

Part 4

Rules of Procedure

Contents

Chapter 4.1 - Rules of Procedure

1. ANNUAL MEETING OF THE COUNCIL

Timing and Business

1.1 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 May.

1.2 In the below order the Annual Meeting will:

- (i) Elect a person to preside if the Mayor or Deputy Mayor of Council are not present;
- (ii) Elect the Mayor of Council;
- (iii) Elect the Deputy Mayor of Council;
- (iv) Approve the minutes of the previous meeting;
- (v) Receive any announcements from the Mayor or Chair of the meeting;
- (vi) Note the decision of the Leader as to the number of Members of the Executive; who they have appointed to those roles; the scope of their respective portfolios and the terms of delegation to them and Officers;
- (vii) Appoint at least one Overview and Scrutiny Committee, a Councillor Conduct Committee and such other bodies as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions;
- (viii) Agree the scheme of delegation;
- (ix) Approve a programme of ordinary meetings of the Council for the year;
- (x) Consider any urgent business requiring consideration at the meeting;
and
- (xi) Agree the calendar for Council bodies for the year.

Selection of Councillors on Committees and Outside Bodies

1.3 At the Annual Meeting, the Council meeting will:

- (i) Decide which member level bodies to establish for the municipal year;
- (ii) Decide the size and terms of reference for those bodies;

- (iii) Decide the allocation of seats to political groups in accordance with the political balance rules;
- (iv) Receive nominations of councillors to serve on each council and outside body; and
- (v) Appoint to those council bodies and outside bodies, except where appointment to those bodies has been delegated by the Council or is exercisable only by the executive.

Role of Annual Council Meeting when there has been an ordinary election

- 1.4 At the first Annual Meeting after an ordinary election of councillors the following shall apply in addition to the above:
- (i) Elect a Leader to serve for a four-year term or until the next Annual Meeting after ordinary whole Council elections;
 - (ii) Note appointment by the Leader of their Deputy Leader to serve for the four-year term;
 - (iii) Note the Leader's decision as to the number of Executive Members, their respective functions, and any other executive changes the Leader may have made.

2. ORDINARY MEETINGS

Frequency of Council Meetings

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

Order of Business

- 2.2 The order of business at ordinary meetings of the Council will be as follows:
- (i) Elect a person to preside if the Mayor and Deputy Mayor are not present;
 - (ii) Apologies
 - (iii) Mayor's announcements;
 - (iv) Receive any declarations of interest from councillors;
 - (v) Approve as a correct record and sign the minutes of the last meeting of the Council;
 - (vi) Deal with any business required by statute to be done before any other business;
 - (vii) Receive and consider any Petitions referred to Council;
 - (viii) Opposition Business in accordance with Rule 15;
 - (ix) Deal with any other business expressly required by statute or specified in the summons including reports from the Executive, Proper Officers,

Overview and Scrutiny Committee, Audit and Risk Management Committee, Councillor Conduct Committee or other Joint Bodies and Partners;

- (x) Answer questions asked in accordance with Rule 10;
- (xi) Consider motions; and
- (xii) Other business, if any, specified in the summons.

2.3 Items 2.2(i) to (viii) above shall not be displaced, but items 2.2(ix) to (xi) above may be varied in accordance with Rule 4 below. A maximum of 15 minutes shall be set aside for items 2.2(i) to (iv).

Removal of Leader

2.4 The Leader can be removed by a majority vote of the Council. If such a resolution is passed the Council should elect a new Leader at the same meeting; otherwise, the Deputy Leader is to act in their place until a new Leader can be elected.

3. EXTRAORDINARY MEETINGS

Calling Extraordinary Meetings

3.1 An extraordinary meeting may be called at any time by the Mayor of Enfield.

3.2 Extraordinary meetings of the Council may also be called by:

- (i) The Council by resolution;
- (ii) The Chief Executive;
- (iii) For the purposes of a statutory report the Monitoring Officer and/or the Chief Finance Officer; and
- (iv) Five Councillors if they have signed a requisition presented to the Mayor and the Mayor has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

Business

3.3 The business to be carried out at an Extraordinary meeting shall be restricted to those items referred to in the notice convening the meeting, unless the Mayor decides otherwise.

4. COUNCIL AGENDA TIMING

4.1 The timings set out below, and order of business will be adhered to during the Council meeting.

4.2 During the meeting, the Mayor may agree that amendment of the timings or the order of business is justified, a motion to vary them may be put to the

meeting, subject to Rule 2.2, and in accordance with Rules 9.2 and 13.10. Such a motion shall specify how the remainder of the business is to be dealt with and may include an extension of the meeting under Rule 9.2.

4.3 When there is no Opposition Business:

- (i) 15 minutes allocated to in accordance with Rule 2.2;
- (ii) 60 minutes Reports;
- (iii) 50 minutes Motions;
- (iv) 20 minutes Council Questions;
- (v) 5 minutes Memberships and remaining items.

4.4 When there is Opposition Business:

- (vi) 15 minutes allocated to in accordance with Rule 2.2;
- (vii) 45 minutes Opposition Business;
- (viii) 60 minutes Reports;
- (ix) 50 minutes Motions;
- (x) 20 minutes Council Questions;
- (xi) 5 minutes Memberships and remaining items.

4.5 At the Annual and Budget meetings of the Council there will be no Opposition Business or Motions.

5. NOTICE OF AND SUMMONS TO COUNCIL MEETINGS

5.1 The time and place of meetings will be determined by the Monitoring Officer and notified in the summons. The summons will give the date, time and place of each meeting and specify the business to be transacted and will be accompanied by the relevant available reports.

5.2 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.

5.3 At least five clear working days before a meeting, a summons signed by the Monitoring Officer will be issued to every councillor.

5.4 The summons will be issued in electronic format to councillors unless a councillor notifies the Monitoring Officer, they wish to receive a hard copy.

6. CHAIR OF MEETING

6.1 The person presiding at the meeting may exercise any power or duty of the Chair.

7. QUORUM

- 7.1 The quorum for any meeting of the Council is at least one quarter of the whole number of Members of the Council. Based on a current membership of 63 councillors, quorum is 16 councillors.
- 7.2 No business will be considered at a meeting of the Council unless there is a quorum present.
- 7.3 During any meeting if the Mayor, after counting the number of councillors present, declares that there is not a quorum present, the Mayor will adjourn the meeting. Any business not carried out will be adjourned to a time specified by the Mayor at the time the meeting is adjourned, or if a time is not specified, to the next ordinary meeting of the Council.

8. DURATION OF COUNCIL MEETINGS AND GUILLOTINE PROCEDURE

- 8.1 All Council meetings will start at 7.00pm, unless the Mayor decides otherwise, and will finish at the time specified in the agenda, which shall not be later than 10.15pm.
- 8.2 In exceptional cases and if agreed by Council, meetings can be extended for additional periods of no more than 30 minutes each.
- 8.3 If the business on the agenda has not been completed at the time the Council meeting is due to finish, the following procedure will apply:
- (i) **Motions and Reports**
- Any motions or reports under debate (including any amendments) shall be voted upon without further speeches, question, or debate. Voting shall be by a show of hands and no roll call shall be taken;
 - Motions not yet considered will lapse unless referred by the Mayor to another council body. A lapsed motion does not imply consent or dissent by the Council meeting;
 - Any reports not yet considered, shall be deemed formally moved and seconded and then each report will be put straight to the vote by show of hands. No roll call shall be taken. No speeches, questions or debate shall be allowed on these items.
 - ~~without debate, question, or comments from the meeting, although points of accuracy or reference on to another body will be permitted. The Leader of the Opposition will state as to whether the Opposition would have voted for or against adoption of the report.~~

- (ii) **Other Business on Agenda**
- The Mayor shall then put to the meeting, in sequence and without debate, each further remaining item of business on the agenda. No procedural or other motion, question, comment, or debate shall be permitted. Answers to questions not yet asked will be taken as printed on the agenda papers; and
- (iii) **Nominations to Outside Bodies and Council Memberships**
- The Council will be deemed to have agreed memberships of Council bodies (except Cabinet appointments) and nominations to outside organisations in accordance with the Local Government (Committees and Political Groups) Regulations 1990.

9. QUESTIONS

General

- 9.1 All questions at the Council meeting must relate to the Council's powers or matters that affect the Borough. Questions will be put and answered without debate. The question must specify the relevant councillor who is being asked to respond. In the case of any doubt the Monitoring Officer, in consultation with the Mayor, will decide the appropriate councillor to respond.
- 9.2 The Monitoring Officer has the power to reject questions for the following reasons if it:
- (i) Does not relate to a matter about which the local authority has powers or duties, or which significantly affects the borough;
 - (ii) Is substantially the same as a question which has been put at a meeting of the Council in the past 6 months;
 - (iii) Requires disclosure of confidential or exempt information;
 - (iv) Relates to a specific planning or licensing application; and/or
 - (v) Is a matter subject to litigation or could place the Council at risk of litigation.

Questions requiring a written response

- 9.3 Councillors may ask questions at each Council meeting, which may be directed to:
- The Leader;
 - A Cabinet Member;
 - An Associate Cabinet Member;
 - The Chair of Overview and Scrutiny/Scrutiny Workstream; or
 - A Statutory Committee Chair.

- 9.4 Councillors can direct their question to a councillor appointed to an outside bodies.
- 9.5 The list of outside bodies will be kept under review by the Monitoring Officer and Party Whips and available to members on request.
- 9.6 There shall be a limit of 15 questions per party group and one question each for independent councillors.
- 9.7 Questions must be submitted in writing to the Monitoring Officer by noon 9 calendar days prior to the meeting in question.
- 9.8 All answers to questions will be in writing and will be published online and circulated to members by email during the working day before the relevant meeting. Questions to Cabinet Members will be listed first on Council agendas. One supplementary question will be allowed, which must relate to the subject matter of the written question. The answer to a supplementary question should preferably be given orally at the meeting. Written responses will be permitted if research is required, or the information is not immediately available, and should be circulated to all councillors by email within 12 working days of the Council meeting.
- 9.9 If the councillor to whom the question has been addressed is not present at the Council meeting, another councillor may answer any supplementary question in their place. If the councillor asking the question is absent, they may nominate another councillor to ask a supplementary question on their behalf.

Urgent Questions by Councillors

- 9.10 With the permission of the Mayor, questions on urgent issues may be tabled with the proviso of a subsequent written response.
- 9.11 An urgent issue is one which could not reasonably have been foreseen or anticipated prior to the deadline for the submission of questions and which needs to be considered before the next meeting of the Council.
- 9.12 The reason for the submission of an urgent questions must be specified by the Councillor when submitting the question. This should include why the issue could not have been reasonably foreseen prior to the deadline and why it has to be considered before the next meeting.
- 9.13 Such questions shall, if possible, be delivered in writing to the Monitoring Officer by no later than 12 noon on the day before the meeting.
- 9.14 One supplementary question for oral response at the meeting will be allowed.

10. MOTIONS WITH NOTICE

- 10.1 Every motion shall relate to the Council's powers or duties, or an issue that affects the Borough. With the exception of those motions which may be moved without notice, notice of each motion shall be in writing. The notice shall be delivered to the Monitoring Officer at the latest by noon, 12 calendar days prior to the Council meeting.
- 10.2 Where a Group submits more than one motion at any one time, it shall indicate the order in which it wishes them to be considered.
- 10.3 The Monitoring Officer has the power to reject motions for the following reasons:
- (i) The motion does not relate to a matter about which the local authority has powers or duties, or which significantly affects the borough;
 - (ii) It is substantially the same as a motion which has been debated at a meeting of the Council in the past 6 months;
 - (iii) It requires disclosure of confidential or exempt information;
 - (iv) It relates to a specific planning or licensing application; and/or
 - (v) It is a matter subject to litigation or could place the Council at risk of litigation.
- 10.4 On receipt of a notice of motion, the Monitoring Officer shall arrange for it to be dated and numbered in the order of receipt. A record of these motions will be kept by the Monitoring Officer, which shall be open to inspection by every councillor
- 10.5 The Monitoring Officer shall set out in the summons for every meeting all motions of which notice has been given, in the order in which they have been received, unless the councillor concerned stated in writing, when giving it, that they propose to move it at a later meeting or has since withdrawn it in writing.
- 10.6 If a motion set out in the summons is not moved and seconded, it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.
- 10.7 If the subject matter of any motion comes within the remit of any appropriate Council body it shall, upon being moved and seconded formally without supporting speeches, be referred without discussion to such body. The Mayor however may allow the motion to be dealt with at the Council meeting at which it is moved, if they feel it is more convenient and conducive to the dispatch of business.

Urgent Motions

- 10.8 Any councillor may move an urgent motion relating to an urgent issue immediately prior to the commencement of Motions. The subject matter must relate to an issue to which the Council has powers, duties or which affects the Borough.
- 10.9 An urgent issue is defined as one which could not reasonably have been foreseen or anticipated prior to the deadline for the submission of motions and which needs to be considered before the next meeting of the Council.
- 10.10 Any councillor intending to propose such a motion shall, if possible, deliver the text to the Monitoring Officer not later than 12 noon on the day before the meeting. The motion shall not be debated unless it is seconded, and the Mayor agrees that it involves an urgent issue which notice under Rule 10 of this Constitution could not reasonably have been given.

11. MOTIONS WITHOUT NOTICE

- 11.1 The following motions may be moved without notice:
- (i) To appoint a chair of the meeting at which the motion is moved;
 - (ii) In relation to the accuracy of the minutes;
 - (iii) To change the order of business in the agenda;
 - (iv) To refer to the Cabinet, a committee/sub-committee/panel of the Council or to an external body;
 - (v) To appoint to a council body or member arising from an item on the agenda for the meeting;
 - (vi) To receive reports or adoption of recommendations of council bodies or officers and any resolutions following from them;
 - (vii) To withdraw a motion (open only to the mover of the motion, or any other councillor authorised to do so on their behalf. This must be then agreed by the Council, without discussion, and the seconder, if seconded at the time of the request);
 - (viii) To amend a motion;
 - (ix) To proceed to the next business;
 - (x) That the question be now put;
 - (xi) To adjourn a debate or the meeting;
 - (xii) To vary the timings set out in the agenda, to allow further time for debate on an item or order of business or to extend the meeting;
 - (xiii) To suspend a particular Council procedure rule;
 - (xiv) To exclude the public and press in accordance with the Access to Information Rules;

- (xv) To not hear further a councillor named under Rule 20.5 or to exclude them from the meeting under Rule 20.6; and
- (xvi) To give consent of the Council where its consent is required by this Constitution.

12. REPORTS TO THE COUNCIL

- 12.1 The Council will receive reports from the below of sources;
- (i) The Cabinet;
 - (ii) Cabinet Portfolio holders;
 - (iii) Proper Officers;
 - (iv) Councillor Conduct Committee;
 - (v) General Purposes Committee;
 - (vi) Overview and Scrutiny Committee; and
 - (vii) Reports/Presentations by external agencies on matters considered to be important to Borough residents and/or specific communities of interest.
- 12.2 All reports will have officer advice stated fully and clearly in the reports before the Council. Councillors will lead debate in Council meetings.
- 12.3 The relevant councillors will be responsible for their recommendations to Council and for ensuring that necessary action flows from Council decisions.
- 12.4 Reports to the Council will be moved and seconded. The mover of a report and the first speaker for the Opposition may speak for 5 minutes. No subsequent speech may exceed 3 minutes without the consent of the Mayor. The mover of the report will have a right of reply at the end of the debate immediately before the report is put to the vote. A maximum of 2 minutes is to be allowed for the right of reply.
- 12.5 When moving the budget setting report the Leader of the Council or nominated representative may speak for a total of 10 minutes. The Leader of the Opposition or a nominated representative will also be allowed 10 minutes to respond following the budget setting report having been moved and seconded. Normal rules will then apply for the remainder of the debate.
- 12.6 On any new matters presented to Council by the public and any partner organisation, the Council will reserve its position subject to adequate consideration and advice from the Cabinet, the Overview and Scrutiny Committee, and relevant officer(s).

13. RULES OF DEBATE

- 13.1 The Mayor, subject to the rules of the Constitution, shall call any councillor to speak who has indicated their wish to do so, providing this is compatible with the agenda timing.

No speeches until motion seconded

- 13.2 No speeches may be made until a motion has been moved and seconded.

Right to require motion in writing

- 13.3 Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to the relevant Councillor before it is discussed.

Seconders' speech

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

Content/length of speeches and Speakers

- 13.5 Speeches must be directed to the question under discussion, or to a personal explanation or point of order.

- 13.6 The mover of a motion and the first speaker in response may speak for 5 minutes. No subsequent speech may exceed 3 minutes without the consent of the Mayor. Speeches exercising the right of reply will be limited to 2 minutes.

- 13.7 When the time allotted for the debate on an item is within 5 minutes of its end, the Mayor shall invite, subject to no extension of time having been sought, the mover of the motion and of any amendments to exercise their right of reply prior to the question(s) being put to the meeting.

When a member may speak again

- 13.8 A councillor who has spoken on a motion may not speak again whilst it is the subject of debate, except:
- (i) To exercise of a right of reply and to sum up at the end of a debate;
 - (ii) On a point of order;
 - (iii) By way of personal explanation; or
 - (iv) In instances where an independent person presents a report to Council, they will also have the right to contribute to the discussion.

Amendments to motions, reports, or other business

- 13.9 An amendment must be relevant to the motion, report or other business being considered and will either be to:
- (i) Refer the matter to an appropriate body or individual for consideration or reconsideration;

- (ii) Remove words;
- (iii) Remove words and insert or add others; or
- (iv) Insert or add words.

as long as the effect of (ii) to (iv) is not to negate the motion or recommendation being considered.

- 13.10 The text of any amendment shall, normally, be delivered in writing to the Monitoring Officer no later than 12 noon the day before the relevant meeting. The content of the amendment shall be shared with the other political groups.
- 13.11 Only one amendment may be moved and discussed at any one time. The substantive motion or recommendations must be moved and seconded before any amendment can be formally proposed. Amendments will be moved and seconded following the substantive motion, report or other business having been moved and seconded.
- 13.12 There will then follow a debate on the amendment only. The debate will finish with the right of reply for the mover of the amendment having 2 minutes as right of reply.
- 13.13 The amendment will then be voted upon.
- 13.14 Where there is more than one amendment they will be dealt with as set out above and in the order, they were received by the Monitoring Officer.
- 13.15 Where an amendment is carried, the motion, report or other item of business as so amended takes the place of the original motion, or recommendation(s) in the report or other item of business.
- 13.16 At the conclusion of the consideration of any amendments there will then be a debate on the substantive motion, report, or other item of business. The debate will finish with a 2 minute the right of reply for the mover of the original motion, report, or other item of business. The motion, report or other item of business will then be voted upon.

Alteration of motion

- 13.17 Only alterations which could be made as an amendment may be made. A councillor may alter a motion of which they have given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- 13.18 A councillor may alter a motion which they have moved without notice, with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

Withdrawal of motion

- 13.19 A councillor may withdraw a motion which they have moved with the consent of both the meeting and the seconder. This consent will be signified without discussion. No councillor may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

Motions which may be moved during debate

- 13.20 When a motion, report or other item of business is under debate, no other motion may be moved except the following procedural motions to:
- (i) Withdraw a motion or recommendation;
 - (ii) Amend a motion or recommendation;
 - (iii) Amend the timings or the order of business under Rule 4 to allow further time for debate;
 - (iv) Proceed to the next business;
 - (v) Request the question be now put;
 - (vi) Adjourn a debate;
 - (vii) Adjourn the meeting;
 - (viii) Allow further time for debate on the item and to vary the timings set out in the agenda and/or to extend the meeting;
 - (ix) Exclude the public and press in accordance with the Access to Information Rules; or
 - (x) Not hear further a councillor named under Rule 20.5 or to exclude them from the meeting under Rule 20.6.

Closure motions

- 13.21 A councillor may move, without comment, the following motions at the end of a speech of another councillor:
- (i) To proceed to the next business;
 - (ii) That the question be now put;
 - (iii) To adjourn a debate; or
 - (v) To adjourn a meeting.
- 13.22 If a motion to proceed to next business is seconded and the Mayor agrees the item has been sufficiently discussed, the procedural motion is put to the vote.
- 13.23 If a motion that the question be now put is seconded and the Mayor agrees the item has been sufficiently discussed, the Mayor shall first put the procedural motion to the vote. If the procedural motion is passed, the item under debate will be put to the vote without any further questions, speeches, or debate.

- 13.24 If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor agrees the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, the Mayor will put the procedural motion to the vote.
- 13.25 If the procedural motion is passed, the debate or meeting shall stand adjourned to the next meeting, or a different date and time stated. If the debate is adjourned the Council will proceed to the next item of business. If the meeting is adjourned no further business will be transacted until the adjourned meeting is reconvened. (This is a new paragraph, but explains what would happen in practice)

Point of order

- 13.26 A councillor may only raise a point of order at the end of the speech to which it relates. A point of order must relate to an alleged breach of these Council Rules of Procedure or the law. The councillor must indicate the rule or law and the way in which they consider it has been broken. The councillor's speech will be limited to 1 minute, with any additional time to be agreed at the discretion of the Mayor. The ruling of the Mayor on the matter will be final.

Personal explanation

- 13.27 A councillor may only make a point of personal explanation at the end of the speech to which it relates. A personal explanation may only relate to some material part of the earlier speech by the councillor, which may appear to have been misunderstood in the present debate. The councillor's speech will be limited to 1 minute, with any additional time to be agreed at the discretion of the Mayor. The ruling of the Mayor on the admissibility of a personal explanation will be final.

14. OPPOSITION BUSINESS

- 14.1 The Council will, at alternate ordinary Council meetings (excluding the Budget meeting and the Annual Meeting), give time on its agenda to issues raised by the Opposition Party (second largest party). A minimum of 45 minutes will be set aside at each of the meetings.
- 14.2 All Council meetings will also provide opportunities for all parties and individual councillors to raise issues either through questions, motions or through policy and other debates.
- 14.3 The procedure for the submission and processing of such business is as follows:
- (i) The topic for discussion will be submitted to the Monitoring Officer no later than 21 calendar days prior to the Council meeting to allow the topic to be fed into the Council agenda planning process;
 - (ii) The Monitoring Officer will notify the Mayor, Leader of the Council, the

Chief Executive, and the relevant Executive Management Team member(s) of the selected topic(s);

- (iii) Opposition business must relate to the business of the Council, or be in the interests of the local community generally; and
- (iv) No later than 9 calendar days (deadline time 9.00 am) prior to the meeting, the Leader of the Opposition or their nominee must provide the Monitoring Officer with an issues paper for inclusion within the Council agenda. This paper should set out the purpose of the business and any recommendations for consideration by Council. The order in which the business will be placed on the agenda will be in accordance with Council Procedure Rule 2.2 relating to the order of business at Council meetings.

14.4 If requested, briefings on the specific topic(s) identified will be available to the opposition groups from the relevant Executive Management Team member(s) prior to the Council meeting.

14.5 The discussion will be subject to the usual rules of debate for Council meetings, except as set out below.

14.6 The Opposition Business will be conducted as follows:

- (i) The debate will be opened by the Leader of the Opposition, or nominated representative, who may speak for no more than 10 minutes;
- (ii) A nominated councillor of the Majority Group will be given the opportunity to respond, again taking no more than 10 minutes;
- (iii) The Mayor will then open the discussion to the remainder of the Council. Each councillor may speak for no more than 3 minutes but, with the agreement of the Mayor, may do so more than once in the debate;
- (vi) The issue paper should contain details of any specific actions or recommendations being put forward for consideration;
- (vii) Amendments to the recommendations within the Opposition Business paper may be proposed by the Opposition Group. They must be seconded. The Opposition will state whether the amendment(s) is/are to replace the recommendations within the paper or be an addition to them;
- (viii) Before the Majority party concludes the debate, the Leader of the Opposition will be allowed no more than 5 minutes to sum up the discussion;
- (ix) The Majority Group will then be given 5 minutes to say if, and how, the matter will be progressed; and

- (xi) If requested by the Leader of the Opposition or a nominated representative, a vote will be taken on whether to approve the Majority Group's response.

15. PREVIOUS DECISIONS AND MOTIONS

Motion to rescind a previous decision

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

Motion similar to one previously rejected

- 15.2 This rule will also apply to any other business (with the exception of items reserved to Council or which require Council approval under the Constitution Procedure Rules) in the same terms as ones that have been debated at a meeting of the Council in the past six months. This will exclude items dealt with under the guillotine or Council Questions.
- 15.3 A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 7 councillors. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

16. VOTING

Simple Majority

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

Mayor's casting vote

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

Show of hands

- 16.3 Unless a roll call or recorded vote is demanded under Rule 16.4, the Mayor will take the vote by show of hands.

Roll Call

- 16.4 Before the vote is taken, any councillor may ask for a roll call. That councillor must be supported by 11 other councillors who show their support by standing in their places. The vote shall then be recorded to show how each councillor present cast their vote, or whether they abstained from voting. The Mayor will announce the numerical result as soon as it is known.

- 16.5 The Mayor shall have discretion to refuse a roll call if the Mayor considers the request to be abusive or unreasonably to impede the proper discharge of the business of the meeting.

Recorded vote

- 16.6 If 11 councillors present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be recorded in the minutes. A request for a recorded vote will override a demand for a roll call.

Right to require individual vote to be recorded

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

Recorded voting at the budget decision meeting

- 16.8 At the Council's Budget Setting meeting the decision will be taken as a recorded vote.

- 16.9 For the avoidance of doubt, paragraph 16.8 applies to proposed amendments as well as to a substantive motion, and involves any decision:

Voting on appointments

- 16.10 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.

17. MINUTES

- 17.1 Minutes must be kept to record all the decisions taken by meetings of the Council, its Committees and Sub-Committees. Minutes must also include a record of the names of all the Councillors present.

Signing the minutes

- 17.2 The Mayor will sign the minutes of the Council meeting at the next suitable meeting. The Mayor will move that the minutes of the previous meeting be signed as a correct record. Only points of accuracy can be discussed. Any question of accuracy shall be raised by motion, moved without notice. If no such question is raised or, if it is raised, then as soon as it has been disposed of, the Mayor shall sign the minutes.

No requirement to sign minutes of previous meeting at extraordinary meeting

- 17.3 Where in relation to any meeting, the next meeting for the purpose of signing the minutes is 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 of the Local Authority (Standing Orders) Regulations 1993.

18. RECORD OF ATTENDANCE

- 18.1 A record of Member attendance at council meetings is maintained by the Governance Team.

19. EXCLUSION OF PUBLIC

- 19.1 Every effort will be made to have the decisions made in the open part of the meeting with reports being split into open and confidential or exempt parts.
- 19.2 Members of the public and press may only be excluded from the meeting in accordance with the Access to Information Rules in Part 4 of the Constitution.
- 19.3 The specific reason for excluding the press and public will be set out on the agenda (if in accordance with the Access to Information Procedure Rules) and recorded in the minutes

20. MEMBERS' CONDUCT

- 20.1 No councillor shall impute unworthy motives to or use offensive or unbecoming words about another councillor or be guilty of tedious repetition.

Disclosable Pecuniary Interests

- 20.2 Any councillor who has a Disclosable Pecuniary Interest in any business being considered at a Council meeting must declare that item and leave the room where the meeting is being held whenever it becomes apparent that the business is being, or is about to be considered at that meeting, unless the councillor has obtained a dispensation under the Council's dispensation procedure.

Standing to speak

- 20.3 When a councillor speaks at full Council they must stand, unless unable to do so, and address the meeting through the Mayor. If more than one councillor stands, the Mayor will ask one to speak and the others must sit. Other councillors must remain seated whilst a councillor is speaking unless they wish to make a point of order or a point of personal explanation.
- 20.4 When the Mayor stands during a debate, any councillor speaking at the time must stop and sit down. The meeting must be silent.

Councillor not to be heard further

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

Councillor to leave the meeting

- 20.6 If the councillor continues to behave improperly after such a motion is carried, the 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.

General disturbance

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

Mobile Phones

- 20.8 Members must keep their mobile phones and electronic devices set to silent during meetings.

21. DISTURBANCE BY MEMBERS OF THE PUBLIC

- 21.1 If a group or an individual member(s) of the public interrupts the proceedings at any meeting, the Mayor shall warn the person(s) concerned. If the interruption continues, the Mayor shall order their removal from the meeting room.
- 21.2 In case of general disturbance in any part of the room open to the public, or of the premises where the meeting is being held, the Mayor shall order that part to be cleared. If in the Mayor's view, this is not practicable and it is not possible to continue the meeting in light of the disturbance, the Mayor may rule that the meeting adjourn and/or that the meeting should be reconvened in a different venue.

22. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

- 22.1 All of these Council Procedure Rules except 16.7, 16.8 and 17.3 may be suspended by motion on notice or without notice if at least one half of all councillors are present. Suspension can only be for the duration of the meeting.

23. APPLICATION TO COMMITTEES AND SUB-COMMITTEES

- 23.1 All of the Council Rules of Procedure apply to meetings of full Council but not to Cabinet meetings. Rules 4-8, 11, 13, 16-21, 24, 29 and 31 will also apply to meetings of committees and sub-committees.

24. IMPLEMENTATION OF THE COUNCIL'S DECISIONS

24.1 All decisions of the Council will be implemented in the usual way on all matters within the Council's remit.

24.2 Matters outside the remit of the Council will be taken forward by the Cabinet and the Executive Management Team who will work with and make the necessary representations to outside bodies. The Council will be kept informed of any significant action arising out of these matters.

25. RECORDS OF COUNCIL DECISIONS

25.1 A brief record of the decisions made by the Council will be made public within 2 working days of each meeting. The record will be posted on the Council's web site. Minutes of the meetings will be available within 10 calendar days of the meeting.

26. PUBLICISING COUNCIL MEETINGS

26.1 The Council meetings will be publicised, and the public encouraged to attend.

27. APPOINTMENTS TO OUTSIDE BODIES

27.1 Where it is within its power, appointments decided by the Council, including those to outside bodies, will be for the duration of one year. The Council will exercise this power subject to the political balance regulations.

27.2 Where the Council is required to appoint to an outside body for a period of more than one year, the Council may at any time withdraw its recognition of the appointee as a representative of the Council.

28. PARTY LEADERS

28.1 Each party represented on the Council shall notify the Monitoring Officer of the name of the person selected as that party's leader and the names of all other members of that party group.

29. URGENT ACTION

29.1 The Leader (or in their absence the Deputy Leader) in consultation with the relevant Cabinet member, shall be able to exercise the powers of the Council in any matter of immediate urgency making the prompt exercise of the powers of the Council desirable and which cannot await the next ordinary meeting of the Council. This shall exclude any matter which the law reserves to the full Council. Decisions made under this provision will be reported to the next meeting of the Council.

30. COUNCIL SEATING PLAN

- 30.1 Councillors will be allocated designated places within the Council Chamber during Council Meetings. This seating plan must be adhered to at all times unless prior agreement is reached with the respective party whip, and this is notified to the Mayor and the Monitoring Officer prior to the meeting.

31. POLICY ON FILMING AT MEETINGS

- 31.1 The filming and recording of the public sessions of any Council, Cabinet, Committee, Panel or Ward Forum meetings through any audio, visual or written methods will be allowed, providing this does not disturb the conduct of the meeting.
- 31.2 The Chair of the relevant meeting will have the power to withdraw this permission should it prove necessary due to the nature of the meeting or if the conduct of the meeting is disturbed, for example through flash photography, intrusive camera or lighting equipment, or the behaviour of the person filming the meeting.
- 31.3 Subject to the above, reasonable facilities will be provided for anyone wishing to record or film at a meeting. Notice is not formally required by anyone intending to film or record at a meeting is asked to contact the relevant meeting administrator in advance of the meeting, so that the Chair, other councillors, and any members of the public present can be informed, and the necessary arrangements made.
- 31.4 All those visually recording a meeting must remain in designated areas within the meeting room and are requested to only focus on recording councillors, officers and the public directly involved in the conduct of the meeting.
- 31.5 Should any member of the public participating in the meeting object to being filmed then the Chair will make arrangements for that individual to be excluded from the recording.
- 31.6 If a meeting passes a motion to exclude the press and public, then all rights to record the part of the meeting to which the exemption applies will be removed.

32. PETITIONS

- 32.1 In accordance with the Council's Petition Scheme, if a petition is received which contains at least 1% of the assessed population figure from the 2021 Census (3,300) as published by the Office of National Statistics it will be referred for debate by the full Council, unless it is a petition asking for a senior council officer to give evidence at a public meeting.
- 32.2 The Head of Governance, Scrutiny and Registration Services will advise the petition organiser of the date for full Council and the time allowed for presentation of the petition in addition they will seek to clarify the remedy

being sought and advise that a councillor can present the petition on their behalf. A report will then be prepared detailing the subject of the petition and what action the Council and/or partner organisations are being asked to take and arrange for this to be included on an appropriate Council agenda that suits all parties.

32.3 The petition organiser will be given 5 minutes to present the petition at the meeting and the petition will then be discussed by councillors for a maximum of 15 minutes.

32.4 The Council will decide how to respond to the petition at this meeting. They may decide to:

- (i) Take the action the petition requests;
- (ii) Not to take the action requested for reasons put forward in the debate;
- (iii) To commission further investigation into the matter, for example by a relevant committee; or
- (iv) Where the issue is one on which the council executive are required to make the final decision, the Council will decide whether to make recommendations to inform that decision.

32.5 After the meeting, the petition organiser will receive written confirmation of this decision. This confirmation will also be published on the Enfield Council website.

33. INTERPRETATION OF RULES

33. The ruling of the Mayor as to the construction or application of any of these rules shall not further be challenged at any meeting of the Council.

Chapter 4.2 – Scrutiny Rules of Procedure

1. MEETINGS OF THE OVERVIEW AND SCRUTINY COMMITTEE

Planning and Timetabling of Meetings

- 1.1 Overview and Scrutiny Committee meetings will be forward planned and timetabled regularly in accordance with the work that the Committee undertakes.
- 1.2 This will be agreed at the first meeting in the new municipal year and updated where necessary throughout the year.
- 1.3. Overview and Scrutiny Committee meetings may be called by any 3 members of the Committee or by the Director of Law and Governance if it is considered necessary or appropriate.

Annual Work Programmes

- 1.4 The Overview and Scrutiny Committee will forward plan their work to carry out their annual programme agreed by Council taking into account of their other work in responding to consultation by the Cabinet and commenting/making recommendations to the Council on Cabinet recommendations.
- 1.5 The work of the Committee will be phased over the municipal year to match staff support.
- 1.6 Meetings will also be arranged to ensure the Overview and Scrutiny Committee's involvement in the Council's budget setting.

Business to be Considered at Meetings

- 1.7 The Overview and Scrutiny Committee shall consider the following business at their meetings:
 - (i) Minutes of the last meeting;
 - (ii) Declarations of interest including whipping declarations;
 - (iii) Consideration of any matter referred to the Committee for a decision in relation to the call in of a decision;
 - (iv) Responses of the Executive to reports of the Committee; and
 - (v) Consideration of the Key Decision List, identification of issues to be scrutinised and carrying out of hearings/reviews.

Public Rights of Access to Meetings

- 1.8 Overview and Scrutiny Committee meetings will be open to the public. There will be provision for confidential and exempt agenda items, reports, and debates where the principles of the relevant access to information provisions

apply. Members of the public will not be permitted to remain for these items. At the start of meetings, the Committee will decide whether any items on the agenda fall into this category. All confidential and exempt agenda items will be referred to in the minutes of the meeting.

- 1.9 Subject to the above, public attendance and the organised involvement of residents, customers, partner bodies and staff will be encouraged.

Private Meetings

- 1.11 It will be necessary from time to time for Overview and Scrutiny Committee members, to have the opportunity of private discussion. Provision is made for this on the understanding that such meetings will be infrequent, will involve all of the Committee or panel members, and that no conclusions are reached without the subsequent benefit of discussion in public.

Notice of Meetings

- 1.10 Public notice will be given in advance of individual meetings and of the work to be done at those meetings.

Substitutions

- 1.11 Substitutions for members unable to attend a scrutiny panel must notify the Monitoring Officer of this. Notification must come from the Group Whips. This applies to all scrutiny panels.

Evidence Sessions

- 1.12 Where Scrutiny may ask people to attend to give evidence meetings.
- 1.13 These will be conducted in accordance with the following principles that:
- (i) The meeting be conducted fairly, and all members of the Committee/panel be given the opportunity to ask questions of attendees, and to contribute and speak; and
 - (ii) Those assisting by giving evidence be treated with respect and courtesy.
- 1.14 Following any investigation or review, Scrutiny shall prepare a report, for submission to the Executive and/or Council as appropriate and shall make its report and findings public.

8. Overview and Scrutiny Committee and Panel Agendas

- 8.1 Detailed agendas and reports for meetings will be circulated to Overview and Scrutiny Committee/Panel members and made public in accordance with the provisions of the access to information requirements of the Local Government Act 1972 (as amended).
- 8.2 The Governance and Scrutiny Team will be responsible for arranging the issue of notices, agendas, and reports.

Minutes of Overview and Scrutiny Committee and Panel Meetings

- 1.15 Minutes of all open meetings will be made public within 10 working days. These will include a record of confidential and exempt items considered at the meeting, which respects the confidentiality of the information in question.
- 1.16 A confidential record will also be made of all proceedings at private meetings.

Policy on Filming at Meetings

- 1.17 Please see Chapter 4.1, Rule 31.

2. QUORUM

- 2.1 The quorum for the Overview and Scrutiny Committee shall be 3 members.

3. MEMBERSHIP OF THE OVERVIEW AND SCRUTINY COMMITTEE

- 3.1 The membership of the Overview and Scrutiny Committee will comprise of 9 members, proportionately allocated, appointed by the Council. The Chair and Vice Chair of the Committee will be confirmed by Council.
- 3.2 The use of substitute members will be permitted for Overview and Scrutiny Committee in the following circumstances:
- (i) To take the place of the ordinary members of the Overview and Scrutiny Committee where the member will be absent for the whole of the meeting such an appointment shall apply for the entire meeting, including where the meeting is reconvened after an adjournment; or
 - (ii) Where a member of the Overview and Scrutiny Committee has signed a call-in request to be determined by the Committee, or has a disclosable or other pecuniary interest, and cannot take part in the decision making. In this case a member may be appointed to act as a substitute, but the appointment will only apply to consideration of that item.
- 3.3 The member who wishes to appoint a substitute must notify the Monitoring Officer in writing, prior to the meeting of the intended substitution. The appointment of the substitution will be reported to the meeting at the commencement of business.
- 3.4 Once notification of a substitute member has been received unless it is withdrawn prior to the meeting, the appointed member of the relevant committee or sub-committee shall not be entitled to attend the relevant meeting as a member of the Committee.

4. **STANDING SCRUTINY PANELS**

- 4.1 There will be ~~seven~~ four standing panels comprising of 7 members, proportionally allocated, appointed by Council. ~~which fed into the work of the Overview and Scrutiny Committee.~~ The Chair and Vice Chair of each Panel will be drawn from the members of the Overview and Scrutiny Committee.
- 4.2 The four Panels are:
- (i) Culture & Environment
 - (ii) Healthy & Safe Communities
 - (iii) Thriving Children & Young People
 - (iv) Housing and Regeneration

The ~~seven~~ Panels are:

- ~~(i) Crime~~
- ~~(ii) Health & Adult Social Care~~
- ~~(iii) Children & Young People~~
- ~~(iv) Regeneration & economic Development~~
- ~~(v) Finance & Performance~~
- ~~(vi) Environment & Climate Action~~
- ~~(vii) Housing~~

- 4.3 ~~The focus of the standing panels will be agreed each year at annual Council and should be based on the Council's priorities and pressures.~~
- 4.4 The terms of references for the above scrutiny panels can be found at **Appendix 1.**

5. **MEMBERSHIP OF THE SCRUTINY STANDING PANELS**

- 5.1 Each member of the Overview and Scrutiny Committee will either act as Chair or Vice Chair of OSC or one of the panels. The Chairs and Vice Chairs of Scrutiny will be appointed by Council annually.
- 5.2 Membership for the standing panels will be agreed annually ~~allow the panels to develop a watching brief in these issues and build up a level of knowledge and expertise amongst members.~~
- 5.3 Membership of the scrutiny panels will be cross party and will reflect political proportionality.
- 5.4 Panels will generally meet in public at least four times a year but will reserve the right to have private sessions when the need arises. They will also have the right to co-opt non-councillors as and when required. These co-optees will

not have a formal vote but will play an important part in bringing knowledge and expertise to the issues under discussion.

5.5 The Chair of a scrutiny panel will:

- (i) Seek to facilitate the Panel towards the achievement of its terms of reference;
- (ii) Respect the confidentiality of information that comes into his or her possession; and
- (iii) Not seek to embarrass the Council or the Majority Party with such information for political gain.

6. WORK PROGRAMME

6.1 The Overview and Scrutiny Committee and its standing panels will be responsible for proposing and prioritising their own work programme.

6.2 At the beginning of the municipal year, the Overview and Scrutiny Committee and Panels will hold work planning sessions, where suggestions for the year will be discussed. members will devise their work programmes for the year for the Overview and Scrutiny Committee, and its standing scrutiny panels, by prioritising the order in which the work is undertaken.

6.3 The programme will be adopted by the Council on the recommendation of the Overview and Scrutiny Committee following consultation with the Cabinet and the Executive Management Team (and local NHS bodies in respect of the Health Scrutiny Panel). The Committee will be assisted in this by the Governance and Scrutiny Team.

6.4 In recommending their annual work programme, the Committee will take account of the community's views on priorities.

6.5 In making their recommendations, the Overview and Scrutiny Committee will take explicit account of the Council's plans and priorities plus the workload implications for councillors and staff through.

6.6 Chairs of the standing scrutiny panels will be responsible for keeping Overview and Scrutiny Committee informed on the work of its committee. They must seek the approval of Overview and Scrutiny Committee to any variations in their work programmes.

6.7 Each of the scrutiny Panels will be able to hold two additional meetings per annum if the need arises. Additional meetings will have to be agreed by the Monitoring Officer prior to being arranged in order to ensure there is sufficient resources available to support the meeting.

7. ANNUAL REPORTS

7.1 The Overview and Scrutiny Committee will present the Scrutiny Annual Report to the Council. The Committee will be assisted in this responsibility by the Governance and Scrutiny Team.

7.2 The Annual Scrutiny Report will include information about recommendations made to Council and Cabinet with details of the responses received.

7.3 Scrutiny standing panels will feed into the annual report providing details of the work that has taken place over the past year.

8. AGENDA ITEMS

8.1 Any member of the Overview and Scrutiny Committee shall be entitled to give notice to the Director of Law and Governance that they wish an item relevant to the functions of the Committee to be included on the agenda for the next available meeting of the Overview and Scrutiny Committee, or the relevant panel. On receipt of such a request, the Director of Law and Governance will ensure that it is included on the next available agenda.

8.2 The Overview and Scrutiny Committee, or the relevant scrutiny panel, shall also respond, as soon as its work programme permits, to requests from the Council and the Cabinet to review particular areas of Council activity. Where it does so, the Committee shall report its findings and any recommendations back to the Cabinet and/or Council. The Council and/or the Cabinet shall consider the report within one month of receiving it.

8.3 The Council will consider and decide those recommendations on services, policy or performance that were not accepted in whole or in part by the Cabinet, in light of the reasoned responses to them made by the Cabinet at the time.

9. TIME LIMIT OF MEMBERS' SPEECHES AT MEETINGS

9.1 Speeches must be directed to the question under discussion. The time limit for a speech to introduce an item should be no longer than 10 minutes with a 5 minute time limit in all other instances, with any additional time required being at the discretion of the Committee Chair.

10. SCRUTINY ENQUIRIES

10.1 The Overview and Scrutiny Committee may also appoint independent experts to advise either themselves or any scrutiny panel.

10.2 The Committee or its panels will have the power to recommend the carrying out of research to the Executive Management Team and the Cabinet and will

receive reasoned responses. This power also applies to the direct commissioning of research in consultation with the Cabinet and Executive Management Team.

11. RECOMMENDATIONS TO COUNCIL

- 11.1 Overview and Scrutiny Committee recommendations to Council will be in the form of reports prepared in accordance with the approved format. Relevant officer advice to the Council will be shown fully and distinctly in these reports, as well as the observations of the Cabinet.
- 11.2 The Scrutiny Officer supporting the Overview and Scrutiny Committee/its panels is responsible for ensuring the preparation of reports to Council in consultation with the relevant officers and the Chief Executive.

12. REPORTS AND RECOMMENDATIONS FROM THE OVERVIEW AND SCRUTINY COMMITTEE

- 12.1 In discharging their scrutiny functions, the Chairs of the Overview and Scrutiny Committee and the Scrutiny Panels will be entitled to report, with recommendations as appropriate to the Cabinet or Full Council.
- 12.2 When recommendations have been formed and agreed by the committee/panel ~~on proposals for development, the Committee/panel will prepare a formal report will be prepared by members and agreed by the committee prior to submission and submit it to the Director of Law and Governance for consideration by the Cabinet, Cabinet Member (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework).~~
- ~~12.3 If the Committee/panel cannot agree on one single final report to the Council or Cabinet as appropriate, then up to one minority report may be prepared and submitted for consideration by the Cabinet or Council with the majority report.~~
- 12.4 The Council or Cabinet shall consider the report within 12 weeks of it being submitted to the Proper Officer.
- ~~12.5 Recommendations other than to the Council are to be made to the Cabinet or to the Executive Management Team according to the level of delegation exercised.~~
- 12.6 Scrutiny recommendations are addressed to the Cabinet, the Executive Management Team or, through the Committee's annual reports, to the Council. It is then for these bodies to decide if the representations or

recommendations are to be made to outside bodies. Scrutiny will not have the ability to make representations or recommendations direct to other bodies.

13. REPORTS CONSIDERED BY CABINET AND/OR COUNCIL

The agendas for Cabinet meetings will include an item entitled 'Issues Arising from the Overview and Scrutiny Committee'. The reports referred to the Cabinet by the Committee shall be included at this point unless covered elsewhere on the agenda.

- 13.1 Once the Committee has completed its deliberations on any matter it will forward a copy of its final report to the Director of Law and Governance. They will allocate it to either the Cabinet or the Council (or both) for consideration, according to whether the contents of the report has implications for the Council's budget and policy framework. If the Director of Law and Governance refers the matter to Council, they will also give a copy to the Leader of the Council with notice that the matter is to be referred to Council.

- ~~13.2 The Cabinet will have 12 weeks in which to respond to the report, and the Council shall not consider it within that period.~~ When the Council does meet to consider such a report, which would impact on the budget and policy framework, it shall also consider the response of the Cabinet to the Committee's proposals.

- 13.3 The Overview and Scrutiny Committee will in any event have access to the Key Decision List and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from the Committee following consideration of possible policy/service developments, they will be entitled to respond in the course of the Cabinet's consultation process in relation to any key decision.

14. RIGHTS OF SCRUTINY MEMBERS TO DOCUMENTS

- 14.1 In addition to their rights as councillors, scrutiny members have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules.
- 14.2 Nothing in this paragraph prevents more detailed liaison between the Executive and the Overview and Scrutiny Committee members as appropriate depending on the particular matter under consideration.

15. MEMBERS AND OFFICERS GIVING ACCOUNT

- 15.1 The Overview and Scrutiny Committee and scrutiny panels may scrutinise, and review decisions made, or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the

scrutiny role, they may require any member of the Cabinet, the Head of Paid Service and/or any senior officer to attend before them to explain in relation to matters within their remit:

- (i) Any particular decision or series of decisions;
- (ii) The extent to which the actions taken implement Council policy; and/or
- (iii) Their performance

and it is the duty of those persons to attend if so required.

- 15.2 Where any member or officer is required to attend the Overview and Scrutiny Committee or scrutiny panel under this provision, the chair of the Committee/panel will inform the Director of Law and Governance. The Director of Law and Governance shall inform the member or officer in writing giving at least 10 working days' notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the meeting. Where the account to be given to the meeting will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.
- 15.3 Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then that member or officer may nominate a substitute to attend on their behalf. The councillor attending as substitute should be a member of the Cabinet.
- 15.4 The Scrutiny Officer to the Committee/Panel will attend and give advice at all meetings including those held in private.
- 15.5 The Committee/panel Scrutiny Officer or a member of the Executive Management Team may request the participation of the Council's Monitoring Officer in a Committee/Panel meeting.

16. REPORTS

- 16.1 Reports to the Overview and Scrutiny Committee/panel may come from a number of sources including members of the Executive Management Team, the Cabinet, external bodies, those submitting evidence in enquiries or the chair of the Committee/panel.
- 16.2 It will also be open to independent expert advisers to prepare reports for the Committee/panel.
- 16.3 Where appropriate, reports will include clearly identified officer comments and advice. The Committee/panel will obtain the factual comments and opinions of relevant members of the Executive Management Team on matters of

dispute or controversy included in reports from external bodies and independent expert advisers before reaching conclusions.

- 16.4 Reports prepared by members of the Executive Management Team for the Committee/panels will comply with the Council's existing rules for preparation of and consultation on Committee reports.

17. ATTENDANCE BY OTHERS

- 17.1 Each Overview and Scrutiny Committee and Scrutiny panels may invite people other than co-optees or independent experts to address it, discuss issues of local concern and/or answer questions. They may for example wish to hear from residents, stakeholders, members, and officers in other parts of the public sector and shall invite such people to attend.
- 17.2 Attendance is entirely optional.

18. CALL-IN

General Procedure

- 18.1 When a decision is made by the Cabinet or a sub-committee of the Cabinet, an individual Cabinet member, or a key decision is made by an officer with delegated authority from the Executive, the decision shall be published, and shall be available at the main offices of the Council normally within 2 working days of being made. Copies will be sent to all members of the Council.
- 18.2 That notice will be dated and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless 7 or more councillors call it in.
- 18.3 If an Overview and Scrutiny Committee member is a signatory to the call-in request; then a substitute must be notified to the Monitoring Officer in advance of the call-in meeting.
- 18.4 A valid request for call-in is one which is submitted to the Monitoring Officer in writing within 5 working days of the date of publication of the decision by at least 7 members of the Council.
- 18.5 The Monitoring Officer will deem valid a request that fulfils all of the following 5 criteria:
- (i) It is submitted by 7 Members of the Council;
 - (ii) It is received by the Monitoring Officer by 5pm on the fifth day following publication;
 - (iii) It specifies the decision to which it objects;
 - (iv) It specifies whether the decision is claimed to be outside the policy or budget framework; and

- (v) It gives reasons for the call-in and outlines an alternative course of action.
- 18.6 In relation to the reasons for call-in, the Monitoring Officer has a discretion, having consulted with the Chair of the Overview and Scrutiny Committee, to refuse any reasons which are in the view of the Monitoring Officer, requests for information, expressions of opinion or are not directly relevant to the decision being called in.
- 18.7 The Director of Law and Governance shall notify the decision-taker of the call-in and call a meeting of the Overview and Scrutiny Committee as soon as possible after consultation with the Chair of that Committee, and in any case within 14 working days of the relevant call-in period. The relevant Cabinet Member should attend the Overview and Scrutiny Committee if available. If he/she cannot attend the Cabinet will make every effort to ensure that another Cabinet Member attends instead. Executive Directors or their representative will be expected to attend the meeting.
- 18.8 Having considered the called-in decision the Overview and Scrutiny Committee have the following options:
- (i) ~~Confirm the original decision.~~
 - (i) Take no further action, meaning the original decision can be implemented.
 - (ii) Refer the decision back to the decision-making person or body for reconsideration, setting out in writing the nature of its concerns; or
 - (iii) Refer the matter to Full Council for consideration.
- 18.9 If referred back to Cabinet as the decision maker they shall then reconsider at the next scheduled meeting if the timescale for the decision allows, amending the decision or not, before adopting a final decision.
- 18.10 If the matter is referred to Full Council it will be dealt with at the next scheduled meeting-subject to the Access to Information Act requirements, unless there are grounds for urgency which require an extraordinary meeting.
- 18.11 If the Overview and Scrutiny Committee does not meet within the 14 working day period required, the decision will take effect on the expiry of that period.
- 18.12 If the Overview and Scrutiny Committee meets but does not refer the decision back to the decision taker or onto Council, then that decision will take immediate effect after the meeting of the Committee.
- 18.13 If the decision is referred to full Council and the council:

- (i) Does not object to the decision which has been made, then no further action is necessary, and the decision will be effective immediately after the meeting; or
- (ii) Objects to the decision it will be referred back to the decision-making person or body, together with the Council's views on the decision. Where the decision was taken by the Cabinet as a whole or its sub-committee, it must meet within 7 working days of the Council request/or at its next scheduled meeting, whichever is the sooner, to reconsider the decision.

18.14 The wishes of the Council must be complied with.

18.15 If the Council does not meet within the period required in paragraph 18.11 above the decision will become effective on expiry of that period.

18.16 For the avoidance of doubt, if either the Overview and Scrutiny Committee or the Council refer a matter back to the decision-making person or body, the implementation of that decision shall be suspended until such time as the decision-making person or body reconsiders and either amends or confirms the decision, but the outcome on the decision should be reached within 14 working days of the reference back

18.17 A flow chart of the call-in procedure is listed at **Appendix 2**.

Exceptions

18.18 Non-key Executive decisions taken by officers, as defined in this constitution, cannot be called-in under these procedures, although they may be reviewed as part of any review of service plans.

18.19 In addition, Council decisions, decisions taken under the Rule 16 Urgency Procedure and decisions by Council Regulatory bodies will not be subject to call-in.

18.20 A decision cannot be called in more than once.

Call-In and Urgency

18.21 The call-in procedure set out above shall not apply where the decision being taken is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests.

18.22 The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision-making person or body, the decision is an urgent one, and therefore not subject to call-in.

18.23 The Chair of the Overview and Scrutiny Committee must agree both that the decision proposed is reasonable in all the circumstances and to it being

treated as a matter of urgency. In the absence of the Chair, the consent of the Vice Chair shall be required. In the absence of both, the Mayor or the Head of Paid Service or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

18.24 If no agreement is given to the item being treated as a matter of urgency shall not be dealt with under the urgency procedure.

18.25 The use of the provisions relating to call-in, and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

19. SCRUTINY AND THE PARTY WHIP

19.1 When considering any matter where a member of the Overview and Scrutiny Committee 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 meeting in question. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

19.2 The party whip' is defined as "Any instruction given by or on behalf of a political group to any councillor who is a member of that group as to how that councillor shall speak or vote on any matter before an Overview and Scrutiny Committee, or the application or threat to apply any sanction by the group in respect of that councillor should he/she speak or vote in any particular manner".

20. RELATIONSHIP BETWEEN THE OVERVIEW AND SCRUTINY COMMITTEE, THE CABINET AND THE EXECUTIVE MANAGEMENT TEAM

- 20.1 The Overview and Scrutiny Committee will conduct its relationship with the Cabinet and the Executive Management Team within the following principles:
- (i) It will comply with the requirements of the Council's aims as stated from time to time in its corporate priorities.
 - (ii) It will ensure adequate consultation with the Cabinet and the Executive Management Team in the formulation of their recommendations to those bodies. The Cabinet and the Executive Management Team will respect the confidentiality (Part 2 status) of draft reports from the Committee put to them for comment.
 - (iii) The minimum time allowed by the Committee for consultation with the Cabinet and the Executive Management Team on draft reports will be 30 calendar days.
 - (iv) The Overview and Scrutiny Committee will respond to requests from the Cabinet and the Executive Management Team for comments on draft

policy, other proposals, and Council activity, and will do so within the requested timescale (subject to satisfaction of the minimum time allowance of 30 calendar days).

- (v) The Overview and Scrutiny Committee are able to share matters on a confidential basis with the Cabinet or the Executive Management Team who will, where they agree it with the Committee, respect the confidentiality. The justification for confidentiality must be demonstrated by the Committee within the access to information provisions of the Local Government Act 1972 (as amended).
- (vi) A proposal by the Cabinet or the Executive Management Team to make public information shared with them by the Overview and Scrutiny Committee in confidence shall be the subject of prior consultation with the Committee. In cases of disagreement the matter will be decided by the Council's Monitoring Officer or, if the Monitoring Officer so wishes, by the Council.
- (vii) The Executive Management Team will conduct their relationship with the Overview and Scrutiny Committee within the principles laid down for the Cabinet.
- (viii) The Cabinet and the Executive Management Team will afford all reasonable co-operation in reviews and hearings undertaken by the Overview and Scrutiny Committee. Where appropriate, this will include direct participation in these reviews and hearings by themselves or their representatives.
- (ix) Where the Overview and Scrutiny Committee wish to ask questions of Cabinet or Executive Management Team members or their representatives during the course of reviews or hearings, reasonable notice will be given of the likely topics and areas of questioning. Notice will usually be not less than two weeks.
- (x) Detailed information requests by Overview and Scrutiny Committee will usually be answered in writing in the first instance rather than through personal participation in meetings.
- (xi) The Executive Management Team shall arrange discussions with the Overview and Scrutiny Committee from time to time to:
 - Help plan the work of the Committee;
 - Assess priorities;
 - Monitor progress; and
 - Assess the effectiveness of working arrangements.

20.1 The Chief Executive will be available to Committee Members and will be the first point of contact for them on matters concerning the Executive and officer support to the Committee.

21. COUNCIL CONSULTATION AND INVOLVEMENT

- 21.1 In addition to its power to carry out enquiries and seek public involvement, comment and views, the Overview and Scrutiny Committee is able to undertake public consultation. This must be done as part of the Council's agreed public consultation and involvement programme.
- 21.2 The provisions for the Cabinet in this Constitution provide for consultation with the Overview and Scrutiny Committee on the Council's consultation and involvement programme before the Cabinet decides its recommendations to Council.

22. COUNCILLOR CALL FOR ACTION (CCfA)

Process

- 22.1 Individual Councillors will be required to submit a request for a CCfA in writing (or via e-mail) to the Head of Governance and Scrutiny. The request will include:
- Who the request is being submitted by;
 - Details of the issue;
 - A full summary of action undertaken by the Councillor or community to resolve the issue;
 - Clarity on definitive resolution sought by Councillor; and action the Councillor is looking for as a result of CCfA to resolve or move forward the issue raised.
- 22.2 It should be pointed out that discussions at scrutiny will not necessarily resolve the issue immediately but may allow members and officers and/or partners to overcome the problem.
- 22.3 Once received, the Head of Governance and Scrutiny will check that the CCfA request complies with the basic requirements, as set above, and if so, will then undertake an initial investigation and prepare a report for consideration by Overview and Scrutiny Committee (OSC).
- 22.4 The report will be placed before OSC within 15 working days of the initial investigation being completed or the next available OSC meeting. OSC will consider the summary report and determine whether the issue should be treated as a CCfA. The member who has submitted the CCfA will be invited to attend the OSC meeting considering their issue.
- 22.5 If OSC decide not to treat the issue as a CCfA, the Head of Governance and Scrutiny will write to the member concerned confirming the decision with reasons.

- 22.6 If OSC decides to treat the matter as a CCfA the committee will deal with the issue.
- 22.7 Once OSC has reached a decision, this will be a final decision with no formal right of appeal to the executive arm of the Council.
- 22.8 For partner organisations scrutiny will be able to:
- Request information and attendance; and
 - Review decisions made/action taken by the Safer Stronger Communities Board in connection with discharge of their crime and disorder functions(Police and Justice Act 2006).

Issues referred to these bodies will require a response time of 28 days.

Gate keeping process

- 22.9 During the initial investigation phase every attempt will be made to either resolve the issue or to signpost the Councillor to those who may be able to resolve the issue, so that the CCfA request is withdrawn and/or requires no further action.
- 22.10 The 'gate keeping' process will, therefore, consist of a Ward Councillor demonstrating what efforts have been made to resolve the matter before referral to OSC for consideration.

Excluded items

- 22.11 The following issues will be excluded from being dealt with as a CCfA:
- Any matter deemed vexatious or discriminatory;
 - Individual complaints which relates to an individual service provided or a report written about them;
 - Planning or licensing applications or appeals; and
 - Areas where a Councillor has an alternative avenue to resolve an issue through for example complaints or a service request.

23. TASK & FINISH GROUPS

- 23.1 Provision will be made for any task and finish group the council deems necessary at its Annual Meeting
- 23.2 The Task & Finish Groups will undertake and report back to the Overview and Scrutiny Committee on specified investigations or reviews as agreed by Council.
- 23.3 Such panels will exist for a fixed period, on the expiry of which they shall cease to exist.

OVERVIEW AND SCRUTINY COMMITTEE
Appointed by: Chair and Vice Chair appointed by Council
Proportionality: Applies
Membership: 9
Public/Private meetings: Public
Quorum: 3
Frequency: minimum of 4 meetings per annum
<ul style="list-style-type: none"> • To scrutinise service provision, policies and strategies developed by the Council and its partners, including, but not limited to, finance, corporate performance, customer service, communications, and Equalities. • Development and co-ordination of the overall scrutiny annual work programmes for all scrutiny panels. • Reviewing executive decisions as part of the call-in procedures. • Leading consultation on the Councils Budget. • Review council performance and make suggestions for improvement; • To receive pre-decision scrutiny in relation to policy development. • To receive petitions as set out in the Constitution. • Ratify reports of Panels, prior to submission to Cabinet etc. • Consider issues that are borough wide/cross cutting topics. • Receive updates from scrutiny panels. • To drive improvement and provide constructive challenge. • To represent the voices and concerns of residents and users of services. <p>The overview and scrutiny committee and its Panels have the authority to require attendance by members of the executive, and officers of the authority, to attend before it to answer questions.</p>

CULTURE AND ENVIRONMENT SCRUTINY PANEL**Appointed by:** Chair and Vice Chair appointed by Council**Proportionality:** Applies**Membership:** 7**Public/Private meetings:** Public**Quorum:** 3**Frequency:** Minimum of 4 meetings per annum

- To scrutinise service provision, policies, and strategies in relation to Culture and Environment, including but not limited to, Highways and transport, waste, recycling, street cleansing, parking, Parks & Green spaces, Leisure, sports, and culture.
- To drive improvement and provide constructive challenge.
- To represent the voices and concerns of residents and users of services.

HEALTHY AND SAFE COMMUNITIES SCRUTINY PANEL**Appointed by:** Chair and Vice Chair appointed by Council**Proportionality:** Applies**Membership:** 7**Public/Private meetings:** Public**Quorum:** 3**Frequency:** Minimum of 4 meetings per annum

- To scrutinise service provision, policies and strategies of the Council, local health services, and the police, including, but not limited to, Health, Public health, Adult social care, Adults Safeguarding, Mental Health, Acute services, Primary Care, emergency services, Crime and Community Safety.
- Respond to consultations by NHS bodies.
- Receive notifications from the NHS bodies in relation to proposals for substantial variations to service provision.
- To drive improvement and provide constructive challenge.
- To represent the voices and concerns of residents and users of services.

HOUSING AND REGENERATION SCRUTINY PANEL**Appointed by:** Chair and Vice Chair appointed by Council**Proportionality:** Applies**Membership:** 7**Public/Private meetings:** Public**Quorum:** 3**Frequency:** minimum of 4 meetings per annum

- To scrutinise service provision, policies, and strategies in relation to housing and regeneration including, but not limited to, Temporary Accommodation, Estate management, Meridian Water, Strategic Planning, Public transport, Town centres, Night economy.
- To drive improvement and provide constructive challenge.
- To represent the voices and concerns of residents and users of services.

THRIVING CHILDREN, YOUNG PEOPLE SCRUTINY PANEL**Appointed by:** Chair and Vice Chair appointed by Council**Proportionality:** Applies**Membership:** 7**Public/Private meetings:** Public**Quorum:** 3**Frequency:** minimum of 4 meetings per annum**Terms of reference:**

- To scrutinise service provision, policies, and strategies as they impact on children and young people in the borough, including, but not limited to Childrens Services, Education, Safeguarding, School places, Youth Services, Special Education Needs, Looked after Children, and School meals.
- To promote the participation, engagement and influence of children and young people in the services which affect them.
- To receive the monitoring and progress reports as they relate to children and young people in the borough.
- To drive improvement and provide constructive challenge.
- To represent the voices and concerns of residents and users of services.

RECORD OF DECISIONS

- 17.1 After any meeting of the Cabinet or any of its committees, a record of every decision taken at that meeting will be produced within 2 working days of the meeting. The record will include:
- (i) The date on which the decision was made;
 - (ii) The reasons for each decision and any alternative options considered and rejected at that meeting;
 - (iii) A record of any conflict of interest in relation to the decisions and a note of any dispensation granted by the Councillor Conduct Committee or Monitoring Officer, including its duration and the reasons for it having been granted.

18. EXECUTIVE DECISIONS TO BE TAKEN IN PUBLIC

- 18.1 Members of the Cabinet or its committees 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.
- 18.2 All meetings of the Cabinet and its Committees will be held in public unless the matter relates to exempt and confidential information and notice has been provided in accordance with Rule 5.

19. DECISIONS BY INDIVIDUAL MEMBERS OF THE EXECUTIVE

Reports intended to be taken into account

~~19.1 Where an individual member of the Cabinet receives a report which they intend to take into account in making any key decision, then they will not make the decision until at least 5 clear days after receipt of that report.~~

~~19.2 Upon receipt of such a report the report will be made publicly available along with the list of any background papers.~~

Provision of copies of reports to the Overview and Scrutiny Committee

~~19.3 On giving of such a report to an individual decision maker, the person who prepared the report will make a copy available to the Chair of the Overview and Scrutiny Committee as soon as reasonably practicable.~~

Record of individual decisions

- 19.4 As soon as reasonably practicable after an Executive decision has been taken by an individual member of the Cabinet or an Executive decision has been taken by an officer, a record of the decision taken must be prepared which will include:
- (i) Details of the decision and the date it was made;

- (ii) A statement of the reasons for it and any alternative options considered and rejected,
- (iii) A record of any conflict of interest declared by any other member of the Executive who is consulted by the Executive Member and officer in relation to the decision and any note of dispensation granted by the Monitoring Officer or Councillor Conduct Committee, including its duration and the reason for it;
- (iv) This record will be available at the Civic Centre and on the Council's website; and
- (v) An Executive Decision by an officer is a decision which is a key decision, or a key decision which is delegated to an officer by the Executive.