meeting.

- 8.5. While an answer will normally be written and circulated to Councillors at the meeting, it may also be given orally by the Cabinet Member, Deputy Cabinet Member, Chair or other Councillor replying, or a combination of both. The Lord Mayor will have the power to allow supplementary oral questions and to disallow any such question which in the Lord Mayor's opinion is irrelevant or frivolous or a repetition of or substantially similar to a question already asked upon that part of the proceedings.

8.6. A Councillor may ask the Chair of a Scrutiny Board, the Scrutiny Co-ordination Committee or the Chair of any other Body any oral question relating to the work of that Board, Committee or Body. The Lord Mayor will call on Councillors in the order in which they catch their eye. The Chair will reply orally at the meeting or a written answer will be circulated to Councillors after the meeting within 7 working days of the meeting. The Lord Mayor will have the power to allow supplementary oral questions and to disallow any oral questions which, in the Lord Mayor's opinion, is irrelevant or frivolous or a repetition of or substantially similar to the question(s) already asked.

8.7. A Councillor may ask the nominated spokespersons of the West Midlands Fire and Rescue Authority or the West Midlands Integrated Transport Authority a written question about any matter which relates to the work of that Authority. The question must be delivered to the Monitoring Officer at a designated location\* or sent electronically to Governance Services not later than 9.00 a.m. at least 5 clear working days before the date scheduled for the meeting of the City Council. An answer may be written and circulated to Councillors at the meeting, given orally by the nominated spokesperson or a combination of both. The Lord Mayor will have the power to allow supplementary oral questions and to disallow any oral questions which, in the Lord Mayor's opinion, is irrelevant or frivolous or a repetition of or substantially similar to a question or question(s) already asked.

\*NB: the location currently designated is Room 79 in the Council House.

8.8. A Councillor may ask another Councillor or an Employee, who is a director of an authorised company as defined by Section 71(1) of the Local Government and Housing Act 1989, a written question about any matter which relates to the activities of that company. The question must be delivered to the Monitoring Officer at a designated location\* or sent electronically to Governance Services not later than 9.00 a.m. at least 5 clear working days before the date scheduled for the meeting of the City Council. An answer may be written and circulated to Councillors at the meeting, given orally or a combination of both. Nothing will require the other Councillor or the Employee to disclose any information about the company which has been communicated to them in confidence. The Lord Mayor will have the power to allow supplementary oral questions and to disallow any oral questions which, the Lord Mayor's opinion, is irrelevant or frivolous or a repetition of or substantially similar to a question or question(s) already asked.

\*NB: the location currently designated is Room 79 in the Council House.

- 8.9. A Councillor may ask a Council representative on an outside body an oral question at the meeting without prior notice being given on any matter pertaining to that outside body. The Lord Mayor will call on Councillors in the order in which they are seen. An answer may be given orally by the representative on the outside body at the meeting or a written answer circulated to Councillors after the meeting, within 7 working days of the meeting. The Lord Mayor will have the power to allow supplementary oral questions and to disallow any such question which in the Lord Mayor's opinion is irrelevant or frivolous or a repetition of or substantially similar to a question or question(s) already asked.
- 8.10. A Councillor may ask a Cabinet Member or a Deputy Cabinet Member, an oral question at the meeting without prior notice being given on any other matter relating to the Cabinet Member's or the Deputy Cabinet Member's portfolio. The Lord Mayor will call on Councillors in the order in which they are seen. An answer may be given orally by the Cabinet Member or the Deputy Cabinet Member at the meeting or a written answer circulated to Councillors after the meeting, within 7 working days of the meeting. The Lord Mayor will have the power to allow supplementary oral questions and to disallow any such question which, in the Lord Mayor's opinion, is irrelevant or frivolous or a repetition of or substantially similar to a question or questions already asked.
- 8.11. All questions referred to in Rules 8.2, 8.7 and 8.8 will be considered in the order received by the Monitoring Officer. The Lord Mayor may change the order of questions at the meeting if it is expedient to do so. Copies of all questions will be circulated to all Councillors and made available to the public attending the meeting.
- 8.12. No paperwork may be circulated at the meeting in respect of oral questions.
- 8.13. All supplementary questions should relate to the original question asked from the responses provided.

**9. Motions on Notice**

- 9.1. Every notice of motion to be inserted in the summons for the next meeting of the City Council will be in writing and signed by the Councillor intending to move it and by the Councillor intending to second it. The notice must be delivered to the Monitoring Officer at a designated location\* or sent electronically to Governance Services, not later than 9.00 a.m. at least 5 clear working days before the date scheduled for the meeting of the City Council. Any hard copy motions received will be date stamped and scanned by Governance Services. The Monitoring Officer will only accept notices of motion which fulfill these requirements and will not accept more than one notice of

motion per Political Group\*\*. Should a Councillor from a Political Group wish to second a Motion submitted by an individual Councillor, then the Group to which that Councillor belongs will forfeit the right to submit a Motion to the meeting. An individual Councillor may second a Political Group motion with the agreement of that Group Leader.

- 9.2. No motions on Notice will be allowed at the February Council Tax/Budget setting meeting.
- 9.3. Motions on Notice must be about matters for which the authority has a responsibility or which affect the City but may not seek to pre-empt a decision on a planning or licensing matter nor seek to discharge an Executive function.

\*NB: the location currently designated is Room 79 in the Council House

\*\* “Political Group” to be interpreted in accordance with The Local Government (Committees and Political Groups) Regulations 1990

- 9.4. The Monitoring Officer will set out in the summons for every meeting of the City Council, all motions of which notice has been duly given under the heading "Debates", in the order in which they have been received unless the Councillor giving such notice intimated in writing, when giving it, of their intention to move it at some later meeting, or has since withdrawn it in writing.
- 9.5. If a motion set out in the summons is not moved and seconded either by the Councillor who gave notice thereof, or by some other Councillors on their behalf it will, unless postponed by consent of the City Council, be treated as withdrawn and will not be moved without fresh notice.
- 9.6. The mover of a motion or amendment will speak for no more than 5 minutes. All other speeches on the motion will each be for no more than 3 minutes.
- 9.7. An amendment to a notice of motion will not be discussed unless it has been moved and seconded. It will be put in writing and handed to the Monitoring Officer before it is put to the meeting.
- 9.8. When a motion is made in pursuance of a notice of motion, and the subject is referred by the City Council to a Body, the Monitoring Officer will send notice of the meeting at which the subject will be considered to the proposer and seconder of the motion, unless they are themselves members of that Body. The proposer and seconder will not be entitled to vote unless either of them is a member of the Body.

- 9.9. If a motion is made in pursuance of a notice of motion which would increase expenditure of the City Council, or reduce income to the City Council, then the motion will be regarded as tentative only and will be referred by the City Council to the appropriate Body for them to consider and make their views known to the City Council before formal approval is given.
- 9.10. The tentative decision will be included in the summons for the next appropriate meeting of the City Council where the City Council may confirm, amend or rescind it, having regard to the views of the appropriate Body.

**10. Motions Without Notice**

- 10.1. The following motions may be moved without notice:
- (a) to elect a Councillor to chair the meeting;
  - (b) to agree the minutes of the previous meeting;
  - (c) to re-order the business on the agenda;
  - (d) to refer an item to the agenda of the next ordinary meeting, or to the Cabinet, Cabinet Member, Scrutiny or a City Council Committee;
  - (e) to combine debates on items on the agenda;
  - (f) to withdraw an item from the agenda;
  - (g) to suspend particular Council Procedure Rules;
  - (h) not to hear, on the motion of the Lord Mayor, a Councillor further or to require a Councillor to leave a meeting;
  - (i) to record the Council's appreciation or condolence;
  - (j) to receive a petition;
  - (k) to refer a matter raised by a petition or question to the Cabinet, Cabinet Member, Scrutiny, City Council Committee or to an external body;
  - (l) to obtain the agreement of the meeting in any case where a particular Council Procedure Rule requires it;
  - (m) to appoint Councillors or other persons to an external body;
  - (n) to proceed to the next business;

- (o) that the questions now be put;
- (p) to adjourn a debate; (see also Rules 15.9 to 15.11)
- (q) to adjourn a meeting;
- (r) to exclude the press and public in accordance with the Access to Information Rules

**11. Petitions**

- 11.1. Petitions will be presented as provided for in the Petitions Procedure Rules (Part 3I).

**12. Statement by The Leader of The Council or a Nominated Speaker**

- 12.1. The Leader of the Council, or a Councillor nominated by the Leader, will be entitled to make a Statement on an issue or matter of significant importance to the City. The Statement will last no more than 10 minutes.
- 12.2. Where there is to be a Statement by the Leader, the Leaders of the other political groups will be notified of the subject matter at the earliest opportunity.
- 12.3. A Councillor from each of the other Groups represented on the Council will be entitled to respond to the Statement. The response will last no more than 10 minutes.
- 12.4. The Leader of the Council or the nominated Councillor will be entitled to a right of reply lasting no more than 5 minutes, but there will be no further debate.

**13. Statement by Cabinet Members or Deputy Cabinet Members**

- 13.1. A Cabinet Member or Deputy Cabinet Member will be entitled to make a Statement on an issue or matter within their portfolio and which is of significant importance to the City. The Statement will last no more than 10 minutes.
- 13.2. Where there is to be a Statement by a Cabinet Member or Deputy Cabinet Member, the Leaders of the other political groups will be notified of the subject matter at the earliest opportunity.
- 13.3. A Councillor from each of the other Groups represented on the Council will be entitled to respond to the Statement. The response will last no more than 10 minutes.

- 13.4. The Cabinet Member or Deputy Cabinet Member will be entitled to a right of reply lasting no more than 5 minutes, but there will be no further debate.

**14. Recommendations Submitted to the City Council**

- 14.1. Recommendations submitted to the City Council will be reproduced and a copy will be issued to each Councillor prior to or with the summons for the meeting of the City Council at which they are to be submitted. In case of urgency, such recommendations may be issued during the interval between the summons and the meeting, provided that due notice of the business is included in the summons.
- 14.2. Recommendations submitted to the City Council will include all matters which are listed in Part 2 as being functions of the Council.
- 14.3. In case of doubt whether a delegated matter ought, under this Standing Order, to be dealt with in any particular manner, the Monitoring Officer will have the power to decide the point and their decision will be final.
- 14.4. The Monitoring Officer will reproduce the recommendations submitted to the City Council for consideration in such order as will appear to the Monitoring Officer to be the most convenient for consideration by the City Council.
- 14.5. Upon the consideration of the recommendations before Council for consideration, the motion for the confirmation of the recommendations will be submitted by the Cabinet Member, Chair, Deputy Chair, or other Councillor having charge thereof. In doing so, the Member may, with the consent of the City Council (signified without discussion), withdraw from consideration a specified item of business or move the confirmation of recommendations with a specified alteration. On the consideration of the motion, it will be competent for any Councillor to call the attention of the City Council to, and fully discuss, any subject matter referred in the recommendations which remain before the City Council, having regard to any earlier withdrawal or amendment.
- 14.6. The rules of debate in Rules 15.1 to 15.20 will apply to recommendations.

**15. Rules of Debate**

- 15.1. A diagram detailing the Process for Debates is appended as Annex 1 to this section.
- 15.2. A Motion or amendment will not be discussed unless it has been proposed and seconded, and it will, unless the Lord Mayor dispenses

with this requirement, be produced in writing and handed in to the Monitoring Officer before it is further discussed or put to the meeting. A copy of any amendment(s) will be circulated to all members at the meeting when the amendment(s) has/have been moved and seconded. Every amendment must be the subject of a vote unless the amendment, having been moved and seconded, is withdrawn by the proposer.

- 15.3. A Councillor intending to move an amendment will declare that intention, together with the wording of the amendment and the name of the Councillor then present in the meeting who has agreed to second the amendment, within three minutes of starting to speak in the debate on a Motion. Once the amendment has been moved and seconded the debate is then on the amendment. The Councillor named to second the amendment will, immediately upon being so named, indicate their agreement to this to the Lord Mayor by show of hand. The mover of the amendment may thereupon continue to speak, provided that, in total, the length of his or her speech will not exceed five minutes.
- 15.4. If the mover of an amendment does not, for whatever reason, name their seconder as prescribed in Rule 15.3 or, if the named seconder fails to indicate agreement by show of hand, the mover of the amendment will speak for no more than three minutes and will then sit. The Lord Mayor will then call for a seconder of the amendment. If any Councillor present seconds the amendment, the mover of the amendment will have the right to resume their speech for a further period not exceeding two minutes. If no Councillor present seconds the amendment, the mover of the amendment will not speak further upon the amendment.
- 15.5. The mover of an original motion will have the right of reply at the close of a debate upon the recommendation immediately before either it is put to the vote or before a motion is put that:-
- "the question now be put"
  - "the debate be now adjourned", or
  - "that the Council so now proceed to the next business"
- 15.6. If an amendment is proposed:-
- (a) the mover of the original motion will be entitled to speak on any amendment to the motion immediately before the reply and;
  - (b) the mover of the amendment will have the right of reply at the close of the debate on the amendment immediately before it is either put to the vote or before a motion is put that:-

- "the question now be put"
  - "the debate be now adjourned" or
  - "that the Council so now proceed to the next business"
- 15.7. A Councillor, when seconding a motion or an amendment, may reserve their right to speak until later in the debate provided that the Councillor clearly signifies their intention to do so.
- 15.8. A Councillor may speak once in relation to any motion; and once more in relation to any amendment to that motion; and once more in relation to each and every further amendment in any debate. This is in addition to any right of reply on a point of order or by way of personal explanation. All contributions to any debate must refer directly to the motion or the amendment before the Council.
- 15.9. A Councillor, who has not participated in the debate then before the City Council, may, at the conclusion of a speech of another Councillor, move without comment "that the question be now put". On the seconding of that motion the Lord Mayor (if in his or her opinion the question has been sufficiently discussed) will put this motion to the vote. If it is carried, the question before the meeting will then be put to the vote following the reserved right to second in Rule 15.6 above and the right of reply in Rule 15.5 above.
- 15.10. A Councillor may move:-
- (a) "that the Council do now adjourn"
  - (b) "that the Council do now proceed to the next business", or
  - (c) "that the debate be now adjourned"
- 15.11. The Councillor moving such a motion will give reasons for the motion in a speech not exceeding 2 minutes. The motion must be seconded without speech.
- 15.12. On the seconding of that motion, if it is the Lord Mayor's opinion that the question has been sufficiently discussed) will put this motion to the vote. If it is carried, the question before the meeting will then be put to the vote following the reserved right to second in Rule 15.6 above and the right of reply in Rule 15.5 above.
- 15.13. A second motion "that the Council do now adjourn", "that the Council do now proceed to the next business" or "that the debate be now adjourned" will not be made within a period of 15 minutes unless it is moved by the Lord Mayor or unless some business or subject of debate is before the City Council when the second motion is moved

which was not before the City Council when the first motion was moved.

- 15.14. On the resumption of an adjourned debate, the Councillor who moved the adjournment will be entitled to speak first.
- 15.15. A Councillor, when speaking must stand and address the meeting through the Lord Mayor unless the Councillor has physical difficulties in doing so, in which case they will receive an automatic dispensation to address the meeting while seated. If more than one Councillor addresses the meeting, the Lord Mayor will ask one to speak and the others will sit. Other Councillors must remain seated whilst a Councillor speaks, unless they wish to make a point of order or of personal explanation (see Rules 15.19 and 15.20).
- 15.16. Except as provided for in Rule 15.14 above, a Councillor moving a motion or amendment may speak for not more than 5 minutes and other speeches will last no more than 3 minutes.
- 15.17. The time limits referred to Rule 15.13 above will not apply to:-
- (a) Business at Annual Meetings of the City Council.
  - (b) The proposer of a recommendation to the City Council in respect of the level of Council Tax/Council Budget to be levied each year and the Leader (or nominee) of each Political Group (or their nominated speaker) on the Council budget in respect of that recommendation.
- 15.18. Every amendment must relate to the motion on which it is moved and may:
- (a) refer a matter back to the Body concerned;
  - (b) leave out words;
  - (c) add or insert words; or
  - (d) leave out words and add or insert words
- 15.19. But such omissions, insertions or additions of words will not have the effect of negating the motion before the City Council.
- 15.20. If an amendment is rejected, other amendments may be moved on the original motion. If an amendment is carried, the motion as amended will become the Substantive Motion and be the motion upon which any further amendment may be moved.
- 15.21. A further amendment will not be moved until the City Council has

disposed of every amendment previously moved. When an amendment is proposed, the Proposer of the original or amended Motion may decide to accept that amendment. Should the Proposer accept the amendment, then the wording contained in the amendment will be incorporated into the original or amended Motion and will be treated as part of the Motion then under debate. Where an amendment is accepted, the right of reply of the Mover of the amendment set out in Rule 15.5 will not apply.

**15.22. Council Tax/Budget Debate Process**

- (a) The proposer of the recommendation will move the budget. This speech will not be time limited.
- (b) This will be seconded and the seconder will speak or reserve the right to speak.
- (c) The Leader of the Main Opposition Group (or nominated speaker) will move any amendment to the recommendation. This speech will not be time limited.
- (d) The Deputy Leader of the Main Opposition Group (or nominated speaker) will second the amendment and speak or reserve the right to speak.
- (e) The debate on the amendment will take place; the vote on the amendment will take place and the amendment will be carried or lost. If carried, this would become the substantive motion.
- (f) The Leader of the largest of the minority Groups (or nominated speaker) will move any amendment to the motion. This speech will not be time limited.
- (g) A representative of that Group will second the amendment and speak or reserve the right to speak.
- (h) As (e) above.
- (i) The Leader (or nominated speaker) of any of the remaining minority Groups will move any amendment (in the order in which they are seen by the Lord Mayor). These speeches will not be time limited. Representatives of those Groups will second the amendment and speak or reserve the right to speak. This will apply to any remaining minority Groups.
- (j) As (e) above.
- (k) Any further amendments will be moved in the order in which the proposer is seen by the Lord Mayor.

- (l) When there are no more amendments, the debate on the substantive motion takes place and the vote is taken.

**15.23. Notes:**

- In accordance with the Council Procedure Rules, the mover of the original motion (or substantive motions if the original motion is amended) is entitled to speak on any amendment immediately before the reply by the mover of the amendment.
- Should adjournments be necessary during the course of the meeting, rooms will be made available.
- If the proposer of the recommendation is not the Leader of the Council, then the Leader of the Council will be given one opportunity for a speech that is not time limited.
- Procedure Rule 18.5 shall apply to any vote taken on any motion, amendment or substantive motion relating to the approval of the budget or setting of council tax.
- No Motions on Notice will be allowed at the Council Tax/Budget setting meeting.

**15.24. Point of Order**

- (a) A point of order is a request by a Councillor to the Lord Mayor to rule on an alleged irregularity in the constitutional conduct of the meeting.
- (b) The Councillor will make the point immediately they notice it and state the Procedural Rule in question, and how it is broken. Immediately after the point of order has been raised, the Councillor will then await the ruling of the Lord Mayor and resume their seat.
- (c) The Lord Mayor will decide the issue raised in the point of order and announce their ruling before the debate continues. There will be no discussion on that ruling.

**15.25. Point of Personal Explanation**

- (a) A Councillor may find that a statement they have made is misquoted by a later speaker, or that another Councillor has misunderstood or misquoted what was said.
- (b) If this happens, the Councillor may raise a point of personal explanation and, with the permission of the Lord Mayor, interrupt

the speaker to correct the misunderstanding.

**16. Councillors' Interests**

- 16.1. Councillors' obligations in relation to the declaration of interests are set out in more detail in Part 4 of the Constitution.

**17. Six Month Rule**

- 17.1. No Councillor may move a motion or amendment to rescind a decision made at a meeting of the full City Council within the previous six months.
- 17.2. No Councillor may move a motion or amendment in similar terms to one which has been rejected at a meeting of the City Council in the previous six months.
- 17.3. Rule 17.2 does not apply to a motion to remove the Leader from the role of Leader.

**18. Voting**

- 18.1. The vote on every question will be taken by the voice, except whereby law or in these Rules it is otherwise provided, but if the Lord Mayor is unable to decide upon the voices or if any two Councillors challenge their decision thereon, the vote will be taken by a show of hands. Councillors are required to be seated in their allocated position when the vote is taken.
- 18.2. If, before the Lord Mayor finally declares the result of the vote (whether taken by the voice or by show of hands), any 2 Councillors require a recorded vote, this will supersede any vote taken under 18.1 above.
- 18.3. A recorded vote will be taken immediately afterwards and recorded in the minutes. A Councillors vote will only be recorded if the Councillor personally answers "For", "Against" or "Abstain" immediately after their name is called by the Monitoring Officer.
- 18.4. 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.
- 18.5. A recorded vote will be required at a meeting of the Council on motions, amendments or substantive motions relating to the approval of the budget or setting of council tax, whereby there shall be recorded in the minutes the names of the Councillor who cast a vote for the motion/amendment or against the motion/amendment or who abstained from voting. As this is a mandatory standing order under

the Local Authorities (Standing Orders) Regulations 2001, it cannot be suspended under Council Procedure Rule 23.

- 18.6. In the case of an equal number of votes, the Lord Mayor will have a casting vote in addition to their vote as a Councillor.

NB. As a matter of convention, at full Council meetings only where there are an equal number of votes, the Lord Mayor will cast their casting vote in favour of the largest political group represented on the Council.

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

## **19. Minutes**

- 19.1. The minutes of every meeting of the City Council will be reproduced and a copy sent before the next subsequent meeting to each Councillor. At such subsequent meeting, the Lord Mayor will call for a motion that the minutes of the previous meeting be signed as a correct record. Once such motion is approved, the minutes will be signed by the Lord Mayor. The only part of the minutes that can be discussed is their accuracy.

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

## **20. Exclusion of Public**

- 20.1. Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 3 of this Constitution or paragraph 22.

## **21. Councillors' Conduct**

- 21.1. When and if the Lord Mayor stands during a debate, any Councillor speaking at the time will sit down. All Councillors must be silent.
- 21.2. If a Councillor persistently disregards the ruling of the Lord Mayor by behaving improperly or offensively or deliberately obstructs business, the Lord Mayor may move that the Councillor is not heard further. If

seconded, the motion will be voted on without discussion.

- 21.3. If the Councillor continues to behave improperly after such a motion is carried, the Lord Mayor 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.
- 21.4. In the event of general disturbance which, in the opinion of the Lord Mayor renders the due and orderly despatch of business of the meeting impossible, the Lord Mayor (in addition to any other power invested in the Lord Mayor) may, without question, adjourn the meeting for such period as they in their discretion consider expedient.
- 21.5. In accordance with Rule 7.5, if Members are required to leave the meeting under Rule 21.3 their leaving the meeting will affect the quorum.
- 21.6. Electronic devices may be switched on during the public part of meetings of the City Council.

**22. Disturbance by The Public**

- 22.1. If a member of the public disrupts the proceedings at any meeting, the Lord Mayor will issue a warning. If the member of the public continues the interruption, the Lord Mayor will order the removal of the member of the public from the Council Chamber. In the case of general disturbance in any part of the Council Chamber open to the public, the Lord Mayor will order that part to be cleared.

**23. Suspension And Amendment of Council Procedure Rules**

**23.1. Suspension**

- 23.2. All these Council Rules of Procedure except Rules 18.5, 18.6 and 23.1 may be suspended by motion on notice or without notice. Suspension can only be for the duration of the meeting.

**23.3. Amendment**

- 23.4. Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

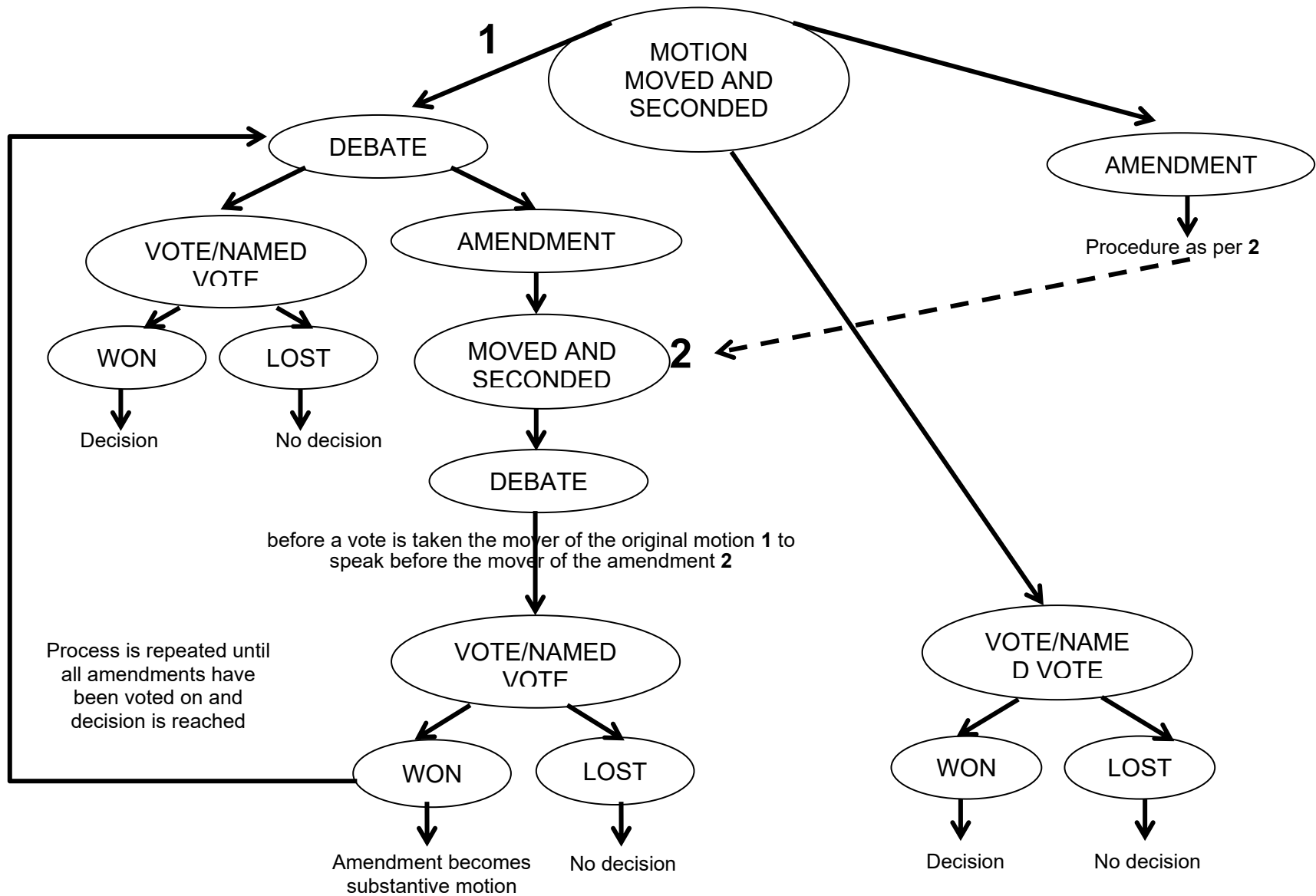
**24. Application of Council Procedure Rules to Other Bodies**

- 24.1. These rules, where they can be appropriately applied, apply to all formal meetings of bodies of the Council. These rules will not apply where the specific rules of procedure relating to any such body already make provision for the activity to be undertaken and/or

procedure to be followed at meetings of that body.

**25. Common Seal of The Council**

- 25.1. The Common Seal of the Council will be kept in a safe place in the custody of the Monitoring Officer. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Monitoring Officer should be sealed. The Common Seal will be attested by the signature (including the facsimile of the signature by whatever process reproduced) of the Monitoring Officer or some other person authorised to do so. A record of the attestation will be kept in a book to be provided for that purpose of every deed and other documents which the common seal has been affixed.



**PROTOCOL FOR CONFERRING THE TITLE OF HONORARY  
ALDERMAN OR ALDERWOMAN**

**26. Procedure**

- (a) The title of Honorary Alderman/woman will only be conferred and entered into the Roll of Aldermen/women in accordance with the Council's agreed Protocol.
- (b) Any name put forward must be proposed in writing by a serving Member of the Council and seconded in writing by at least one other serving Member of the Council. Nominations must be submitted to both the Chief Executive and the Lord Mayor.
- (c) Nominations will be considered and the title of Honorary Alderman or Alderwoman will be conferred at a specially convened meeting of the Council. The title will be conferred by a resolution passed by not less than two thirds of Councillors present and voting.
- (d) Nominations may, in addition to this, be considered at a prior ordinary Council meeting, and the nomination approved in principle by a resolution comprising a majority vote. If nominations are considered at an ordinary meeting, it is proposed that the specially convened meeting may be held immediately after this ordinary meeting or at a future meeting, subject to the appropriate notice of the special meeting having been given.

**27. Qualifications Required for Enrolment**

- (a) The Council may, in accordance with Section 249 of the Local Government Act 1972, and the provisions of this protocol, confer the title of "Honorary Alderman" or "Honorary Alderwoman".
- (b) An Honorary Alderman/Alderwoman shall enjoy only those rights or privileges conferred by Section 249 of the Act and this protocol.
- (c) The Monitoring Officer shall keep a roll to be called "The Roll of Honorary Aldermen/Alderwomen" of those who have had this title conferred on them
- (d) A person shall be deemed eligible to be enrolled as an Honorary Alderman/Alderwoman provided that the person meets the following requirements:
  - Is not a serving Member of the Council

- Has served as a Member of the Council for at least 15 years in total (continuously or non-continuously)
- Has given eminent service to the Council during that period.

**28. Method of Enrolment**

- (a) No person who has the above qualifications shall be enrolled automatically as an Honorary Alderman/Alderwoman but only in accordance with the procedure set out above.
- (b) Formal conferring of the title of Honorary Alderman/Alderwoman shall be by a resolution of the Council passed by not less than two thirds of the Councillors present and voting thereon at a meeting of the Council specially convened for the purpose with notice of the object.

**29. Withdrawal of Title**

- 29.1. The Council may withdraw the title of Honorary Alderman/Alderwoman and the attached rights and privileges. Such withdrawal of the title shall be by way of formal motion to a meeting of the full Council, (the summons to which contains special notice that such withdrawal is proposed and the reason therefore) and subsequent resolution of the Council passed by not less than two thirds of the Councillors present and voting thereon at the meeting of the Council.

**30. Privileges**

- 30.1. An Honorary Aldermen shall be entitled to the following rights and privileges:
- (a) To enjoy the courtesy title of Honorary Alderman or Alderwoman and to be so addressed.
  - (b) To provide a badge or emblem to Honorary Aldermen/Alderwomen, and to wear such badge or emblem on civic occasions.
  - (c) To receive a copy of each Council summons.
  - (d) To receive a framed certificate to commemorate their appointment.
  - (e) To enter their name into the "Roll of Honorary Aldermen/Alderwomen".
  - (f) To receive invitations to civic and social events to which Members of the Council are invited as determined by the Lord

Mayor.

- (g) To walk in civic procession in a position immediately behind serving Councillors.
- (h) To enjoy such other privileges as the Council may confer upon them from time to time.

**PART 3B: ACCESS TO INFORMATION PROCEDURE RULES**

**1. Scope**

- 1.1. These rules apply to all meetings of the Council, Scrutiny Boards, and Committees. They also apply, where indicated, to meetings of the Cabinet or executive decisions made by any Cabinet Member or officer.
- 1.2. In these Rules, where any rule applies to Cabinet, it shall also apply to:
- (a) any committee of Cabinet;
  - (b) a joint committee where all the members of the joint committee are members of a local authority executive and which is authorised to discharge a function to which an executive decision relates in accordance with the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012;
  - (a) a subcommittee of a joint committee where all the members are members of a local authority executive and which is authorised to discharge a function to which an executive decision relates in accordance with the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012; and
  - (b) an area committee of the Cabinet within the meaning of Section 9E of the Local Government Act 2000."

**2. Additional Rights to Information**

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

**3. Rights to Attend Meetings**

- 3.1. Members of the public may attend all meetings subject only to any exceptions in this Constitution.

**4. Notice of Meetings and Adjourned and Reconvened Meetings**

- 4.1. The Council will give at least five clear working days' notice of any meeting by posting details of the meeting at the Council House, Earl Street, Coventry ("the designated office") and including the details on the Council's website or, where a meeting is convened at shorter notice, at the time that the meeting is convened.
- 4.2. When a meeting is adjourned and reconvened, there must be at least 5 working days' notice of the date of that reconvened meeting.

**5. Access to Agenda and Reports before the Meeting**

- 5.1. The Council will make copies of the agenda and reports open to the public available for inspection at the designated office at least five clear working days before the meeting. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda. Where reports are prepared after the summons has been sent out, the Monitoring Officer will make each such report available to the public as soon as the report is made available to Councillors. Where a meeting is convened at shorter notice than that set out in Rule 4, copies of the agenda and reports open to the public will be made available for public inspection when the meeting is convened. At each of these stages the relevant documentation will be included on the Council's website.

**6. Supply of Copies**

- 6.1. The Council will supply copies of:
- (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 to any person on payment of a charge for postage, copying or other necessary charge for transmission. This information will also be made available on the Council's website.

**7. Access to Minutes and Other Documents after the Meeting**

- 7.1. The Council will make available copies of the following for six years after a meeting:
- (a) the minutes of the meetings or records of decisions taken, together with reasons, for all meetings of the Cabinet or executive decisions made by any Cabinet Member or employee, 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.

**8. Background Papers**

**8.1. List of Background Papers**

8.2. When a copy of the whole or part of a report for a meeting is made available for public inspection in accordance with Rule 5, the proper officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

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

8.3. but does not include published works

**8.4. Public Inspection of Background Papers**

8.5. The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers except where in the opinion of the proper officer to do so would be likely to disclose confidential or exempt information or the advice of a political adviser or assistant.

**9. Summary of the Public's Rights**

9.1. A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at the Council House, Earl Street, Coventry.

9.2. As the Constitution is available to the public and located on the Council's website, these Rules constitute that written summary.

**10. Exclusion of Access by the Public to Meetings**

**10.1. Confidential Information – Requirement to Exclude the Public**

10.1.1. 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 to them in breach of the obligation of confidence.

**10.2. Exempt Information – Discretion to Exclude the Public**

**Part 3B - Access to Information Procedure Rules**

10.2.1. 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 to them.

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

**10.3. Meaning of Confidential Information**

10.3.1. Confidential information means information provided to the Council by a Government Department on terms (however expressed) which forbid the disclosure of the information to the public or information the disclosure of which to the public is prohibited by or under any enactment or by order of the court.

**10.4. Meaning of Exempt Information**

10.4.1. Exempt information means information falling within the following categories (subject to any condition):

Description of exempt information	Qualification	Notes
	Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.	Applies to all categories of otherwise exempt information.
1. Information relating to any individual.	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information – see note on public interest at end of table.	Names, addresses or telephone numbers can identify individuals.  Also consider the Council's Data Protection Act responsibilities.
2. Information which is likely	Exempt information if and so long, as in all the	Names, addresses or telephone

**Part 3B - Access to Information Procedure Rules**

<p>to reveal the identity of an individual.</p>	<p>circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information – see note on public interest at end of table.</p>	<p>numbers can identify individuals.  Also consider the Council's Data Protection Act responsibilities.</p>
<p>2. Information relating to the financial or business affairs of any particular person (including the authority holding that information).</p>	<p>Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information – see note on public interest at end of table.</p> <p>Information falling within paragraph 3 is not exempt information by virtue of that paragraph if it is required to be registered under:-</p> <ul style="list-style-type: none"> <li>(a) the Companies Act 1985</li> <li>(b) the Friendly Societies Act 1974</li> <li>(c) the Friendly Societies Act 1992</li> <li>(d) the Industrial and Provident Societies Acts 1965 to 2002</li> <li>(e) the Building Societies Act 1986</li> <li>(f) the Charities Act 1993</li> </ul>	<p>The authority is a reference to the principal council or, as the case may be, the committee or subcommittee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined (etc).</p> <p>Financial or business affairs includes contemplated, as well as past or current activities.</p> <p>Registered in relation to information required to be registered under the Building Societies Act 1986, means recorded in the public file of any building society (within the meaning of that Act).</p>
<p>4. Information relating to any consultations or</p>	<p>Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption</p>	<p>The authority is a reference to the principal council or, as the case may be, the</p>

**Part 3B - Access to Information Procedure Rules**

<p>negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.</p>	<p>outweighs the public interest in disclosing the information – see note on public interest at end of table.</p>	<p>committee or subcommittee in relation to whose proceedings or documents the question whether information is exempt or not fails to be determined (etc).</p> <p>Employee means a person employed under a contract of service.</p> <p>Labour relations matter means:-          (a) any of the matters specified in paragraphs (a) to (g) of section 218 of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act); or          (b) any dispute about a matter falling within paragraph (a) above.          (applies to trade disputes relating to office holders as well as employees).          Office holder in relation to the authority, means the holder of any paid office appointments which are or may be made or confirmed by the</p>
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**Part 3B - Access to Information Procedure Rules**

		authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information – see note on public interest at end of table.	Privilege lies with the "client" which broadly is the Council. Seek the view of the relevant Chief Officer whether they wish to waive privilege.
6. Information which reveals that the authority proposes:-  (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or  (b) to make an order or direction under any enactment	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information – see note on public interest at end of table.	The authority is a reference to the principal council or, as the case may be, the committee or subcommittee in relation to whose proceedings or documents the question whether information is exempt or not fails to be determined (etc).
7. Information relating to any action taken in connection with the prevention, investigation	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information	

## Part 3B - Access to Information Procedure Rules

or prosecution of crime.	– see note on public interest at end of table.	
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### NOTE:

#### 10.5. Public Interest

10.5.1. In each case before information can be exempt the Council must be satisfied that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. The changes bring the exemptions and access to information into line with those exemptions available under the Freedom of Information Act 2000.

10.5.2. There is no legal definition of what the public interest test is but the following identifies some of the relevant considerations.

- The public interest in disclosure is particularly strong where the information in question would assist public understanding of an issue that is subject to current national debate.
- The issue has generated public or parliamentary debate.
- Proper debate cannot take place without wide availability of all the relevant information.
- The issue affects a wide range of individuals or companies.
- The public interest in a local interest group having sufficient information to represent effectively local interests on an issue.
- Facts and analysis behind major policy decisions.
- Knowing reasons for decisions.
- Accountability for proceeds of sale of assets in public ownership.
- Openness and accountability for tender processes and prices.
- Public interest in public bodies obtaining value for money.
- Public health.

- Contingency plans in an emergency.
- Damage to the environment.

**11. Exclusion of Access by the Public to Reports**

11.1. If the Monitoring Officer thinks fit, the Council may exclude access by the public to the whole or any part of a report which in his or her opinion relates to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked "Not for Publication" together with the category of information likely to be disclosed. To allow the public access to all public information contained in reports, all private reports must be accompanied by a corresponding public report, unless there are extreme exceptional circumstances.

**12. Application of Rules to the Cabinet and Cabinet Members and Employees**

12.1. Rules 12 to 21.1 apply to the Cabinet and, where indicated, to executive decisions taken by individual Cabinet Members and employees. If the Cabinet meets to take a key decision, then Rules 1 to 11 must also be complied with unless Rule 15 (general exception) or Rule 16 (special urgency) apply.

12.2. A key decision is as defined in Part 2A of this Constitution as one which is likely to:-

- (a) result in the City Council incurring expenditure, making savings, or receiving income which is/are significant having regard to the Council's budget for the service or function to which the decision relates; or
- (b) be significant in terms of its effects on communities living or working in an area comprising 2 or more wards or electoral divisions in the area of the City;

12.3. By the term "significant" the Council means a decision which:-

- (a) results in expenditure, savings, income, additional funding or virement of over per £1 million per annum being incurred or achieved and which additionally, in the case of a capital scheme, has not been identified in the "Approved Programme" within the Capital Programme; or
- (b) results in an outcome which will have a marked effect on communities living or working in an area comprising 2 or more wards.

12.4. Any decision to implement or take forward an earlier key decision will

be deemed not to be a key decision.

- 12.5. This requirement does not include meetings held solely to brief Councillors.

**13. Procedure before Taking Key Decisions**

- 13.1. Subject to Rule 15 (general exception) and Rule 16 (special urgency), a key decision may not be taken unless:

- (a) a document containing information as set out in Rule 14 has been published in connection with the matter in question and made available for inspection by the public both at the Council offices and on the Council's website; and
- (b) at least 28 clear days have elapsed since the publication of the document.

**14. Contents of the Key Decision Document**

- 14.1. The document referred to in Rule 13 will contain the following information:

- (a) that a key decision is to be made on behalf of the Council;
- (b) the matter in respect of which the decision is to be made;
- (c) where the decision maker is a Cabinet Member or employee, that person's name and title and where the decision maker is the Cabinet or a Cabinet Committee, its name and a list of its members.
- (d) the date on which, or the period within which, the decision is to be made.
- (e) a list of documents submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made.
- (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from any document listed is available.
- (g) that other documents relevant to those matters may be submitted to the decision maker; and
- (h) the procedure for requesting details of those documents (if any) as they become available.

- 14.2. Where, in relation to any matter—
- (a) the public may be excluded from the Cabinet meeting at which the matter is to be discussed; or
  - (b) documents relating to a decision taken by a Cabinet Member or employee need not be disclosed to the public

the document referred to in Rule 13 will include particulars of the matter but may not contain any confidential information or exempt information, or particulars of the advice of a political adviser or assistant.

**15. General Exception for Key Decisions**

- 15.1. Where it is impracticable to include a matter which is likely to be a key decision in the document referred to in Rule 13, then subject to Rule 16 (special urgency), the decision may still be taken if:

- (a) the Monitoring Officer has informed the Chair of the relevant Scrutiny Board by notice in writing of the matter to which the decision is to be made, or, if there is no such person, each member of the relevant Scrutiny Board
- (b) the Monitoring Officer has made a copy of that notice available to the public at the offices of the Council and published it on the Council's website; and
- (c) at least 5 clear working days have elapsed following the day on which the the Monitoring Officer complied with (b) and (c).

- 15.2. As soon as reasonably practicable after the Monitoring Officer has complied with Rule 15.1, he or she must make available at the offices of the Council and publish on the Council's website a notice setting out the reasons why compliance with Rule 13 is impracticable.

- 15.3. Where such a decision is taken by the Cabinet collectively, it must be taken in public.

**16. Special Urgency for Key Decisions**

- 16.1. If by virtue of the date by which a decision must be taken, Rule 15 (general exception) cannot be followed, then the decision can only be taken if the decision maker has obtained the agreement of the Chair of the relevant Scrutiny Board that the making of the decision is urgent and cannot reasonably be deferred.

- 16.2. Where there is no Chair of the relevant Scrutiny Board or the Chair cannot act, the agreement of the Lord Mayor must be obtained.

Where there is no Chair of the Scrutiny Board or Lord Mayor, the agreement of the Deputy Lord Mayor must be obtained.

- 16.3. As soon as reasonably practicable after the decision maker has obtained agreement under this Rule that the making of the decision is urgent and cannot reasonably be deferred, the decision maker must make available at the offices of the Council and publish on the Council's website a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred.

**17. Reports to Council**

**17.1. When a Scrutiny Board can require a report**

- 17.1.1. If a Scrutiny Board thinks that a key decision has been taken which was not:

- (a) included in the document referred to in Rule 13; or
- (b) the subject of the general exception procedure under Rule 15; or
- (c) the subject of the special urgency procedure under Rule 16;

- 17.1.2. The Board may require the Cabinet to submit a report to the Council within such reasonable time as the Board specifies. The power to require a report rests with the Board, but is also delegated to the Chief Executive, who will require such a report on behalf of any Scrutiny Board when so requested by the Chair or any 5 members of that Scrutiny Board. Alternatively, the requirement may be raised by resolution passed at a meeting of the relevant Scrutiny Board.

**17.2. Cabinet Report to Council**

- 17.2.1. The Cabinet will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7 days of receipt of the written notice, or the resolution of the Scrutiny Board, then the report may be submitted to the next meeting after that. The report to Council will set out particulars of the decision, the individual or body taking the decision, and if the Cabinet is of the opinion that it was not a key decision, the reasons for that opinion.

**17.3. Reports on Special Urgency Decisions on Key Decisions**

- 17.3.1. The Leader will submit to the Council annually at the first ordinary meeting of the Council in each municipal year, a report on any key decisions taken in the circumstances set out in Rule 16 (special urgency) in the period since the last report was submitted. The report

will include particulars of each decision so taken and a summary of the matters in respect of which those decisions were taken.

**17.4. Procedures Prior to Private Meetings of Cabinet**

17.4.1. Where the Cabinet intends to hold all or any part of a meeting in private, it will make available for public inspection at the Council offices a notice of its intention to hold the meeting in private at least 28 clear days before the date of the meeting. The notice will also be published on the Council's website and will include a statement of the reasons for the meeting to be held in private.

17.4.2. At least 5 clear days before a private meeting, the Cabinet will make available for public inspection at the Council offices a further notice of its intention to hold the meeting in private. The notice will also be published on the Council's website and will include:

- (a) a statement of the reasons for the meeting to be held in private;
- (b) details of any representations received as to why the meeting should be open to the public; and
- (c) a statement of its response to any such representations.

17.4.3. Where the date by which a meeting must be held makes compliance with Rules 18.1 or 18.2 impracticable, the meeting will only be held in private if the Chair of the relevant Scrutiny Board agrees that the meeting is urgent and cannot reasonably be deferred. Where there is no Chair of the relevant Scrutiny Board or he or she is unable to act, the agreement of the Lord Mayor will be sought and where there is no Lord Mayor, the agreement of the Deputy Lord Mayor will be sought.

17.4.4. As soon as reasonably practicable after agreement has been obtained under Rule 18.3 to hold a private meeting, the Cabinet will make available for public inspection at the offices of the Council a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred. The notice will also be published on the Council's website.

17.4.5. Members of the Cabinet will be entitled to receive five clear working days' notice of a meeting to which they are summoned, unless the meeting is convened at shorter notice as a matter of urgency.

**18. Record of Decisions**

18.1. After any formal meeting of the Cabinet, the Monitoring Officer or, where no employee was present, the person presiding at the meeting, will produce a record or minute of every decision taken at that

meetings as soon as reasonably practicable.

The record will include -

- (a) a record of the decision and the date it was made.
- (b) a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.
- (c) a record of any conflict of interest relating to the matter decided which is declared by any member and a note of any dispensation granted in respect of that conflict of interest by the head of paid service.

18.2. The provisions of Rules 7 and 8 (access to documents and background papers after meetings) will also apply to the making of decisions by an individual Cabinet Member. This does not require the disclosure of exempt or confidential information or advice from a political assistant.

18.3. As soon as reasonably practicable after an individual Cabinet Member or an employee has made an executive decision, the Cabinet Member will produce or will instruct the City Solicitor to produce, and the employee will produce a written statement of that decision. The statement will include—

- (a) a record of the decision and the date it was made.
- (b) a statement of the reasons for each decision and any alternative options considered and rejected by the Cabinet Member or employee when making the decision.
- (c) a record of any conflict of interest relating to the matter decided which is declared by any member who is consulted by the Cabinet Members or employee and a note of any dispensation granted in respect of that conflict of interest by the head of paid service.

**19. Additional Rights of Access to Documents for Members of Overview and Scrutiny Boards and Scrutiny Co-ordination Committee**

**19.1. Rights to Copies**

19.1.1. Subject to Rule 19.3 below, a member of a Scrutiny Board (including a member of any Sub-group) or of Scrutiny and Co-ordination Committee will be entitled to copies of any document which is in the possession or control of the Cabinet or Cabinet Member and which contains material relating to:

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- (a) any business that has been transacted at a meeting of the Cabinet; or
- (b) any decision that has been taken by an individual Cabinet Member in accordance with executive arrangements;
- (c) any decision that has been taken by an employee in accordance with executive arrangements.

19.2. Any documents requested must be provided as soon as is practicable and, in any case, no later than 10 clear days after receipt of the request.

### 19.3. **Limit of Rights**

19.3.1. A member of a Scrutiny Board will not:

- (a) have an automatic right to any document that is in draft form;
- (b) be entitled to 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 to any review contained in any programme of work of such a Board or Sub- Group; or
- (c) be entitled to a copy of a document or part of a document containing the advice of a political adviser or assistant (if any).

## 20. **Additional Rights of Access for Members**

20.1. Material Relating to Business to be Transacted

20.1.1. All members will be entitled to inspect any document which is in the possession or under the control of the Cabinet or Cabinet Member and contains material relating to any business to be transacted at a public meeting unless (a) (b) or (c) below applies:

- (a) it appears to the Proper Officer that it discloses exempt information falling within paragraphs 1, 2, 4, 5 and 7 of the categories of exempt information; or
- (b) it appears to the Proper Officer that it discloses exempt information falling within paragraph 3 of the categories of exempt information but only to the extent that the information relates to any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract; or
- (c) it appears to the Proper Officer that it contains the advice of a political adviser or assistant.

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- 20.1.2. Any document which is required by Rule 21.1 to be available for inspection by a member will be available for inspection for at least 5 clear days before the meeting except that—
- (a) where the meeting is convened at shorter notice, the document will be available for inspection when the meeting is convened; and
  - (b) where an item is added to the agenda at shorter notice, the document will be available for inspection when the item is added to the agenda.
- 20.2. **Material Relating to Previous Business**
- 20.2.1. Subject to Rule 20, all members will be entitled to inspect any document which is in the possession or control of the Cabinet and contains material relating to —
- (a) any business transacted at a private meeting;
  - (b) any decision made by an individual Cabinet Member under executive arrangements; or
  - (c) any decision made by an Officer under executive arrangements.
- 20.2.2. Councillors shall not be entitled to inspect documents referred to in Rule 20.1.1 where—
- (a) it appears to the proper officer that it discloses exempt information falling within paragraphs 1, 2, 4, 5 and 7 of the categories of exempt information; or
  - (b) it appears to the proper officer that it discloses exempt information falling within paragraph 3 of the categories of exempt information but only to the extent that the information relates to any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract;
  - (c) it appears to the proper officer that it contains the advice of a political adviser or assistant.
- 20.2.3. Where Councillors are entitled to inspect any document in accordance with Rule 20.2.1, the document will be available for inspection:
- (a) when the meeting concludes; or
  - (b) where an executive decision is made by an individual Cabinet

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Member or employee, immediately after the decision has been made; and

- (c) in any event, within 24 hours of the conclusion of the meeting or the decision being made, as the case may be.

### **21. Nature of Rights**

- 21.1. These rights of a Councillor are additional to any other right they may have.

## **PART 3C: BUDGET AND POLICY FRAMEWORK PROCEDURE RULES**

### **1. The Framework for Executive Decisions**

- 1.1. The full Council will be responsible for the adoption of the Budget & Policy Framework as set out in Part 2A, Section 3. Once the Framework is in place it will be the responsibility of the Cabinet to implement it.

### **2. Process for Developing the Framework**

- 2.1. The Cabinet will publicise by including in the Key Decision Document referred to in Part 3B, Rule 13, a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the Budget & Policy Framework, and its arrangement for consultation after publication of these initial proposals. The consultation period shall in each instance be no less than 8 weeks. A copy of the Key Decision Document will also be sent to the Chairs of the Scrutiny Boards so that they are aware that proposals are to be made.
- 2.2. At the end of the consultation period, Cabinet will then draw up firm proposals having regard to the responses it has received to the consultation. If a Scrutiny Board wishes to respond to the Cabinet in that consultation process, then it may do so. As the Scrutiny Boards have responsibility for fixing their own work programme, it is open to the Scrutiny Board to investigate research or report in detail the policy recommendations before the end of the consultation period. The Cabinet will consider responses from the Scrutiny Boards and take those into account in drawing up firm proposals for submission to the Council and the Cabinet report to Council will reflect the comments made by consultees and the Cabinet's response.
- 2.3. Once the Cabinet has approved the final proposals the Director of Finance and Resources as Section 151 Officer will refer them at the earliest opportunity to the full Council for decision.
- 2.4. In reaching a decision the Council may adopt the Cabinet's proposals, amend them, refer them back to the Cabinet for further consideration or, in principle, substitute its own proposals in their place.
- 2.5. If it accepts the recommendations of the Cabinet without amendment, the Council may make a decision which has immediate effect. Otherwise it may only make an "in principle" decision. In either case the decision would be made on the basis of a simple majority of votes cast at the meeting. Council Procedure Rule 18.5 in Part 3A of this Constitution will apply to the recording of votes taken relating to the approval of the budget or setting the council tax.

- 2.6. A copy of the Council decision shall be given to the Leader.
- 2.7. An "in principle" decision will automatically become effective 7 days from the date of the Council decision unless the Leader informs the Monitoring Officer writing within 5 days of the decision that she/he objects to the decision becoming effective and provides reasons why.

### **3. Conflict Resolution Mechanism**

- 3.1. Where the Leader has objected, on behalf of the Cabinet, to an in-principle decision of the Council, under Rule 2.7 above, the City Solicitor will within 7 days call a meeting of the full Council. This meeting should take place as soon as possible after the expiry of the 7-day period and, in any event, within 28 days of the original decision. At that meeting the Council will be required to reconsider its decisions together with any further information or documentation which may be submitted by the Leader. The Council may:-
  - (a) approve the Cabinet's recommendation by a simple majority of votes cast at the meeting; or
  - (b) approve a different decision which does not accord with the recommendation of the Cabinet by a simple majority of votes cast at the meeting.
- 3.2. The decision shall then be made public and shall be implemented immediately.

### **4. Virements and Policy Changes**

- 4.1. In approving the Budget & Policy Framework the Council will also specify the extent of the virement within the budget and the degree of in year changes to the Policy Framework which may be undertaken by the Cabinet in accordance with Rules 5 and 6 of these Rules and in accordance with any thresholds established by the Financial Procedure Rules. Any other changes to the Policy and Budgetary Framework are reserved to full Council.

### **5. Decisions outside the Budget & Policy Framework**

- 5.1. Subject to the provisions of Rule 4 (Virements and Policy Changes) the Cabinet, Cabinet Members, and officers discharging executive functions may only make decisions which are in line with the Budget and Policy Framework. If any of these bodies or persons wishes to make a decision which is contrary to the Policy Framework or contrary to and not wholly in accordance with the budget approved by full Council then that decision may only be taken by the Council subject to Rule 6 below.

- 5.2. If the Cabinet, Cabinet Members, or officers discharging executive functions wish to make such a decision then they must take advice from the Monitoring Officer and/or the Director of Finance and Resources as Section 151 Officer as to whether the decision they want to make would be contrary to the Policy Framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and/or Policy Framework then the decision must be referred by that body or officer to full Council for decision, unless the decision is a matter of urgency, in which case the provisions of Rule 6 (Urgent Decisions outside the Budget & Policy Framework) shall apply.

## **6. Urgent Decisions outside the Budget & Policy Framework**

- 6.1. The Cabinet, or a Cabinet Member or officer discharging executive functions may take a decision which is contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:-
- (a) if it is not practicable to convene a quorate meeting of the full Council; and
  - (b) the Chair of the Scrutiny Co-ordination Committee, or Deputy, agrees that the decision is a matter of urgency.
- 6.2. The reasons why it is not practicable to convene a quorate meeting of full Council and the Chair of the Scrutiny Co-ordination Committee's, or their deputy, consent to the decision being taken as a matter of urgency, must be noted on the record of the decision. In the absence of the Chair of the Scrutiny Co-ordination Committee and their Deputy then the consent of the Lord Mayor, or in their absence, the Deputy Lord Mayor, shall be sufficient.
- 6.3. Following the decision the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

## **7. In Year Changes to Policy Framework**

- 7.1. The responsibility for agreeing the Budget & Policy Framework lies with the Council and decisions by the Cabinet, Cabinet Member or officers must be in line with it. No changes to any policy and strategy which make up the Policy Framework may be made by those bodies or individuals except those changes:-

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- (a) which will result in the closure or discontinuance or reduction of a service or part of a service to meet a budgetary constraint;
- (b) necessary to ensure compliance with the law, ministerial direction or government guidance;
- (c) in relation to the Policy Framework in respect of a Policy which would normally be agreed annually by the Council following consultation but where the existing Policy document is silent on the matter under consideration;
- (d) which relate to Policy in relation to schools where the majority of School Governing Bodies agree with the proposed change;
- (e) where the Chair of the Scrutiny Co-ordination Committee or in his/her absence their Deputy, agrees that the proposed change is sufficiently minor in the context of the Policy concerned and is an appropriate change in the circumstances;
- (f) where, when approving the Framework, the Council gave specific authority to the Cabinet to make in-year changes.

### **8. Call-in of Decisions outside the Budget or Policy Framework**

- 8.1. Where a Scrutiny Board is of the opinion that an Executive decision is, or if made, would be contrary to the Policy Framework or not wholly in accordance with the Council's budget then it shall seek advice from the Monitoring Officer or Director of Finance and Resources as S151 Officer.
- 8.2. In respect of functions which are the responsibility of the Executive, the Monitoring Officer's report and/or the Director of Finance and Resources report shall be given to the Executive with a copy to every Member of the Council. Regardless of whether the decision is delegated or not, the Executive must meet to decide what action to take in respect of the Monitoring Officer's report and to prepare a report to Council in the event that the Monitoring Officer or the Director of Finance and Resources conclude that the decision was a departure, and to the Scrutiny Board if the Monitoring Officer or the Director of Finance and Resources conclude the decision was not a departure.
- 8.3. If the decision has yet to be made, or has been made but not yet implemented, the advice from the appropriate officer is that the decision is, or would be, contrary to the Policy Framework or not wholly in accordance with the budget, the Scrutiny Board may refer the matter to Council. In such cases, no further action shall be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 28

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days of the request by the Scrutiny Board. At the meeting it will receive the report of the decision or proposals and the advice of the officer. The Council may either:-

- (a) endorse a decision or proposal of the Executive decision taker as falling within the existing Budget & Policy Framework. In this case no further action is required save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or
- (b) amend the Council's Financial Procedure Rules, Financial Regulations or Policy concerned to encompass the decision or proposal of the body or individual responsible for that Executive function and agree to the decision with immediate effect. In this case, no further action is required save the decision of the Council be minuted and circulated to all Councillors in the normal way; or
- (c) where the Council accepts the decision or proposal is contrary to the Policy Framework or not wholly in accordance with the budget and does not amend the existing Framework to accommodate it, require the Executive to reconsider the matter in accordance with the advice of either the Monitoring Officer or Director of Finance and Resources.

**PART 3D: CABINET PROCEDURE RULES**

**1. How Does the Cabinet Operate?**

- 1.1. Who may make Cabinet Decisions:-
- 1.2. Under the arrangement for the discharge of functions set out in the executive arrangements adopted by the Council, the Leader may decide how such functions are to be exercised. They may provide for the executive functions to be discharged by:-
  - (a) the Cabinet as a whole
  - (b) an individual Member of the Cabinet
  - (c) an Employee
  - (d) joint arrangements; or
  - (e) another local authority
- 1.3. An Advisory Panel or Panels may be established to provide advice and guidance to the Cabinet or an individual Cabinet Member.
- 1.4. A Deputy Cabinet Member may be nominated by a Cabinet Member to attend a meeting of the Cabinet if they are not able to attend. Deputy Cabinet Members may attend and speak at meetings of the Cabinet but cannot vote and are not members of the Executive.

**2. Delegation of Cabinet Functions**

- 2.1. At its Annual Meeting the Council will receive a report from the Leader on the delegations of executive functions made by them for inclusion on the Council's scheme of delegation at Part 2 to this Constitution. The scheme of delegation will contain the following information about Cabinet functions in relation to the coming year.
  - (a) The names and wards of the people appointed to the Cabinet;
  - (b) The extent of any authority delegated to Cabinet Member individually including details of the limitation of their authority;
  - (c) The nature and extent of any delegation of Cabinet functions to any other authority or any joint arrangements and the names of those Cabinet Members appointed to any joint committee for the coming year; and
  - (d) The nature and extent of any delegation to employees with details of any limitation on that delegation, and the title of the

employee to whom the delegation is made.

- 2.2. The Leader is also able to decide whether to delegate Cabinet functions, and they may amend the scheme of delegation relating to Cabinet functions at any time during the year. To do so, the Leader must give written notice to the Monitoring Officer and Council.

### **3. Sub-delegation of Cabinet Functions**

- (a) Where the Cabinet or an individual Cabinet Member is responsible for a Cabinet function, they may delegate further to joint arrangements or an employee.
- (b) Unless the Council directs otherwise, the Cabinet may delegate further to an employee.
- (c) Even where Cabinet functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

### **4. Conflicts of Interest**

- (a) Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Elected and Co-opted Members in Part 4 of this Constitution.
- (b) If every Member of the Cabinet has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Elected and Co-opted Members in Part 4 of this Constitution.
- (c) If the exercise of a Cabinet function has been delegated to an individual Cabinet Member or an employee and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Elected and Co-opted Members in Part 4 of this Constitution.

### **5. Cabinet Meetings – When and Where?**

- 5.1. The Cabinet and Cabinet Members will meet at the times specified in the Council's Calendar of Meetings.
- 5.2. The Cabinet and Cabinet Members will meet at the Council's main offices or another location to be agreed by the Leader as specified on the relevant agenda.
- 5.3. The date and time of any meeting may be altered or the meeting postponed or cancelled or additional meetings arranged by the City Solicitor in consultation with the Leader (for Cabinet) or relevant

Cabinet Member.

## **6. Public or Private Meetings of the Cabinet**

- 6.1. The Cabinet or Cabinet Member meetings will be open to the public, unless the nature of the business to be transacted requires the meeting to take place in private in accordance with the Access to Information Procedure Rules detailed in Part 3B.

## **7. Quorum**

- 7.1. The quorum for a meeting of the Cabinet will be 5.

## **8. How are Decisions to be taken by the Cabinet?**

- 8.1. Cabinet decisions which have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Procedure Rules in Part 3B.
- 8.2. All decisions of the Cabinet and Cabinet Members will be open to the Call-In arrangements and subject to the call-in criteria.
- 8.3. (The Call-In procedure is referred to in Part 3E).
- (a) In any case where the Cabinet or Cabinet Member determines an urgent matter, other than a matter which is a Key Decision as defined in Part 2A, the recorded decision will include the reason for the urgency and the Cabinet or Cabinet Member may be required by Scrutiny to justify why the matter was considered as urgent. Matters determined on this basis are not subject to the Call-In arrangements. In such circumstances, the Chair of the Scrutiny Co-ordination Committee must be invited to attend Meetings where urgent decisions are taken to determine if the matter is urgent. If the Chair of the Scrutiny Co-ordination Committee is unable to attend, then they can appoint a nominee to attend the meeting. However, no decisions can be made unless the Chair of the Scrutiny Co-ordination Committee or their nominee is present at the meeting at which the urgent item is considered. Any reports on which urgent decisions have been made are to be referred to Scrutiny Co-ordination Committee for them to understand the need for urgency, but this will not delay implementation of the urgent decision itself.
- (b) Where an urgent matter is also a Key Decision it will be determined in accordance with the procedures set out in Part 3B, Rules 15 and 16.
- 8.4. The Monitoring Officer or their representative will be present where a Cabinet Member responsible for a portfolio makes a formal decision,

to advise and record that decision and, if the Monitoring Officer or their representative is not present, no decision will be deemed to have been taken.

- 8.5. In the absence of a Cabinet Member responsible for a portfolio, a decision in respect of a function under that portfolio may not be taken by another Cabinet Member unless he or she has been reassigned that function by the Leader of the City Council, or in their absence, the Deputy Leader of the City Council or the Leader takes the decision themselves. Unless this is the case, the decision will be referred to the Cabinet.
- 8.6. In the case of a Cabinet Member responsible for a portfolio declaring an interest in a matter and being unable to act, that matter should be referred to the Cabinet for their consideration.
- 8.7. Advisory Panels may be established for each portfolio and for the Cabinet to provide advice and guidance to the Cabinet Member responsible for that portfolio on the development of policy. Advisory Panel meetings will not generally be public meetings although Cabinet or Cabinet Member may invite any person with particular expertise to an Advisory Panel meeting.

## **9. How are Cabinet Meetings Conducted?**

### **9.1. Who Presides?**

- 9.1.1. At any Cabinet meeting, if the Leader is present, they will preside. In their absence if the Deputy Leader is present, they will preside. In the absence of the Leader and Deputy Leader the Leader's nominee will preside. In all absence of any nominee, the Cabinet will elect a member of the Cabinet to preside.

### **9.2. Who May Attend?**

- 9.2.1. These details are set out in the Access to Information Procedure Rules in Part 3B of this Constitution.

### **9.3. What Business?**

- 9.3.1. At each meeting of the Cabinet the following business will be conducted:-
  - (a) Consideration of the minutes of the last meeting;
  - (b) Declarations of interest, if any;
  - (c) Matters referred to the Cabinet (whether by Scrutiny Board or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in

Part 3C of this Constitution;

- (d) Consideration of reports from Scrutiny Boards; and
- (e) Matters set out in the agenda for the meeting and will indicate which are key decisions and which are not in accordance with the Access to Information Procedure Rules set out in Part 3B of this Constitution.

**9.4. Consultation**

9.4.1. All reports to the Cabinet from any Member of the Cabinet or an employee on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant Scrutiny Board, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

**9.5. Who can put Items on the Cabinet Agenda?**

- (a) The Leader may put on the agenda of any Cabinet meeting any matter which they wish, whether or not authority has been delegated to the Cabinet, a Cabinet Committee or any Member or employee in respect of that matter. The Monitoring Officer will comply with the Leader's requests in that respect.
- (b) In the absence of the Leader, the Deputy Leader may exercise the function at (a) above.
- (c) Any Member of the Cabinet may require the Monitoring Officer to make sure that any appropriate item is placed on the agenda of the next available meeting of the Cabinet for consideration. If they receive such a request the Monitoring Officer will comply.
- (d) The Monitoring Officer will make sure that an item is placed on the agenda of the next available meeting of the Cabinet where a relevant Scrutiny Board or the full Council has resolved that an item be considered by the Cabinet.
- (e) The Monitoring Officer and/or the Director of Finance and Resources may include an item for consideration on the agenda of a Cabinet meeting and may require the Monitoring Officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Head of Paid Service, Director of Finance and Resources and Monitoring Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may jointly

include an item on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

**10. Referrals to Cabinet/Cabinet Members by Scrutiny**

- 10.1. Scrutiny Boards can refer items to Cabinet/Cabinet Members with the agreement of the Chair of the Cabinet or the appropriate Cabinet Member. However, this does not prejudice consideration of call-ins as detailed in Part 3E and Scrutiny's right to make a recommendation to the Cabinet or Cabinet Member to amend a decision.

**PART 3E: SCRUTINY PROCEDURE RULES**

**1. Scrutiny Arrangements**

- 1.1. Constitution of Scrutiny Boards and Scrutiny Co-ordination Committee
- 1.2. The Council will have Scrutiny Boards with the functions as set out in Part 2D and will appoint to them as it considers appropriate from time to time. Scrutiny Boards may appoint time limited sub-groups to assist their work.
- 1.3. There will also be a Scrutiny Co-ordination Committee whose main functions will be to co-ordinate the work of the Scrutiny Boards and will be responsible for the consideration of call-ins and undertake review of the way the Council deals with petitions.

**2. Frequency of Meetings of Scrutiny Boards and Scrutiny Co-ordination Committee**

- 2.1. At its Annual Meeting, the Council will determine a schedule of dates of meetings for the period up to the next Annual Meeting.
- 2.2. Additional meetings will be convened by the Monitoring Officer after consultation with the Chair of the relevant Scrutiny Board or Scrutiny Co-ordination Committee or, in their absence, the Deputy Chair of Scrutiny Co-ordination Committee.
- 2.3. The Monitoring Officer with the agreement of the Chair, or in his or her absence the Deputy Chair of Scrutiny Co-ordination Committee, may alter, cancel/postpone or bring forward a meeting.
- 2.4. If at least 3 members of a Scrutiny Board or of the Scrutiny Co-ordination Committee notify the Monitoring Officer in writing that they wish a meeting to be called, the Monitoring Officer will do so as soon as possible, and in any event within 15 working days, the date and time being determined in consultation with the relevant Chair (or in their absence the Deputy Chair of Scrutiny Co-ordination Committee). Such a notification must specify the business to be dealt with and must contain sufficient information to enable Members to be acquainted with the issues. Where such a special meeting is summoned, the agenda will set out the business to be considered at that meeting.

**3. Work Programme and Annual Report**

- 3.1. Each Scrutiny Board will, subject to the views of the Scrutiny Co-ordination Committee, be responsible for setting its own work programme and in doing so it will consult with relevant Cabinet Members and the Strategic Management Board. They will also

consider the wishes of those Members of the Scrutiny Board who are not members of the largest political group on the Council.

#### **4. Agenda Items of Scrutiny Boards**

- 4.1. Any member, whether a member of a Scrutiny Board or not, will be entitled to give notice in writing to the Monitoring Officer that they wish an item relevant to the function of that Scrutiny Board to be included on the agenda for the next available meeting of the Scrutiny Board. In the case of a member who is not a member of the Scrutiny Board in question, the item must also not be an excluded matter as defined by law. In all cases, they must give full details and reasons for the request. On receipt of such a request, the Monitoring Officer will ensure that it is included on the next available agenda, provided it falls within the Scrutiny Board's terms of reference and, where appropriate, is not an excluded matter. The Chair of the Scrutiny Board will decide, at the start of the meeting at which such item is referred, whether it is appropriate for the Board to deal with the items so notified. Where it is not considered appropriate for the Board to deal with the items, the reasons for this decision will be given to the member requesting the item and recorded in the minutes.
- 4.2. The Scrutiny Board will also respond, as soon as its work programme permits, to a request from the Council, Cabinet, or any Cabinet Member or any other Committee of the Council, to review particular areas of Council activity. Where it does so, the Scrutiny Board will report its findings and any recommendations back to the Council, the Cabinet or any Cabinet Member or the relevant Committee, as it deems appropriate.
- 4.3. In the event of any dispute or disagreement about whether an item should be included on an agenda for a Scrutiny Board the Chief Executive or in his or her absence the Monitoring Officer will arbitrate.

#### **5. Policy Review and Development**

##### **5.1. Role of Scrutiny Boards in Relation to Budget and Policy Framework**

- 5.1.1. The role of the Scrutiny Boards in relation to the development of the Council's budget and policy framework will be as set out in the Budget and Policy Framework Procedure Rules.

##### **5.2. Role of Scrutiny Boards in Relation to Other Matters**

- 5.2.1. In relation to the development of the Council's approach to other matters not forming part of its Budget and Policy Framework, Scrutiny Boards may make proposals to the Cabinet or any Cabinet Member for developments in so far as they relate to matters in their Terms of Reference.

**5.3. Further Role of Scrutiny Boards in Relation to Policy Development**

5.3.1. Scrutiny Boards may hold enquiries and investigate the available options for future directions in Policy Development and may appoint advisors and assessors to assist them in this process.

5.3.2. Subject to budget availability, they may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration.

5.3.3. They may pay advisors, assessors or witnesses any reasonable fee and expenses within the available budget.

**6. Reports From Scrutiny Boards**

**6.1. Preparation of Reports**

6.1.1. As soon as it has formed recommendations or proposals for development, a Scrutiny Board will prepare a full report and submit it to the Monitoring Officer who will arrange for its consideration by the Cabinet or the appropriate Cabinet Member or the City Council.

6.1.2. If the proposals are consistent with the existing Budget and Policy Framework the Cabinet or Cabinet Member or the City Council will consider the report and take such actions as the Cabinet or Cabinet Member or City Council deem appropriate.

6.1.3. If the recommendation concerns a departure from or a change to the agreed Budget and Policy Framework, the Cabinet will consider the report and refer it to full Council with such recommendations as the Cabinet deem appropriate.

**6.2. Minority Reports**

6.2.1. If a Scrutiny Board cannot agree one single final report to the Cabinet or Cabinet Member on any matter, no more than one minority report may be prepared and submitted to the Cabinet or Cabinet Member. Any minority report so submitted must be supported by at least two Councillors who are members of the relevant Scrutiny Board.

6.2.2. Any minority report so submitted will be appended to the report of the Scrutiny Board to the Cabinet in such a manner that makes it clear that there is a minority view on the subject matter of the report and indicating the nature and substance of that minority view. This will be done notwithstanding disagreement of the Scrutiny Board.

**7. Consideration of Scrutiny Reports/Recommendations**

7.1. As soon as Scrutiny produces a report/recommendation on any matter which is the responsibility of the Cabinet or any Cabinet Member which has been considered and approved by Scrutiny and which requires a decision by Cabinet/Cabinet Member it will be included on the agenda of the next available meeting of the Cabinet or Cabinet Member, unless the matter which is the subject of the report is scheduled to be considered by the Cabinet or Cabinet Member within a period of six weeks from the date the report is approved by Scrutiny. In such cases, the report of Scrutiny will be considered by the Cabinet or Cabinet Member when it considers that matter. In any event, the Cabinet/Cabinet member will consider the report within 2 months of receipt of the report or of a notice from the Scrutiny Board requiring the Cabinet /Cabinet member to consider the report.

7.2. If the Cabinet or Cabinet Member disagree with the recommendations of Scrutiny, they will inform Scrutiny giving their reasons. In such circumstances, Scrutiny can either accept the Cabinet/Cabinet Member decision or refer the matter back to Cabinet/Cabinet Member for reconsideration giving their reasons. If Cabinet/Cabinet Member still disagree, they will inform Scrutiny giving their reasons. Scrutiny can either accept the Cabinet/Cabinet Member decision or refer the matter to Council for a decision on the dispute. In these circumstances the Council will have before them the views of both Scrutiny and the Cabinet/Cabinet Member.

**8. Rights of Scrutiny Board Members to Documents**

8.1. In addition to their rights as Councillors, members of Scrutiny Boards have the additional right to documents and to notice of meetings as set out in the Access to Information Procedure rules in Part 3B of this Constitution.

**9. Liaison and Communication**

9.1. To facilitate effective communication, liaison between the Cabinet or Cabinet Member and the Scrutiny Boards may take place depending on the particular matter under consideration.

9.2. To facilitate the effectiveness of liaison and communication the Scrutiny Co-ordination Committee and Cabinet may meet jointly to agree arrangements and protocols for effective liaison and communication.

**10. Attendance at Scrutiny Boards**

**10.1. Members and Employees Giving Account**

10.1.1. Any Scrutiny Board may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions within the Portfolio allocated to the Scrutiny Board. As well as reviewing documentation, in fulfilling the Scrutiny role a Scrutiny Board may require any member of the Cabinet, Deputy Cabinet Members, the Chief Executive and/or any senior employee to attend before it to explain in relation to matters within their remit: -

- (a) any particular decision or series of decisions.
- (b) the extent to which the actions taken implement Council policy.
- (c) their performance

10.1.2. and it is the duty of those persons to attend.

## 10.2. **Notice of Attendance**

10.2.1. Where any Member or employee is required to attend a Scrutiny Board, the Monitoring Officer will inform the Member or employee of the meeting at which she/he is required to attend. The notice will state the nature of the item on which she/he is required to attend and whether any documentation is required to be produced for the Scrutiny Board. Where this will require the production of a report, the Member or employee concerned will be given sufficient notice to allow for preparation of that report.

## 10.3. **Member/Employee Unable to Attend**

10.3.1. If, in exceptional circumstances, a Member or employee is unable to attend on the required date, the Chair of the Scrutiny Board will either:

- (a) in consultation with the Member or employee, arrange an alternative date for attendance; or
- (b) agree to consider the item of business in the absence of the Member or employee.

## 10.4. **Attendance by Others**

10.4.1. A Scrutiny Board or Sub-Group may invite people other than those referred to in Rule 13 to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents or other stakeholders, community representatives, members of minority ethnic communities and Members and Officers in other public sector or partner organisations and may invite such people to attend. However, they are not obliged to attend unless this is specified in legislation.

**11. Call-In Procedure**

**11.1. Call-in Procedure**

- 11.1.1. In this context call-in means the right for non-Cabinet Members to look at and consider issues decided by the Cabinet or any Cabinet Member subject to the limitations on this right set out in Rule 18 below.
- 11.1.2. Information about decisions to be taken by the Cabinet or any Cabinet Member will be issued at least five clear working days before the Cabinet or Cabinet Member meeting. A summary sheet will be communicated to all Members of the Council at the end of each week setting out decisions taken and the deadline for calling items in.
- 11.1.3. Decisions of the Cabinet or Cabinet Member on which information has been issued can be called in by no fewer than three persons comprising Members (or, in respect of Education matters only, Co-opted Members) who are not Cabinet Members. To call-in an item, Members must complete the appropriate form which may be submitted in person, by fax or electronically, or a combination of these, which must include the specific decision being called in, a written reason for the call-in and an indication of whether or not they wish the relevant Cabinet Member(s) to attend Scrutiny Co-ordination Committee when the matter is considered, and submit it to the Monitoring Officer by no later than 9.00 a.m. on the specified date. Any decisions not called in by this deadline will immediately become effective.
- 11.1.4. The appropriateness of a call-in under these procedures will be determined by the Chair of the Scrutiny Co-ordination Committee (or in his or her absence, his or her nominee), in accordance with the criteria decided by the Committee, on advice by the Monitoring Officer. The Chair of the Committee will also determine whether the relevant Cabinet Member(s) is required to attend the Scrutiny Co-ordination Committee when the matter is considered, taking into account the wishes of the Members calling in the decision, however, this does not preclude Cabinet Member(s) from attending and speaking if they so wish. At this stage, there is no requirement for any Members who called in a decision to be present. If a call-in is rejected as being inappropriate, the Members who have submitted the call-in will be advised of the decision and the reason for it.
- 11.1.5. Once the deadline for calling in items has passed, and the appropriateness of call-ins has been determined, the Monitoring Officer will inform all Members of the Council, and Co-opted Members of Scrutiny Boards where appropriate, of the items called-in and will arrange for these to be considered at the next appropriate meeting of

the Scrutiny Co-ordination Committee. The agenda for that meeting will show the written reasons given for the call-ins and enclose the relevant documents. The Chair of the relevant Scrutiny Board will be invited to attend the meeting when the call-in is to be considered to ensure that they are kept informed of issues relevant to their Board.

- 11.1.6. At least one of the Members who called in a decision must attend and speak at the meeting of the Scrutiny Co-ordination Committee mentioned in 17.5 (if they are not already a Member of that Committee). If none of the Members attend, the call-in will fail unless the Committee decide that the matter can be referred to a subsequent meeting when at least one Member can attend or that the call-in can be considered in their absence.
- 11.1.7. A call-in may only be withdrawn by notification in writing, by fax or electronically, from all the Members who requested the call-in and submitted to the Monitoring Officer.
- 11.1.8. The Scrutiny Co-ordination Committee will consider the decisions called in and will have at its disposal the information which has been submitted to the Cabinet or Cabinet Member, including any advice/recommendations from Advisory Panels. They can require the relevant Cabinet Member(s) and appropriate employee(s) to attend the meeting to answer questions about the issue. If the Scrutiny Co-ordination Committee accepts the original decision by the Cabinet or Cabinet Member it becomes effective. If the Scrutiny Co-ordination Committee makes a recommendation to the Cabinet or Cabinet Member to amend a decision, this will be considered by the Cabinet or Cabinet Member.
- 11.1.9. If the Cabinet or Cabinet Member disagree with the recommendation of the Scrutiny Co-ordination Committee to amend a decision they will inform the Scrutiny Co-ordination Committee. In such circumstances, the Scrutiny Co-ordination Committee may refer the matter to the Council for decision on the dispute. In these circumstances the Council will have before them the views of both the Scrutiny Co-ordination Committee and the Cabinet or Cabinet Member. If the Cabinet or Cabinet Member decides further work needs to be done, they may defer the item for this to be carried out.
- 11.1.10. Scrutiny Co-ordination Committee may refer any issue which arises during the consideration of a call in to the appropriate Scrutiny Board for further detailed consideration. Where the call in is referred to an appropriate Scrutiny Board, that Board will follow the procedure detailed in Rules 17.8 and 17.9 above in relation to accepting the original decision, making recommendations to the Cabinet or Cabinet Member to amend a decision, or, in the case of a dispute, referring the matter to Council for decision.

**11.2. Limitations on Call-in**

11.2.1. A call-in will normally be regarded as appropriate **UNLESS**:

- i. It relates to:-
  - (a) a matter which is to be determined by the Council.
  - (b) a decision of the Cabinet/Cabinet Member taken as a matter of urgency and the Chair of the Scrutiny Co-ordination Committee (or their nominee) had been invited to attend the meeting where the urgent decision had been taken or the Scrutiny Co-ordination Committee has previously agreed the need for urgency.
  - (c) a decision made by an employee exercising delegated authority unless it is a key decision.
  - (d) decisions of the Licensing and Regulatory Committee, the Planning Committee the Appeals and Appointments Panels and the Audit and Procurement Committee.
  - (e) a matter where the associated report has already been considered by the Scrutiny Co-ordination Committee or a Scrutiny Board who have endorsed the recommendations or made recommendations that have been accepted by the Cabinet/Cabinet Member.
    - ii. The call-in form is not completed correctly.
    - iii. The call-in form is received after the specified time.
    - iv. The reason for the call-in is unclear or does not relate directly to the decision specified on the call-in form.
    - v. The reason for the call-in is a question, the answer to which can be found in the report relating to the decision which is being called in.

**11.3. Call-in - Urgent Decisions**

11.3.1. Decisions of the Cabinet or any Cabinet Member which are urgent (i.e. any delay likely to be caused by the call-in process would prejudice the Council's or the public's interest) will not be subject to call-in.

11.3.2. The records of such decisions will reflect the reasons for urgency and state that therefore they are not subject to call-in.

11.3.3. The Chair of the Scrutiny Co-ordination Committee, or their nominee,

will be invited to and must attend meetings where urgent decisions are to be taken and will be asked to agree the need for urgency unless the Scrutiny Co-ordination Committee has already given its approval to a decision being taken urgently so that call-in does not apply. In the absence of the Chair or nominee then the Lord Mayor or Deputy will be invited to perform this role.

- 11.3.4. Any reports on which urgent decisions have been made are to be reported to Scrutiny Co-ordination Committee for it to understand the need for urgency, but this will not delay implementation of the urgent decision itself.

#### **11.4. The Party Whip**

- 11.4.1. When a Scrutiny Board considers any matter in respect of which a Member of that Board is subject to a Party Whip, the Member must declare the existence of the Whip, and the nature of it, before the commencement of the Scrutiny Board's consideration of the matter. The declaration, and the details of the Whipping arrangements, will be recorded in the minutes of the meetings.

### **12. Miscellaneous**

#### **12.1. Business of Scrutiny Boards**

- 12.1.1. At each meeting of the Scrutiny Boards the following business will be conducted:-
- (a) Apologies and notification of substitutes;
  - (b) Minutes of the last meeting;
  - (c) Declarations of interest;
  - (d) Responses of the Council, Cabinet or any Cabinet Member or other Committees to reports of the Scrutiny Board; and
  - (e) Other business set out on the agenda for the meeting including reports back on attendance at Conferences etc except those relating to the Lord Mayoralty which will be considered by the Scrutiny Co-ordination Committee.

### **13. Investigations/Reviews**

- 13.1. When the Scrutiny Board conducts investigations/reviews (including by means of a Sub-Group) it may ask people to attend to give evidence at meetings, which are to be conducted in accordance with the following principles:-

- (a) The investigation/review will be conducted fairly and all Members of the Scrutiny Board or Sub-Group will be given the opportunity to ask questions of those attending and to contribute and speak.
- (b) Those assisting the Scrutiny Board or Sub-Group to give evidence will be treated with respect and courtesy.
- (c) The investigation/review will be conducted so as to maximise the efficiency and effectiveness of the investigation/review.

**14. Report Following Investigations/Reviews**

- 14.1. If an investigation/review is carried out by a Scrutiny Board that Scrutiny Board will prepare a report for submission to the Council, Cabinet, Cabinet Member or other Committee as it deems appropriate and will make its report and findings public except when the Information Rules require otherwise.
- 14.2. If an investigation/review is carried out by a Sub-Group, that Sub-Group will prepare a report for submission initially to the Scrutiny Board which appointed it and will make its report findings public except when the Information Rules require otherwise. The Scrutiny Board will then refer the report to the relevant body.

**15. Outside Bodies – Annual Reports to Scrutiny**

- 15.1. Where the Council nominates more than one representative to an Outside Body, a Lead Member will be nominated to be responsible for co-ordinating a report to the Scrutiny Co-ordination Committee following the Annual Meeting of the body on the work of the Organisation, the benefits to the City Council of continuing its membership and the added value that the City Council's representatives bring to the Organisation. Where only one representative is appointed then they will be the Lead Member. If an organisation does not have an Annual Meeting, then the Council's Lead Member will report in the third quarter of the year so that the Council can consider the benefits of retaining its representation. The Scrutiny Co-ordination Committee will decide, at the start of each Municipal Year, which outside bodies it wishes to receive reports on.

**16. Referrals to Scrutiny by Cabinet/Cabinet Members**

- 16.1. With the agreement of the Chair of the appropriate Scrutiny Board/Scrutiny Co-ordination Committee, Cabinet/Cabinet Members can refer items to Scrutiny. However, call-in will still apply to referred items.

NOTE: Reports should not normally be referred to Scrutiny for information.

## **PART 3F: FINANCIAL PROCEDURE RULES**

### **1. Introduction**

- 1.1. The Financial Procedure Rules provide the structure through which the Council's financial affairs are managed and are deemed part of the Coventry City Council's constitution. They set out the approval limits for financial transactions, the detailed responsibilities of the Director of Finance and Resources (Section 151 Officer) and the framework in which financial systems, processes and requirements are applied.

### **2. Financial Responsibilities of the Council, Cabinet, Cabinet Members and Officers**

- 2.1. The Council, Cabinet, Cabinet Members and Officers will exercise their financial responsibilities in accordance with the Constitution and the Scheme of Delegation. Thresholds for the approval of specific financial transactions are set out below:

### **3. Budget Approval and Amendment**

- (a) approval of the revenue budget, capital programme and treasury strategy: Council;
- (b) revenue and capital budget adjustments, including the use of reserves for a purpose other than that originally intended and the approval of capital schemes funded from borrowing, but excluding Technical Adjustments:
- Up to £250,000 ~ joint approval by the relevant Service Director(s) and the Director of Finance and Resources (Section 151 Officer) or nominees;
  - Over £250,000 and up to £1,000,000 ~ relevant Cabinet Member(s)
  - Over £1,000,000 and up to £1,500,000 ~ Cabinet
  - Over £1,500,000 ~ Council.
- (c) Technical adjustments which have no overall impact on the City Council's "bottom line", and meet the following requirements:
- are internal transfers between different areas of the City Council;
  - involve no cash transactions with third parties; and
  - do not increase or decrease the budget over which a budget holder has spending discretion

- Technical Adjustments can be approved by the Director of Finance and Resources (Section 151 Officer) or nominee.

#### **4. Grant Income**

##### 4.1. Approval prior to submitting a grant bid:

- (a) Where the submission of the bid requires that it must be match funded ~ joint approval in writing by the relevant Director and the Director of Finance and Resources (Section 151 Officer) or Head of Finance (in the absence of the Director of Finance and Resources) and following consultation with the relevant Cabinet Member;
- (b) Where there is no requirement of the submission of the bid to be match funded ~ approval by the relevant Director and relevant Finance Manager in writing or their respective nominees and following consultation with the relevant Cabinet Member.

##### 4.2. Approval prior to signature of grant agreement (total grant value):

- (a) Where a successful bid up to the value of £1,000,000 includes the requirement that it must be match funded by the Council, the approval of the relevant Cabinet Member to accept the grant must be obtained before signature;
- (b) Up to £500,000 ~ approval in writing by relevant Director with notification to Director of Finance and Resources (Section 151 Officer) or nominees;
- (c) Above £500,000 up to £1,000,000 ~ approval in writing by the Director of Finance and Resources (Section 151 Officer) or Head of Finance (in the absence of the Director of Finance and Resources);
- (d) Over £1,000,000 and up to £2,500,000~ to Cabinet, if time permits; if no time to go to Cabinet, joint approval in writing by the Chief Executive and the Director of Finance and Resources (Section 151 Officer) or nominee following consultation with the relevant Cabinet Member and relevant Scrutiny Chair (or in the absence of the relevant Scrutiny Chair to the Chair of Scrutiny Co-ordination Committee) to be reported to Cabinet retrospectively;
- (e) Over £2,500,000 ~ to Council, if time permits; if no time to go to Council, joint approval in writing by the Chief Executive and the Director of Finance and Resources (Section 151 Officer) following consultation with the relevant Cabinet Member and Leader to be reported to Council retrospectively, and each following consultation with legal and financial services.

##### 4.3. The relevant Director will be responsible for ensuring that a copy of the completed grant agreement entered into with the Council is forwarded to

Procurement Services at [Procurement.Services@coventry.gov.uk](mailto:Procurement.Services@coventry.gov.uk) in order for the details of the grant agreement to be updated on the register of grants.

#### 4.4. **Grant Expenditure**

4.4.1. Approval to award grants to an external body (total grant value per external body):

- (a) Up to £500,000~ approval in writing by relevant Director following consultation with the relevant Cabinet Member with notification to Director of Finance and Resources (Section 151 Officer) or nominees;
- (b) Above £500,000 up to £1,000,000 ~ approval in writing by the Director of Finance and Resources (Section 151 Officer) or Head of Finance (in the absence of the Director of Finance and Resources) following consultation with the relevant Cabinet Member;
- (c) Over £1,000,000 and up to £2,500,000 ~ to Cabinet, if time permits; if no time to go to Cabinet, joint approval in writing by the Chief Executive and the Director of Finance and Resources (Section 151 Officer) or nominee following consultation with the relevant Cabinet Member and relevant Scrutiny Chair (or in the absence of the relevant Scrutiny Chair to the Chair of Scrutiny Co-ordination Committee to be reported to Cabinet retrospectively);
- (d) Over £2,500,000 ~ to Council, if time permits; if no time to go to Council, joint approval in writing by the Chief Executive and the Director of Finance and Resources (Section 151 Officer) following consultation with the relevant Cabinet Member and Leader to be reported to Council retrospectively, and each following consultation with legal and financial services.

4.4.2. The relevant Director will be responsible for ensuring that a copy of the completed grant agreement entered into with the Council is forwarded to Procurement services at [Procurement.Services@coventry.gov.uk](mailto:Procurement.Services@coventry.gov.uk) in order for the details of the grant agreement to be updated on the register of grants.

NOTE: Where Grant Income is being received and it is known that Grant Expenditure to third parties will result from the utilisation of such Grant Income, approval should be sought for both the acceptance of the Grant Income and delegated authority to facilitate the Grant Expenditure at the same time.

#### 4.5. **Write Off of Debts**

4.5.1. Approval to write off sums owed to the City Council:

- (a) Up to £100,000 ~ Director of Finance and Resources (Section 151 Officer);

(b) Over £100,000 ~ Cabinet Member;

4.5.2. The requirements applying to the decision to procure goods, works and services including concession agreements are set out in the Rules for Contract

**5. Responsibilities of the Director of Finance and Resources (Section 151 Officer)**

5.1. The Director of Finance and Resources (Section 151 Officer) has various statutory duties in relation to the financial administration and stewardship of the Council.

5.2. The statutory duties arise from:

(a) Section 151 of the Local Government Act 1972;

(b) Section 114 and 114A of the Local Government Finance Act 1988;

(c) Section 25 of the Local Government Act 2003; and

(d) Parts 2 and 3 of the Accounts and Audit Regulations 2011, as amended.

5.3. Section 151 of the Local Government Act 1972 requires the Council to make arrangements for the proper administration of their financial affairs and to secure that one of their officers has responsibility for the administration of those affairs. The Council has designated the Director of Finance and Resources (Section 151 Officer) to fulfil this role and they have the statutory title of Chief Finance Officer.

5.4. Sections 114 and 114A of the Local Government Finance Act 1988 require the Director of Finance and Resources (Section 151 Officer) to report to the Executive or the Full Council (as appropriate) and to the external auditor, if it appears to them that the Executive or the Council or a person or committee on their behalf: -

(a) has made, or is about to make, a decision which involves or would involve the authority in incurring expenditure which is unlawful;

(b) has taken, or is about to take, a course of action which, if pursued to its conclusion, would be unlawful and likely to cause a loss or deficiency on the part of the Council; or

(c) is about to enter an item of account the entry of which is unlawful.

- 5.5. Section 114 of the 1988 Act further requires the Director of Finance and Resources (Section 151 Officer) to report to full Council if it appears to them that the expenditure of the Council incurred (including expenditure it proposes to incur) in a financial year is likely to exceed the resources (including sums borrowed) available to it to meet that expenditure.
- 5.6. In preparing reports under Section 114 or 114A, the Director of Finance and Resources (Section 151 Officer) should consult so far as practicable the Chief Executive and the Monitoring Officer. The Chief Operating Officer (Section 151 Officer) should also nominate a properly qualified member of staff to deputise if they are unable to act owing to absence or illness.
- 5.7. The Council must provide the Director of Finance and Resources (Section 151 Officer) with such staff, accommodation and other resources as are in their opinion sufficient to allow his/her duties under Section 114 and 114A to be performed.
- 5.8. When the Council is setting its budget the Director of Finance and Resources (Section 151 Officer) is required under Section 25 of the Local Government Act 2003 to report on: -
- (a) the robustness of the estimates made for the purposes of the calculations; and
  - (b) the adequacy of the proposed financial reserves.
- 5.9. Parts 2 and 3 of the Accounts and Audit Regulations 2011, as amended, require the Director of Finance and Resources (Section 151 Officer) to determine on behalf of the Council: -
- (a) its accounting records, including the form of accounts and supporting accounting records; and
  - (b) its accounting control systems.
- 5.10. The Director of Finance and Resources (Section 151 Officer) is responsible for: -
- (a) the proper administration of the Council's financial affairs;
  - (b) setting and monitoring compliance with financial management standards;
  - (c) ensuring proper professional practices are adhered to and to act as head of profession in relation to the standards of finance staff throughout the Council;
  - (d) advising on the corporate financial position and on the key

financial controls necessary to secure sound financial management;

- (e) to forecast the availability of financial resources;
- (f) preparing the revenue budget and capital programme;
- (g) treasury management and banking;
- (h) ensuring that financial information is available to enable accurate and timely monitoring and reporting of comparisons of national and local financial performance indicators;
- (i) having a particular concern for the efficient and effective use of the Council's resources in achieving value for money;
- (j) maintaining a continuous review of the financial systems and processes;
- (k) reporting breaches of Financial Procedure Rules and financial rules, where appropriate, to the Chief Executive; and
- (l) issuing advice guidance and instructions to underpin the Financial Procedure Rules and Finance Function Manuals.

5.11. The Director of Finance and Resources (Section 151 Officer) will maintain an adequate and effective internal audit service, and make arrangements so that internal auditors have the authority –

- (a) to have access to Council premises at reasonable times;
- (b) to have access to documents, records and equipment in the possession of the Council;
- (c) to require any officer of the Council to account for cash, stores or any other Council asset under their control;
- (d) where possible, to have access to records belonging to third parties, such as contractors, when required;
- (e) to receive information concerning any matter under investigation; and
- (f) to have access to the Chief Executive, the Executive, the Audit and Procurement Committee and Overview and Scrutiny Committees.

## **6. Framework of Delegated Authority**

6.1. The day-to-day discharge of the Director of Finance and Resources (Section 151 Officer) duties of proper financial administration is

carried out through a framework of delegated authority set by the Director of Finance and Resources (Section 151 Officer) and Corporate Services.

- 6.2. Certain nominated finance officers have responsibility for specifying financial systems, advising on their use, and monitoring compliance. Specifying normally takes the form of the publication of Finance Manuals and issuing other instructions which lay down best practice for each financial system and identify responsibilities. Finance Manuals and associated guidance are published on the City Council's intranet site.
- 6.3. Each Director and each service Head of Function must ensure compliance with the Council's financial rules, as set out in the Financial Procedure Rules, Finance Function manuals and other instructions. They must report to the Director of Finance and Resources (Section 151 Officer) and Corporate Services if they become aware of a failure to comply with the rules.
- 6.4. All managers and their staff are responsible for actively managing all the resources under their control so as to achieve policy and service objectives as set by Members. This active management must include securing value for money, maximising resources and staying within the approved budget. All of this should be done within the financial control framework as set down in the Financial Procedure Rules, Finance Function manuals and other instructions.
- 6.5. Under the Local Government Finance Act 1988, the Chief Operating Officer (Section 151 Officer) must also report to the Cabinet Member whose portfolio includes resources, any breach of the City Council's financial rules which may jeopardise the sound financial management of the City Council.

<b>CITY COUNCIL FINANCIAL APPROVAL LIMITS</b>									
<b>Governance Forum Approval Category</b>	<b>Relevant Finance Manager</b>	<b>Relevant Director</b>	<b>Director of Finance and Resources (Section 151 Officer) (“S151”)</b>	<b>Head of Finance <i>*in the absence of S151</i></b>	<b>Procurement Panel</b>	<b>Procurement Board</b>	<b>Cabinet Member</b>	<b>Cabinet</b>	<b>Council</b>
<b>Budget</b>									
Overall Balanced Budget									Unlimited
Capital schemes to be met from borrowing		Joint up to £0.25m					Above £0.25m to £1m	Above £1m to £1.5m	Above £1.5m
Revenue Budget Adjustments (Virement)		Joint up to £0.25m					Above £0.25m to £1m	Above £1m to £1.5m	Above £1.5m
Use of reserves, other than as originally intended		Joint up to £0.25m					Above £0.25m to £1m	Above £1m to £1.5m	Above £1.5m
Capital Budget Adjustments (Virement)		Joint up to £0.25m					Above £0.25m to £1m	Above £1m to £1.5m	Above £1.5m
Technical Adjustments			Unlimited						
<b>Grant Income</b>									

Part 3F – Financial Procedure Rules

Approval prior to submitting grant bid (match funded)		Joint (unlimited) <sup>4</sup>	*Jointly with Relevant Director (unlimited) <sup>4</sup>					
Approval prior to submitting grant bid (not match funded)	Joint, or respective nominees (unlimited) <sup>4</sup>							
Approval Prior to Signature of Grant Agreement (total grant value) <sup>3 5</sup>		Up to £0.5m <sup>0</sup>	Above £0.5m to £1m	*Above £0.5m to £1m			Above £1m to £2.5m <sup>1</sup>	Above £2.5m <sup>2</sup>
<b>Grant Expenditure</b>								
Approval to Grant Awards to an External Body <sup>3</sup>		Up to £0.5m <sup>4 6</sup>	Above £0.5m to £1m <sup>4</sup>	*Above £0.5m to £1m <sup>4</sup>			Above £1m to £2.5m <sup>1</sup>	Above £2.5m <sup>2</sup>
<b>Debt Write Off</b>								
Approval to Write Off of Sums Owed to the Council			Up to £0.1m				Above £0.1m	

**Footnotes**

1. Approval by Cabinet if there is time, if not by the Chief Executive and the Director of Finance and Resources (Section 151 Officer) or nominee following consultation with the relevant Cabinet Member and relevant Scrutiny Chair (or in the absence of the relevant Scrutiny Chair to the Chair of Scrutiny Co-ordination Committee). To be reported retrospectively.
2. Approval by Council if there is time, if not by the Chief Executive and the Director of Finance and Resources (Section 151 Officer) following consultation with the relevant Cabinet Member and Leader. To be reported retrospectively.
3. Following consultation with legal and financial services.
4. Following consultation with the relevant Cabinet Member.
5. Where a requirement of a successful bid is that it must be match funded by the Council, the approval of the relevant Cabinet Member to accept the grant must be obtained before signature, if the amount of grant is up to the value of £1 million.
6. With notification to Director of Finance and Resources (Section 151 Officer) or nominees.

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