

# **Part B**

# **Procedural Rules**

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# Procedural Rules for Meetings

## Rule 1 Annual meeting of the full Council

### Timing and business

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.

The annual meeting will:

- (a) elect the Mayor
- (b) elect the Deputy Mayor
- (c) receive any announcements from the Mayor and/or Head of Paid Service
- (d) approve a programme of ordinary meetings of the Council for the year; and
- (e) consider any business set out in the notice convening the meeting.

### Selection of Councillors to Committees

2. At the annual meeting, the full Council meeting will:
  - (a) decide which committees to establish for the municipal year;
  - (b) decide the size for those committees;
  - (c) decide the allocation of seats to political groups in accordance with the political balance rules;
  - (d) receive nominations of Councillors to serve on each committee;
  - (e) appoint to those committees.

## Rule 2 Ordinary meetings

3. Ordinary meetings of the full 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 Mayor and Deputy Mayor are not present;
- (b) approve the minutes of the last meeting;
- (c) receive any declarations of interest from Councillors;
- (d) receive any announcements from the Mayor;
- (e) receive questions from, and provide answers to, the public;
- (f) deal with any business from the last full Council meeting;
- (g) receive reports from the Council's committees and receive questions and answers on any of those reports;
- (h) consider motions; and
- (i) consider any other business specified in the summons to the meeting.

## Rule 3 Extraordinary meetings

### Calling extraordinary meetings.

4. Those listed below may request the Democratic Services Manager to call full Council meetings in addition to ordinary meetings:
  - (a) the Mayor;
  - (b) the Monitoring Officer; and
  - (c) any five Councillors if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

### Business

5. The full Council will only consider the business which is the subject of the extraordinary meeting. Minutes of the previous meeting will be considered at the next ordinary meeting.

### Time and place of meetings

6. Ordinary meetings of the Council will normally take place at 7:00pm at the Guildhall in St Edmund Street, Weymouth.

## Rule 4 Committee meetings

7. Committee meetings take place in accordance with the programme decided at the Council's annual meeting.
8. In addition special meetings may be called, as authorised by the Committee Chair or (in his/her absence) the Mayor. A special meeting may also be called on the requisition of a quarter of the number of Councillors on the committee (but at least 3 Councillors).

## Rule 5 Appointment of substitute members of committees and sub-committees

9. Substitute Councillors will not be permitted on Regulatory Committees or Weymouth Harbour Management Board, unless the substitute Councillor has undergone the appropriate training. This does not include Audit Committee. Substitute Councillors for Harbour Management Board must not be members of the Scrutiny and Performance Committee or vice versa. Substitutes for Councillors and co-opted independent members are permitted on Standards Committee but not on Standards Sub-Committees unless the Substitute Councillor or independent co-opted member has undergone the appropriate training. Substitute Councillors are permitted on the Scrutiny and Performance Committee and the Policy Development Committee provided the substitute Councillor is not a member of the Management Committee. There are no substitutes permitted on the Management Committee.

### **Powers and duties**

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

### **Substitution**

11. Substitute Councillors may attend meetings in that capacity only:
  - (a) to take the place of the Councillor for whom they are the named substitute for the whole of the meeting;
  - (b) where the Councillor will be absent for the whole of the meeting; and
  - (c) after notifying the Democratic Services Manager, in writing, by 4pm on the day prior to the meeting of the intended substitution.

## **Rule 6 Time and place of meetings**

12. The time and place of meetings will be determined by the Democratic Services Manager and notified in the summons.

## **Rule 7 Notice of and summons to meetings**

13. The Democratic Services Manager 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 working days before a meeting, the Democratic Services Manager will issue to Councillors an agenda for the meeting by whatever means determined by Council. The agenda 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.

## **Rule 8 Chair of meeting**

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

## **Rule 9 Quorum**

15. The quorum of any meeting will be one quarter of the whole number of Councillors, including the Chair or Vice-Chair, unless otherwise stated in the terms of reference or set out in the table below. During any meeting if the Chair counts the number of Councillors present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

Committee	Membership	Quorum	Terms of Reference	Responsibility for functions
Management Committee	10	5	Article 7	Part C
Policy Development Committee)	15	7	Article 6	Part C
Scrutiny and Performance Committee	15	7	Article 6	Part C
Audit Committee  (Regulatory)	9	5	Article 8	Part C
Planning & Traffic Committee  (Regulatory)	12	5	Article 8	Part C
Licensing Committee  Full Committee Sub Committee  (Regulatory)	12 3	5 3	Article 8	Part C
Joint Appeals Committee  (Regulatory)	12	3	Article 8	Part C
Standards Committee (Regulatory)	9 1/2 per Political Group + 2 Town Council representatives	3 2 members plus a Town Council representative if Town Council matters are being discussed	Article 10	Part C
Sub Committees	3	2 a Town Council representative if Town Council matters are being discussed	Article 10	

		A W&PBC Councillor if the matter for consideration concerns a member of W&PBC		
Weymouth Harbour Management Board	5 elected members + 2 co-opted independent members	4 (3 of whom must be elected councilors)	Article 9	Part C

## Rule 10 Duration of meeting

16. Unless the majority of Councillors present vote for the meeting to continue, any meeting that has lasted for two and a half hours will adjourn immediately.
17. In respect of full Council meetings, remaining business will be considered at a reconvened meeting on the following Monday.
18. All other meetings will consider remaining business at a time and date fixed by the Chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.
19. This rule will not apply to Planning and Traffic Committee or Licensing or Appeals Committees.

## Rule 11 Public Participation

### General

20. Members of the public may ask a question or present a statement at any committee or full Council meeting (other than the Annual Meeting) during public participation.
21. The maximum period of time for public participation at a meeting will be 30 minutes. Any questions of which prior notice has been given but have not been answered at the end of that time will be answered in writing.
22. Each member of the public may speak for no more than three minutes.
23. Questions or statements should relate to matters where the Council has powers or duties or which directly affect the Borough.
24. There is no requirement to give notice to speak at committee or full Council meetings.
25. Notwithstanding, public participation is always at the discretion of the Chair.
26. The procedure for public participation at Regulatory Committees will be subject to published rules currently in force for each committee, available from the Democratic Services Manager or the appropriate Service Manager.

### **Written notification of questions prior to the full Council meeting**

27. A member of the public may give prior notice of a question in writing by post, fax or e-mail to the Democratic Services Manager or by using a form available from the Customer Contact Centre at the Council Offices.
28. A question must be submitted no later than noon on the Friday before the meeting and must provide the name and address of the person who is asking the question.
29. Following written notice of a question, this will be forwarded to the relevant Briefholder and every endeavour will be made to provide a verbal response at the Council meeting.
30. If this is not possible during that time, due to complexity of a matter or circumstances beyond the Council's control, a written response will be provided following the meeting.

### **Asking a question at the full Council meeting**

31. The Mayor will invite members of the public to put their questions to the full Council during public participation near the beginning of the full Council meeting.
32. Members of the public who send in a written question, prior to the full Council meeting, will be asked to read their question aloud at the full Council meeting. If they are unable to attend, this will not be included in the business of the Council meeting and they will receive a response in writing from the appropriate committee Chair or Briefholder.
33. If the speaker is part of a deputation, the Mayor will normally ask one member of the deputation to speak on behalf of everyone. If a significant number of the public wish to speak on a similar item, but not as part of a deputation, then the Mayor will normally seek volunteers to represent overall views.

### **Procedure for reply**

34. At a full Council meeting, the Mayor will ask the appropriate Briefholder or Committee Chair to respond. Where a full reply cannot be given at the meeting, a written answer will be provided after the meeting.
35. No discussion will take place on any question unless the Mayor decides otherwise.
36. At all other meetings, questions that cannot be answered at the meeting will receive a written reply.

#### **(a) Written Response**

A written response will be provided in the following instances:-

- If the public participation time period of 30 minutes has lapsed and there are outstanding written questions;
- If it has not been possible to provide a full answer due to complexity or level of detail of a matter or circumstances beyond the Council's control;

- any question that cannot be dealt with during public question time because of the non-attendance of the Councillor/Officer to whom it was to be put.

Written responses will be provided within 10 days following the meeting.

### **Order of questions**

37. Written questions will be considered before verbal questions. The Chair may group together similar questions.

### **Scope of questions**

38. The Democratic Services Manager may reject a written question and the Mayor or Chair may reject a verbal question if it:-
- is not a matter for which the Council has a responsibility or which affects the Borough;
  - is defamatory, frivolous or offensive;
  - has been put at a meeting of the Council in the past six months;
  - is of an individual or personal nature or relates to individual applications (whether planning or otherwise);
  - requires the disclosure of confidential or exempt information.

Note: In exceptional circumstances, the Mayor may allow participation in the case of a major application which has implications for the community at large.

### **Number of questions**

39. At any one meeting, no person may submit more than 2 questions which will include any written question provided in advance or at the meeting.
40. No more than two questions may be asked on behalf of one organisation.

### **Supplementary question**

41. The speaker may be permitted without notice to ask one supplementary question that must arise directly out of the original question or reply. This must take into account the length of the original question and answer and any other members of the public waiting to ask a question.
42. The supplementary question can be rejected on any of the grounds outlined in paragraph 38.

### **Recording questions and answers**

43. The minutes of the meeting will record briefly the question and the answer, where provided at the meeting.
44. Where a response has not been given at the meeting, this will be attached as an annex to the minutes of that meeting.
45. Written questions in advance of the meeting will be available at the meeting for public inspection.

46. Rejected questions will include reasons for rejection and the correspondent notified accordingly.

### **Petitions**

47. Any Councillor or member of the public may present a petition at any meeting and address the meeting for a total of 3 minutes. Petitions must be submitted in accordance with the Council's Petition Scheme a copy of which is appended to the Constitution. No further discussion shall take place and the Petition will be dealt with in compliance with the Scheme.

## **Rule 12 Questions by Councillors**

### **Questions at Committee**

48. A Councillor may address any committee on any matter within the remit of the Council or which affect Weymouth & Portland or on reports of committees when that item is being received or under consideration by full council. The Councillor shall be entitled to a total of five minutes to make his/her address regardless of the number of matters raised.

### **Response**

49. An answer may take the form of:
- (a) a direct oral answer;
  - (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
  - (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

### **Supplementary question**

50. A Councillor asking a question under this rule may ask one supplementary question without notice to the Councillor to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

## **Rule 13 Motions requiring notice**

### **Notice**

51. Except for motions, which can be moved without notice under Rule 14
- (a) written notice of every motion, signed by at least one Councillor, must be delivered to the Democratic Services Manager not later than 10:00am seven clear working days before the date of the meeting.
  - (b) every notice of motion shall relate to some power or duty of the Council or be on a subject that directly affects the residents of the Borough of Weymouth and Portland
  - (c) only notices of motion relating to Honorary Aldermen or Freeman will be permitted at the Annual Meeting

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

### **Automatic reference to committee**

53. If the subject matter of any motion of which notice has been duly given comes within the terms of reference of a Committee of the Council then, subject to paragraph 54 below: -
- (a) the mover of the motion will speak to the motion for no more than 10 minutes and the person seconding the motion will indicate his/her support for the motion but will not at this time make a speech, and
  - (b) on being proposed and seconded, the notice of motion shall be referred, without discussion and without amendment, to the Management Committee or to such other Committee as Full Council may determine for decision or recommendation (if not within the Committee's delegated powers). PROVIDED that the Mayor may, if he/she considers it convenient and conducive to the despatch of business, allow the Motion to be dealt with at the meeting at which it is brought forward. An indication of the Mayor's intention shall be given prior to the meeting wherever possible. The Committee considering the notice of motion shall report on it to the next meeting of Full Council wherever possible for either information or decision, as appropriate

### **Motions to be discussed at the meeting**

54. If the full Council considers it convenient and conducive to the despatch of business, a motion on notice may be dealt with at the meeting at which it is brought forward. This does not allow consideration of a motion which would materially increase the expenditure or reduce the revenue of a committee or would involve capital expenditure.

### **Motions having a financial effect**

55. A motion or amendment by any Councillor
- (a) involving expenditure not provided for in the budget; or
  - (b) involving alterations to existing sources of revenue of the Council; or
  - (c) involving increases in budgets
- will not be considered by full Council until a report upon the financial aspects of the proposals has been made to the appropriate committee or unless moved at the Annual Budget Meeting in compliance with paragraph 56.

### **Annual Budget**

56. A Councillor wishing to move an amendment to a recommendation dealing with the Annual Budget will give written notice setting out details of the amendment and putting forward alternative proposals to ensure a balanced budget to the Democratic Services Manager at least 55 hours before the Council meeting at which the budget or review of charges are being considered.

## Rule 14 Motions without notice

57. The following motions may be moved without notice:

- (a) to appoint a Chair of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or member to a committee arising from an item on the summons for the meeting;
- (f) to receive reports on recommendations of committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) that the meeting continue beyond 2 and a half hours duration.
- (n) to suspend a particular Council procedural rule;
- (o) that a Councillor be permitted to speak for longer than rules allow;
- (p) to exclude the public and press in accordance with the Access to Information Rules;
- (q) to not hear further a Councillor named under Rule 21 or to exclude them from the meeting under Rule 21 and
- (r) to give the consent of full Council where its consent is required by this Constitution.

## Rule 15 Rules of debate

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

58. No speeches may be made on a motion until the motion has been seconded. When the Mayor calls for the Chair of the committee to present the recommendations of a Committee they are deemed to have been moved and seconded.

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

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

### **Seconders' speech**

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

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

61. Speeches must be directed to the question under discussion or to a personal explanation or point of order. A mover of a motion (either the Chair or Councillor nominated by him/her to do so) may speak for 10 minutes. No other speech may exceed 5 minutes without the consent of the Chair. This rule will not apply to the Councillor presenting the annual budget statement at the full Council meeting.

### **When a Councillor may speak again**

62. A Councillor who has spoken on a motion may not speak again whilst it is the subject of debate, except:
- (a) to speak once on an amendment moved by another Councillor;
  - (b) to move a further amendment if the motion has been amended since he/she last spoke;
  - (c) if his/her first speech was on an amendment moved by another Councillor, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
  - (d) in exercise of a right of reply under Rule 15
  - (e) on a point of order; and
  - (f) by way of personal explanation of some material part of a speech made by him/her which he/she believes to have been misunderstood;
  - (g) the mover of a motion has the right to reply at the end of the debate on the motion, immediately before it is put to the vote;
  - (h) if an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it;
  - (i) the mover of the amendment has no right of reply to the debate on his or her amendment.

### **Amendments to motions**

63. An amendment to a motion must be relevant to the motion and will either be:
- (a) to refer the matter to an appropriate body or individual for consideration or reconsideration;
  - (b) to leave out words;
  - (c) to leave out words and insert or add others; or
  - (d) to insert or add words.
- as long as the effect of (b) to (d) is not to negate the motion.

64. Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
65. If an amendment is not carried, other amendments to the original motion may be moved.
66. If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
67. After an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

### **Alteration of motion**

68. A Councillor may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
69. A Councillor may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
70. Only alterations which could be made as an amendment may be made.

### **Withdrawal of motion**

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

### **Right of reply**

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

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

75. When a motion is under debate, no other motion may be moved except the following procedural motions:
  - (a) to withdraw a motion;
  - (b) to amend a motion;
  - (c) to proceed to the next business;
  - (d) that the question be now put;

- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) that the meeting continue beyond 2 and a half hours duration;
- (h) to exclude the public and press in accordance with the Access to Information Rules; and
- (i) to not hear further a Councillor named under Rule 21 or to exclude them from the meeting under Rule 21.

### **Closure motions**

76. A Councillor may move, without comment, the following motions at the end of a speech of another Councillor:
- (a) to proceed to the next business;
  - (b) that the question be now put;
  - (c) to adjourn a debate; or
  - (d) to adjourn a meeting.
77. If a motion to proceed to next business is seconded and the Chair thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
78. If a motion that the question be now put is seconded and the Chair thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
79. If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

### **Point of order**

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

### **Personal explanation**

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

## Rule 16 Previous decisions and motions

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

82. A motion or amendment to rescind a decision made at a meeting of full Council within the past six months cannot be moved unless the notice of motion is signed by at least 4 Councillors. This will not be necessary where the motion to rescind is moved in pursuance of a committee recommendation at a full Council meeting.

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

83. A motion or amendment in similar terms to one that has been rejected at a meeting of full Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 4 Councillors. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

## Rule 17 Voting

### **Majority**

84. 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 is put.

### **Casting vote of Chair**

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

### **Show of hands**

86. Unless a recorded vote is demanded under paragraph 87 the Chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

### **Recorded vote**

87. If 4 Councillors present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

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

88. 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.

### **Voting on appointments**

89. If there are more than two Councillors nominated for any position to be filled and there is not a clear majority of votes in favour of one Councillor, then the

name of the Councillor 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 Councillor.

## Rule 18 Minutes

### Signing the minutes

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

### No requirement to sign minutes of previous meeting at extraordinary meeting

91. 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 to the Act relating to signing of minutes.

## Rule 19 Record of attendance

92. The Democratic Services Manager shall keep a record of attendance of Councillors at meetings.

## Rule 20 Exclusion of public

93. Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part B of this Constitution or Rule 22 (Disturbance by Public).

## Rule 21 Conduct of Councillors

### Standing to speak

94. When a Councillor speaks at full Council they must stand and address the meeting through the Chair. If more than one Councillor stands, the Chair 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.

### Chair standing

95. When the Chair 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**

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

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

97. If the Councillor continues to behave improperly after such a motion is carried, the Chair 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**

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

## **Rule 22 Disturbance by public**

### **Removal of member of the public**

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

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

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

## **Rule 23 Suspension and amendment of Council procedural rules**

### **Suspension**

101. All of these Procedural Rules except Rule 17 and 18 may be suspended by motion on notice or without notice if at least one half of the whole number of Councillors are present. Suspension can only be for the duration of the meeting.

### **Amendment**

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

## **Rule 24 Application to committees and sub-committees**

103. All of the Procedural Rules for meetings shall apply to full Council and committee meetings, except Rules 1-3, 13-15, 21 and 23 which apply only to full Council meetings. Rule 4 and 5 apply only to committee meetings.

## **Access to Information Procedural Rules**

### **Rule 25 Scope**

104. These rules apply to the public's right of access to all meetings of the full Council, the Management Committee, Harbour Management Board, the Scrutiny and Performance Committee, the Policy Development Committee and Regulatory Committees.

### **Rule 26 Additional rights to information**

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

### **Rule 27 Rights to attend meetings**

106. Members of the public may attend all meetings subject only to the exceptions in these rules.

### **Rule 28 Notices of meeting**

107. The Council will give at least five working days notice of any meeting by posting details of the meeting at the Council Offices, Weymouth and Portland Borough Council, North Quay, Weymouth, Dorset.

### **Rule 29 Access to agenda and reports before the meeting**

108. Copies of the agenda and those reports which are open to the public will be made available for inspection at the Council Offices at least five working days before the meeting. If an urgent item is added to the agenda less than five working days before the meeting, the revised agenda will be open to inspection from the time the item was added to the agenda. (Where reports are prepared after the agenda has been sent out, the Democratic Services Manager will make each report available to the public as soon as the report is completed and sent to Councillors).

### **Rule 30 Supply of copies to the public**

109. The Council will supply either paper or electronic 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 Democratic Services Manager thinks fit, copies of any other documents supplied to Councillors in connection with an item.

Supply of the above in paper format to the public will incur the payment of a charge for postage and any other costs.

## Rule 31 Access to minutes etc after the meeting

110. The Council will make available copies of the following for six years after a meeting:

- (a) the minutes of the meeting [or records of decisions taken, together with reasons], 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) the agenda for the meeting; and
- (c) reports relating to items when the meeting was open to the public.

## Rule 32 Background papers

### List of background papers

111. The report author will set out in every report a list of 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 but does not include published works or those which disclose exempt or confidential information (as defined in Rule 34).

### Public inspection of background papers

112. 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.

## Rule 33 Summary of public's rights

113. This section of the Constitution provides a written summary of the public's rights to attend meetings and to inspect and copy documents and is available to the public at the Council Offices, Weymouth and Portland Borough Council, North Quay, Weymouth, Dorset.

## Rule 34 Exclusion of access by the public to meetings

### Confidential information requirement to exclude public

114. 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.

### Exempt information discretion to exclude public

115. 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.

116. Where the meeting will determine any persons 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.

### **Meaning of confidential information**

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

### **Meaning of exempt information**

118. 'Exempt' information means information falling within the following 7 categories and for which the public interest in maintaining the exemption outweighs the public interest in disclosing it:
- (a) Information relating to any individual.
  - (b) Information which is likely to reveal the identity of an individual.
  - (c) Information relating to the financial or business affairs of any particular person (including the authority holding that information).
  - (d) Information relating to any consultations or negotiations, or contemplated consultations or negotiations in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under the authority.
  - (e) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
  - (f) Information which reveals that the authority proposes:
    - to give under any enactment a notice under or by virtue of which requirements are imposed on a person;
    - or
    - to make an order or direction under any enactment.
  - (g) Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
119. Information falling within any of paragraphs a - g is not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

### **Exclusion of access by the public to reports**

120. If the Democratic Services Manager thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 34, 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.

## Procedure before taking key decisions

121. Subject to paragraph 124 (general exception) and paragraph 125 (special urgency), a key decision may not be taken unless:

- (a) a notice (called here a forward plan) has been published in connection with the matter in question;
- (b) at least 5 working days have elapsed since the publication of the forward plan; and
- (c) where the decision is to be taken at a meeting of the Management Committee, notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

## The Forward Plan

122. Period of the forward plan

Forward plans will be prepared by the Management Committee to cover a period of four months, beginning with the first day of any month. They will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first day of the second month covered in the preceding plan.

123. Contents of the forward plan

The forward plan will contain all decisions which are to be taken by the Management Committee during the period covered by the plan. It will be in the format shown in the example after Paragraph 130.

The forward plan must be published at least 14 days before the start of the period covered.

Exempt information need not be included in a forward plan and confidential information cannot be included.

124. General exception

If a matter, which is likely to be a key decision, has not been included in the forward plan, then subject to paragraph 125 (special urgency), the decision may only be taken if:

- (a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next forward plan and until the start of the first month to which the next forward plan relates;
- (b) the Democratic Services Manager has informed the Chair of the Scrutiny and Performance Committee (or in his/her absence each member of the committee), in writing, by notice, of the matter on which the decision is to be made;
- (c) the Democratic Services Manager has made copies of that notice available to the public at the offices of the Council; and
- (d) at least 3 clear days have elapsed since the Democratic Services Manager complied with (b).

Where such a decision is taken collectively, it must be taken in public.

### **Special urgency**

125. If by virtue of the date by which a decision must be taken paragraph 124 (general exception) cannot be followed, then the decision cannot be taken unless written confirmation has been given by the Chair of the Scrutiny and Performance Committee that he/she is satisfied that the taking of the decision cannot reasonably be deferred. If the Chair of the Scrutiny and Performance Committee is unavailable the agreement of the Vice-Chair will suffice.

### **Record of decisions**

126. As soon as reasonably practicable after any meeting of the Management Committee or a sub-committee exercising delegated decision making - whether held in public or private, the Democratic Services Manager or, where no officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting. The record will include a record of key decisions taken and a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

## **Rule 35 Scrutiny and Performance Committee's access to documents**

### **Rights to copies**

127. Subject to paragraph 128 below, the Scrutiny and Performance Committee will be entitled to copies of any document which is in the possession or control of the Management Committee and which contains material relating to any business transacted at a meeting of the Management Committee or Harbour Management Board.

## **Rule 36 Limit on rights**

128. The Scrutiny and Performance Committee will not be entitled to:

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

### **Councillor's rights of access**

129. All Councillors will be entitled to inspect any document (except those available only in draft form). Where any document contains exempt information Councillors have a common law right of access on a "need to know" basis and where this is demonstrated will be provided with paper copies of exempt documents on request.

### **Nature of rights**

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

## Example

### Management Committee Four Month Forward Plan

Published (Month and Year)

This Plan contains the decisions that the Council intends to make over the next 4 months, but will be subject to review at each Management Committee. The Plan does not allow for items that are unanticipated, which may be considered at short notice. It is available for public inspection at the Council Office's reception, along with all reports (unless any report is considered to be exempt or confidential).

Date & Subject Of Meeting	Purpose Of Report	Decision Maker	Key Dec *	Consultation Arrangements Including Other Committees	Brief Holder Contact
<b>November</b>					
Budget Monitoring	To provide an update of the latest financial forecast for the current year	Full Committee	No		Cllr??
Draft Asset Management Plan	To approve the Plan	Full Committee	No		Cllr??
Write Off of Bad Debts	To approve the write off of bad debts	Cllr A N Other	No		Cllr A N Other
<b>December</b>					
Budget Monitoring	To provide an update of the latest financial forecast for the current year	Full Committee	No		Cllr??
Council Tax	To recommend the Council Tax base for 2007/2008	Full Committee/ Council	Yes		Cllr??
<b>January</b>					
Budget Monitoring	To provide an update of the latest financial forecast for the current year	Full Committee	No		Cllr??
<b>February</b>					
New Pavilion complex	Outline Business Plan and consideration of management options	Full Committee	No		Cllr?? & Cllr **
Changes since last month/items yet to be programmed: Draft variations to the Council's Constitution Property Matters - likely to be a regular feature Staffing Matters - likely to be a regular feature					

\* Definition of a **Key Decision** is one that is:

Likely to result in the Council incurring expenditure or the making of savings which are more than a 20% of the Service Budget or £100,000 whichever is greater and/or likely to have a significant impact on the life of communities within the Borough.

PLEASE NOTE: this plan is subject to change – you are advised to speak to the Committee Services Officer to confirm when a matter will be discussed by the Committee.

## Budget and Policy Framework Procedural Rules

### Rule 37 The framework for Management Committee decisions

131. The full Council will be responsible for the adoption of its budget and policy framework as set out in Article 4. Once a budget or a policy framework is in place, it will be the responsibility of the Management Committee to implement it.

### Rule 38 Process for developing the framework

132. The development of the budget and policy framework is based on the principle that the Management Committee will develop the budget framework in consultation with the other bodies of the Council, particularly involving the Scrutiny and Performance Committee and the Policy Development Committee. The policy framework will be developed by the Policy Development and the Management Committees in partnership.

### Rule 39 Budget framework

133. The Management Committee will publicise in the forward plan, at the Council Offices and on its website, a timetable for making proposals to the full Council for the adoption of the Council's budget together with the procedure for making comments on the proposals, after their initial publication. The Chairs of committees of the Council will also be notified. This period of consultation will in each instance be not less than 6 weeks.
134. At the end of that period, the Management Committee will then draw up firm proposals having regard to the responses to that consultation. If a relevant body wishes to respond to the Management Committee in that consultation process then it may do so. It is open to the Scrutiny and Performance and Policy Development Committees to investigate, research or report in detail with any budget recommendations before the end of the consultation period. The Management Committee will take any response from any relevant body of the Council into account when drawing up firm proposals for submission to the Council, and its report to full Council will reflect the comments made and the Management Committee's response.
135. Once the Management Committee has approved the firm proposals, the Democratic Services Manager will refer them at the earliest opportunity to the full Council for decision.
136. In reaching a decision, the full Council may adopt or amend the Management Committee's proposals.
137. If the full Council accepts the recommendation of the Management Committee without amendment the decision will be publicised in accordance with Article 4.

## Rule 40 Decisions outside the budget or policy framework

138. Subject to the provisions of paragraph 21 of the Financial Regulations (virement) contained in Part D, the Management Committee and Officers may only take decisions which are in line with the budget and policy framework. If the Management Committee wish to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by full Council, then that decision may only be taken by the full Council, subject to paragraph 145 below.
139. If the Management Committee and Officers want to make such a decision, they must take advice from the Monitoring Officer and/or the 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 these 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 person to the full Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 145 (urgent decisions outside the budget and policy framework) will apply.

## Rule 41 Urgent decisions outside the budget or policy framework

140. The Management Committee may take a decision, which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council, if the decision is a matter of urgency. However, the decision may only be taken:
- (a) if it is not practical to convene a quorate meeting of the full Council; and
  - (b) if the Chair of the Scrutiny and Performance Committee agrees that the decision is a matter of urgency. The reasons why it is not practical to convene a quorate meeting of full Council and the Chair of the relevant committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision.
141. Following the decision, the decision taker will provide a full report to the next available full Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

## Rule 42 In-year changes to policy framework

142. The responsibility for agreeing the budget and policy framework lies with the full Council. Decisions by the Management Committee or Officers, discharging Management Committee functions, must be in line with this framework it. No changes to any policy and strategy which make up the policy framework may be made by those bodies or individuals except changes which:
- (a) will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;
  - (b) are necessary to ensure compliance with the law, ministerial direction or government guidance;

- (c) are 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.

## Policy Development and Scrutiny and Performance Procedural Rules

### Rule 43 Composition

143. The Council will have one Scrutiny and Performance Committee and one Policy Development Committee comprising of Councillors as set out in Article 6 and appointed at the annual meeting of the full Council.
144. The number of Councillors on each committee will be 15. These Committees may appoint time-limited informal working groups.
145. The Policy Development and the Scrutiny and Performance Committees will meet in accordance with the Council's Procedural Rules and Access to Information Rules. Working groups will meet informally to help inform the scrutiny and policy development process and may submit reports to the Policy Development and the Scrutiny and Performance Committees.

### Rule 44 The Scrutiny and Performance Committee

146. The terms of reference of the Scrutiny and Performance Committee will be:
- (a) the performance of all scrutiny functions as defined in Article 6 on behalf of the Council;
  - (b) the appointment of such time limited working groups as it considers appropriate to fulfil those functions;
  - (c) to approve a work programme including the programme of any working group it appoints so as to ensure that the Committee's and working group(s) time is effectively utilised;
  - (d) to refer those matters which require the development of policy to the Management Committee so that the Briefholder can coordinate its referral to the Policy Development Committee;
  - (e) to make decisions about the priority of referrals made from other committees;
  - (f) to put in place a system to ensure that referrals are managed efficiently; and
  - (g) to carry out in-depth reviews into Council services and policies as necessary.
  - (h) to consider evidence from General Managers and heads of service or their nominated representative in respect of petitions containing more than 300 signatures as described in the Petition Scheme appended to the Constitution.
  - (i) Consider appeals submitted in accordance with the Council's Petition Scheme a copy of which is appended to the Constitution.

Further procedures relating to scrutiny and the conduct of reviews are contained in the Scrutiny Handbook.

The role of the Scrutiny and Performance Committee is contained in Article 6 of Part A.

## **Rule 45 The Policy Development Committee**

147. The terms of reference of the Policy Development Committee will be:

- (a) the performance of policy development functions as defined in Article 6 on behalf of the Council;
- (b) the appointment of such time limited working groups as it considers appropriate to fulfil those functions;
- (c) to approve a work programme, including the programme of any working group it appoints, so as to ensure that the Committee's and any working group(s) time is effectively utilised;
- (d) to respond to reasonable requests from the Management Committee to develop or review policy;
- (e) to make decisions about the priority of referrals made from other committees;
- (f) to put in place a system to ensure that referrals are managed efficiently; and
- (g) to refer those matters which may require further scrutiny to the Management Committee.
- (h) To consider appeals submitted in accordance with the Council's Petition Scheme where the Scrutiny and Performance Committee has a conflict. (a copy of the scheme is appended to the Constitution).

The role of the Policy Development Committee is contained in Article 6 of Part A.

## **Rule 46 Who may sit on the Policy Development and the Scrutiny and Performance Committees?**

148. All Councillors except members of the Management Committee may be members of the Policy Development Committee and/or the Scrutiny and Performance Committee.

149. No Councillor may be involved in scrutinising a decision with which they have been directly involved.

150. Although it will not be the usual practice of this Council to co-opt members of the public onto any Working Groups, they will be invited to attend meetings of Working Groups, from time to time, where the Group decides that would be of assistance.

## **Rule 47 Meetings of the Policy Development and the Scrutiny and Performance Committees**

151. There will be at least 6 ordinary meetings of the Policy Development Committee in each year, and 10 ordinary meetings of the Scrutiny and Performance Committee in each year, not including the meetings held at the

Annual Meeting. In addition, special meetings may be called from time to time as and when appropriate.

152. The frequency and number of meetings and informal sessions will not overstretch the resources of the Council and will be monitored by the Chair.
153. A meeting may be called by the Chair of the Committee or by the Monitoring Officer or Chief Executive if s/he considers it necessary or appropriate. Cancellation of any meeting shall be with the agreement of the Chair.

## **Rule 48 Quorum**

154. The quorum for both the Scrutiny and Performance and the Policy Development Committees will be 7 including the Chair or Vice-Chair.

## **Rule 49 Who chairs meetings?**

155. The Chairs of the Policy Development and the Scrutiny and Performance Committees will be appointed from among the Councillors sitting on that Committee.
156. The Chair of the Scrutiny and Performance Committee will be from a different political party than the Chair of the Management Committee.

## **Rule 50 Work programme**

157. The Policy Development and the Scrutiny and Performance Committees will be responsible for setting their own work programme.

## **Rule 51 Who may put an item on the Agenda?**

158. Any member shall be entitled to submit a request to the Democratic Services Manager for an item to be included on the agenda for the next available meeting.
159. The Management Committee and full Council may refer matters to either committee and the committee will respond, as soon as the work programme permits, to those requests.
160. Councillors may request that unresolved ward issues be considered by the Scrutiny and Performance Committee. These items will be prioritised and programmed by the Committee into the workplan.
161. The Chief Executive, and any member of Senior Leadership Team (or any other person authorised by him/her or them) may include an item for consideration on the agenda of a Scrutiny and Performance or Policy Development Committee meeting subject to prior approval of the Chair or Vice-Chair. Specifically, the Monitoring Officer and the Chief Finance (Section 151) Officer may put an item on the agenda if either believes it is necessary to do so to carry out his or her statutory duties.
162. Local residents and community groups may make requests for scrutiny reviews in accordance with paragraph 168 below.

## Rule 52 Requests for Scrutiny Reviews

163. Requests can be submitted by any Councillor, local resident or community group in accordance with the procedure detailed in the Scrutiny Handbook.

## Rule 53 Policy review and development

164. The role of the committees in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedural Rules.
165. In relation to the development of the Council's approach to other matters, not forming part of its policy and budget framework, the committee or sub-committees may make proposals to the Management Committee for development or to express areas of concern.
166. The committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may, where appropriate and necessary, pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

## Rule 54 Consideration of reports by the Management Committee

167. Should a committee need to refer recommendations to the Management Committee it will prepare a formal report. Scrutiny reports will be submitted to the Briefholder to enable him/her to prepare his/her response in accordance with the Management Committee Procedural Rules in Part B. The Briefholder will have been expected to be involved in the work of the Policy Development Committee in accordance with the Management Committee Procedural Rules and Article 7 of Part A, however where there is disagreement, the Briefholder may prepare a response as outlined above.
- (Note: If the members of the Policy Development and the Scrutiny and Performance Committees cannot agree on one single final report to the Management Committee or full Council, then a minority report may be prepared and submitted for consideration by the Management Committee or full Council with the majority report.)
168. If the recommendation would require a departure from or a change to the agreed budget and policy framework, the report goes to full Council via the Management Committee with recommendations to be shown separately if there is any disagreement.
169. The agenda for the Management Committee will include an item entitled "Issues arising from the Policy Development and the Scrutiny and Performance Committees". The reports of the Policy Development and the Scrutiny and Performance Committees referred to the Management Committee will be included at this point in the agenda (unless they have been considered in the context of the Management Committee deliberations on a

substantive item on the agenda) within 2 months of the relevant committee submitting its report to the Briefholder.

## **Rule 55 The Management Committee Forward Plan**

170. The Policy Development and the Scrutiny and Performance Committees will have access to the Management Committee forward plan and timetable of matters for decision and consultation. Even where an item has not been referred for investigation to either the Policy Development or the Scrutiny and Performance Committees, the Committee will be able to respond in the course of the consultation process which the Management Committee is required to undertake in relation to any key decision.

## **Rule 56 Rights of Policy Development and Scrutiny and Performance Committee members to access documents**

171. In addition to their rights as Councillors, members of the Policy Development and the Scrutiny and Performance Committees have additional rights to documents, and to notice of meetings as set out in the Access to Information Procedural Rules in Part B of this Constitution.

172. Nothing in this paragraph prevents more detailed liaison between the Management Committee and the relevant Policy Development or Scrutiny and Performance Committee, as appropriate, depending on the particular matter under consideration.

## **Rule 57 Accountability of Councillors and Officers**

173. The Scrutiny and Performance Committee or working group may scrutinise and review decisions made or actions taken in connection with the discharge of any Council function. As well as reviewing documentation, in fulfilling the scrutiny role, the Committee or working group may require the Briefholder and/or any senior Officer to attend before it to explain or clarify any matter within their remit:

- (a) any particular decision or series of decisions;
- (b) the extent to which the actions taken implement Council policy; and/or
- (c) attainment of performance targets

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

174. Where any Councillor or Officer is required to attend a Policy Development or Scrutiny and Performance Committee under this provision, the Chair of that committee will inform the Democratic Services Manager. The Democratic Services Manager will inform the Councillor or Officer in writing giving at least 5 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 s/he is required to attend to give account and whether any papers are required to be produced for the committee. Where the account to be given to the Committee will require the production of a report, then the Councillor or Officer concerned will be given sufficient notice to allow for preparation of that documentation.

175. Where, in exceptional circumstances, the Councillor or Officer is unable to attend on the required date, the Policy Development or the Scrutiny and Performance Committee will, in consultation with the Councillor or Officer, arrange an alternative date for attendance.

## Rule 58 Scrutiny Reviews

176. The procedure for conducting scrutiny reviews including the procedures for witnesses is set out in the Scrutiny Handbook.

## Rule 59 Scrutiny of the Forward Plan

177. Where the Scrutiny and Performance Committee is of the opinion that a decision, if made, will be contrary to the budget and policy framework then it will seek advice from the Council's Monitoring Officer and/or Chief Finance Officer. If the advice of the Monitoring Officer or Chief Finance Officer is that the decision would be a departure the Scrutiny and Performance Committee may request that a report be prepared by the Monitoring Officer and/or the Chief Finance (Section 151) Officer to the decision taker. If the decision taker subsequently makes the decision the call-in procedure below is invoked.

## Rule 60 Call-In

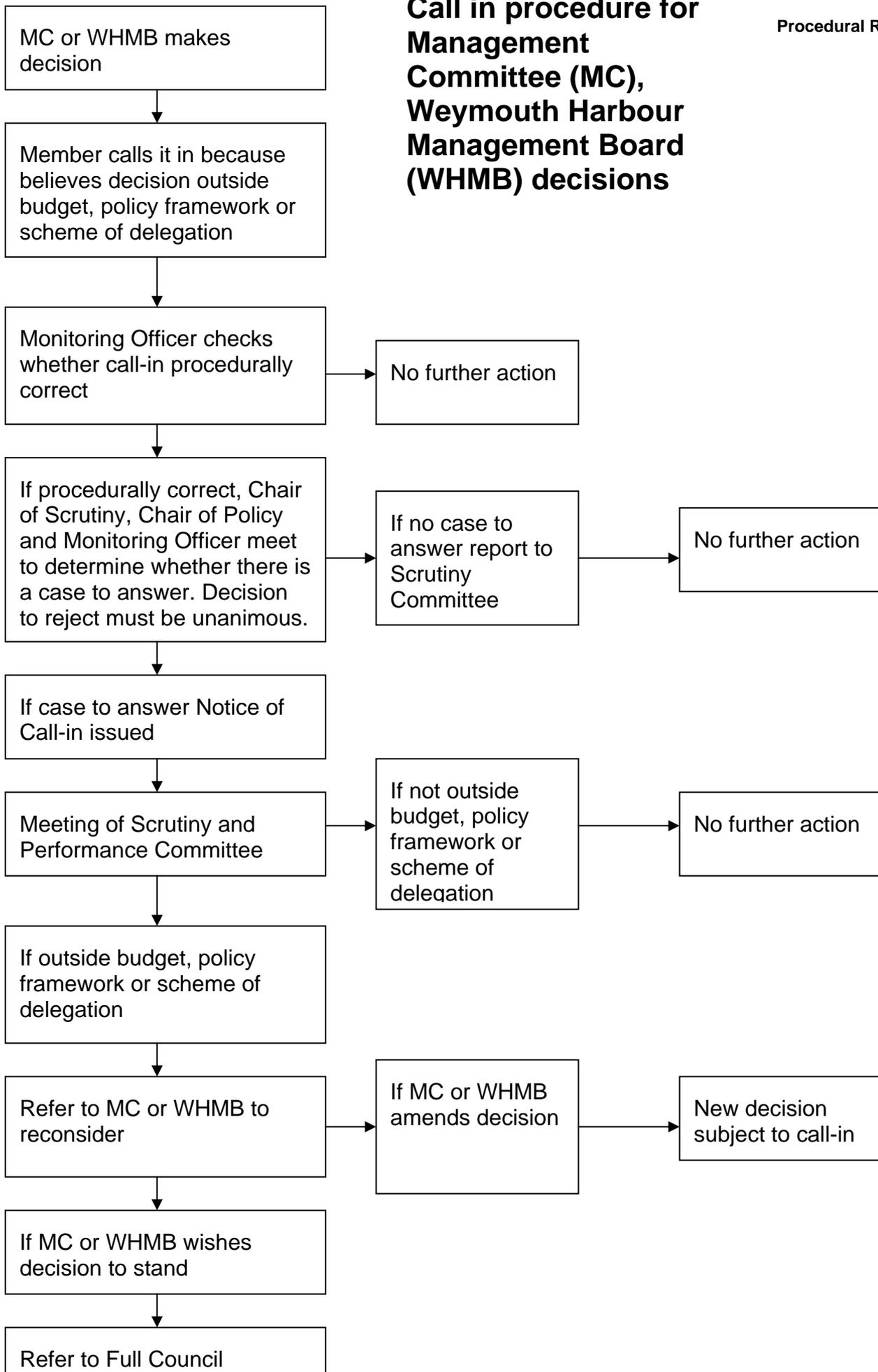
178. A call-in is a procedure whereby any Councillor not on the Management Committee or Weymouth Harbour Management Board may challenge a decision made by the Management Committee or Weymouth Harbour Management Board before the decision is implemented. Call-in should only be used in exceptional circumstances and in the interest of good administration. A decision may not be called-in more than once.

## Rule 61 Procedure for call-in

179. A decision made by the Management Committee or Weymouth Harbour Management Board cannot be implemented until the call-in period has elapsed.
180. Within 2 days of the decision being made, the Democratic Services Manager will publish details of the decision on the Council's internet site. The decision may be implemented five working days after the decision is published, provided it has not been called in.
181. A request for a call-in must be received by the Democratic Services Manager within 5 clear working days of the decision being published. A request may be made by any Councillor who is not a member of the Management Committee or Weymouth Harbour Management Board (as appropriate).
182. The request for call-in will be referred to the Monitoring Officer who will determine whether the call in is procedurally correct.
183. The procedure to be followed to submit a call-in request is as follows:
- (a) It must be in writing specifying the details of the decision to which it relates.
  - (b) It must state the reason for the call-in which must be:-

- That the decision taken was outside of the Policy Framework, or
  - That the decision taken was outside of the Budget agreed by the full Council or
  - That the decision taken was not delegated to the decision taker.
- (c) The request for call-in must give brief evidence as to why the decision should be called in for one of the above reasons.
184. The call-in will be referred to the Chair of the Scrutiny and Performance Committee and the Chair of the Policy Development Committee who will, in consultation with the Monitoring Officer, determine whether there is a case to answer. Any decision to reject the call in at this stage must be unanimous or the notice of call-in will be issued.
185. Once a call-in has been determined as valid a 'Notice of Call-In' will be issued and implementation of the decision will be postponed for fifteen days.
186. Once the Notice of Call-in is made the Democratic Services Manager will arrange a meeting of the Scrutiny and Performance Committee to consider the matter within the 15 day timeframe. A report on the matter shall be presented by either the Monitoring Officer and/or Chief Finance (Section 151) Officer.
187. The Scrutiny and Performance Committee may come to one of the following conclusions: -
- (a) Request that the Management Committee or Weymouth Harbour Management Board reconsiders the decision, in which case the decision cannot be implemented until the reconsideration has taken place.
  - (b) Take no action and allow the decision to stand, in which case the decision can be implemented immediately.
188. If referred to the Management Committee or Weymouth Harbour Management Board it will consider the concerns of the Scrutiny and Performance Committee before making a final decision. If the Management Committee or Weymouth Harbour Management Board wishes the original decision to stand it will be referred to the next meeting of full Council or a special meeting if the matter is urgent.
189. If the matter is referred to full Council and the full Council does not object to the decision, the decision comes into effect immediately. If the full Council does object to the decision for any of the reasons listed in paragraph 184(b) above it may overrule the decision.

## Call in procedure for Management Committee (MC), Weymouth Harbour Management Board (WHMB) decisions



## Rule 62 Call-in and urgency

190. The call-in procedure set out above will not apply where implementation of the decision being taken by the Management Committee or Weymouth Harbour Management Board is urgent. Implementation of a decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests. The record of the decision and notice by which it is made public will state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Chair of the Scrutiny and Performance 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 Vice-Chair of the Scrutiny and Performance Committee's consent will be required. In the absence of both, the Monitoring Officer or his/her nominees consent will be required.
191. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
192. The operation of the provisions relating to call-in and urgency will be monitored annually, and a report submitted to full Council with proposals for review if necessary.

## Rule 63 Procedure at the Policy Development and Scrutiny and Performance Committee meetings

193. The Policy Development and Scrutiny and Performance Committees and sub-committees will consider the following business:
- (a) minutes of the last meeting;
  - (b) declarations of interest;
  - (c) consideration of any matter referred to the committee for a decision in relation to call-in of a decision (the Scrutiny and Performance Committee only);
  - (d) requests from the Management Committee for policy development or scrutiny work;
  - (e) responses from Management Committee to reports of the Policy Development and the Scrutiny and Performance Committees; and
  - (f) the business otherwise set out on the agenda for the meeting.

## Rule 64 Conduct towards invitees to Scrutiny and Performance and Policy Development Committee meetings

194. Where the Policy Development or the Scrutiny and Performance Committees consider it appropriate to ask any individual (whether Briefholder, Officer, member of the public or officer of an outside body) to attend to give evidence at meetings, these meetings are to be conducted in accordance with the following principles:

- (a) that the investigation is conducted fairly and all Councillors are given the opportunity to ask questions of attendees and to contribute and speak;
- (b) that those assisting by giving evidence are treated with respect and courtesy; and
- (c) that the investigation is conducted so as to maximise the efficiency of the investigation or analysis.

## Management Committee Procedural Rules

### Rule 65 Decision making

195. The Management Committee is delegated by full Council to make all decisions not otherwise reserved by full Council, delegated to a specific committee, delegated to an Officer.
196. The Management Committee may delegate further to an Officer. Details of these delegations are contained in the Scheme of Delegation in Part C of the Constitution.
197. The Scheme of Delegation will be subject to adoption by the full Council and may only be amended by the full Council.

### Rule 66 Management Committee meetings

198. The Management Committee will meet at least 11 times per year at the Council's main offices or another location to be agreed. Additional meetings may take place in the following circumstances:
  - (a) The Chief Executive may call for additional meetings with the approval of the Chair of the Management Committee or in his/her absence the Vice Chair of the Management Committee.
  - (b) The Chief Executive, Monitoring Officer or Section 151 Officer may call an additional meeting if either believes it is necessary so to do in order to fulfil their statutory duties.
  - (c) Where the Chief Executive, the Chief Finance (Section 151) Officer or Monitoring Officer are of the opinion that a meeting of the Management Committee needs to be called to consider a matter that requires a decision he/she will have the right to call such a meeting.
199. The Management Committee will normally meet in public in line with the principles set out in Article 13 in Part A of the Constitution. The exception will be when considering exempt or confidential items.
200. Members of the Management Committee may also choose to meet on occasion at informal sessions, which may be in private.

### Rule 67 Quorum

201. The quorum for a meeting of the Management Committee will be 5, including the Chair or Vice-Chair.

### Rule 68 How are decisions to be taken by the Management Committee?

202. Decisions which are to be taken by the Management Committee will be taken at a meeting convened in accordance with the Access to Information Rules in Part B of the Constitution.

## Rule 69 How are Management Committee meetings conducted?

### Who presides?

203. The Chair of the Management Committee, or in their absence the Vice Chair, appointed at the Committee's first meeting held after the Annual Council Meeting, will preside.

### Who may attend?

204. All Councillors can attend Management Committee meetings. The press and public can attend meetings of the Management Committee, subject to the Access to Information Procedural Rules. On occasion, the Management Committee may wish to meet informally for discussion purposes only and these informal sessions will be held in private. Informal sessions will not constitute meetings of the Management Committee. The Committee will actively encourage, wherever possible, the involvement of the specific expertise or knowledge of other Councillors as part of the deliberations of the Management Committee.

### Who may speak and vote?

205. All Councillors can speak subject to prior notification to the Democratic Services Manager. The public may speak during public participation as described in the Meetings Procedural Rule 11. Only Management Committee members may vote.

### What business?

206. At each meeting of the Management Committee, the following business will be conducted:

- (a) Declarations of interest, if any;
- (b) Consideration of the minutes of the last meeting;
- (c) Minute update report;
- (d) Public participation;
- (e) Consideration of recommendations from any committee of the Council;
- (f) Consideration of urgent business agreed by the Chair of Management Committee;
- (g) Consideration of the 4 month forward plan;
- (h) Consideration of matters arising from the call-in process;
- (i) Matters referred to the Management Committee (whether by the Scrutiny and Performance Committee or by the full Council) for reconsideration in accordance with the provisions contained in the Policy and Scrutiny Procedural Rules or the Budget and Policy Framework Procedural Rules set out in Part B of the Constitution;
- (j) Consideration of reports from the Scrutiny and Performance and the Policy Development Committees; and

- (k) Matters set out in the agenda for the meeting, and which will indicate those decisions which are key, in accordance with the Access to Information Procedural Rules set out in Part B of the Constitution.

## Rule 70 Definition of “Key” Decisions

207. A decision shall comprise a “Key” decision if it: -

- (a) Is likely to result in the Council incurring expenditure, or making a saving which is more than 20% of the Service budget or £100,000 whichever is greater and/or;
- (b) Is likely to have a significant impact on the lives of the communities within the Borough.

208. “Key” decisions to be made by Management Committee will be indicated on the Forward Plan wherever possible up to 4 months in advance of the meeting at which the decision will be taken. The format will be as per the following example: -

Matter to be decided	Indicate title of report / item to be discussed
Who will make the decision and when	Management Committee at its meeting on (insert date)
Identity of main groups it is intended to consult before making the decision	Stakeholders, User Groups, Community Panel, individual representation etc
How anyone can make representations and by when	(i) By writing to the relevant Briefholder, Senior Leadership Team Member or Service Manager (ii) By requesting to speak at Management Committee
List of documents which will be considered in making the decision	(i) Internal reports of the Briefholder and Service Manager (ii) Relevant policy document
Whether the public are likely to be excluded because of confidential information	Yes / No

## Recording of “Key” Decisions

209. This will be in the format shown in the example below: -

Decision Made	Insert Management Committee decision
Alternatives considered	Briefly indicate alternatives deliberated by Management Committee under “Options for Consideration”
Reasons	Indicate reason for course of action endorsed by the Management Committee.
Within approved budget?	Yes
Within delegation scheme?	Yes
What consultations required/took place?	Stakeholders, User Groups, Community Panel or individual representations etc
If under urgency procedure, why and what process was undertaken?	
Any conflict of interest declared/noted and any dispensations applied?	Councillor James Smart left the meeting whilst this item was being discussed.

## Recording of All Other Decisions

210. As part of the Council’s commitment to e-democracy, transparency and the scrutiny process, all decisions will be recorded on the Management Committee’s Rolling List of Decisions. The inclusion on the Management Committee’s List of urgent decisions will depend on the matter for decision and the circumstances. The Council aims to give as much notice as is possible.

211. There will be a brief summary of the decisions made referring to reports considered and setting out the actual decision.

## Protocol for Decision Making

212. The Management Committee will not take any decision (apart from an “Urgent” Decision) except upon a written report by an Officer in accordance with this protocol, setting out: -

- The body proposing to take the decision.
- The issue to be decided.

- An executive summary of the issue, where the length of the report so requires for clarity.
  - Any restrictions upon the publication of the report or public attendance at the making of the final decision, as if the decision were a decision falling to be made by a Committee in accordance with sections 100 and 100A to 100K of the Local Government Act 1972.
  - The facts and factual analysis upon which any decision must be based.
  - Any legislative requirements, including any Human Rights Act issues.
  - Any Council policy relating to the issue.
  - Any relevant national or regional guidance.
  - The options available to the decision-making body.
  - The personnel and financial implications of the issue.
  - Any consultations undertaken, the views of any consultees and a summary of any other representations received.
  - Any implications for any other areas of the Council's activities.
  - The electoral areas (if any) within the Borough which are particularly affected by the issue under consideration.
  - Any Officers' recommendation(s) in respect of the proposed decision and the reasons supporting the Officers' recommendation(s).
  - The place, date and time at which the body proposes to make its decision.
  - A list of any background papers.
213. At least five working days before the proposed date and time for taking the final decision, the Democratic Services Manager will send a paper copy of the agenda and reports, to: -
- All Councillors.
  - Where the matter affects the responsibilities of a Statutory Officer, the relevant Statutory Officer(s).
  - Senior Leadership Team
  - Any other Officer who is responsible for services which may be affected by the proposed decision.
214. The requirements for consultation and public participation set out above are to be regarded as a minimum, and Officers are responsible for determining when further consultation and public participation will be appropriate, and (together with the Corporate Communications Manager arranging such consultation and public participation.
215. Where any Councillor notifies the Democratic Services Manager at any time at least 24 hours prior to the proposed time of decision as set out in the report that he/she objects to a report, he/she may request one of the following: -

- that his/her written objections be presented to the Management Committee; or
- the opportunity to make representations to the Management Committee at its meeting before it takes a decision on the matter.

216. The Democratic Services Manager will advise the Management Committee of any objections received in accordance with this procedure.

### **Determination**

217. Where there is no representation made

Where no objection has been received from a Councillor, the Management Committee may proceed to make its decision at the date, time and place set out in the report.

218. Where there is a representation

Where any Councillor has requested the opportunity to make representations, that Councillor will have the right to attend at the time, date and place set for the Management Committee to make its decision and to make representations to the Management Committee, for a maximum of five minutes before the Management Committee takes its decision on the matter.

219. Urgent Decisions

Where the Officer preparing the report is of the opinion that a decision should be made urgently in order to prevent or reduce the risk of damage to persons or property or to the interests of the Council, and that the urgency of the matter is such that it is not practicable to complete the decision making process set out above: -

- The Officer will use his best endeavours, as far as the urgency of the matter permits, to consult those persons whom he would have been required to consult had the full decision making process been followed;
- The Management Committee will have the power to take that decision, notwithstanding that the full procedure has not been followed and as soon as practicable after taking the decision, will ensure that a report in the form set out above is prepared, setting out also the reasons for urgency and the decision which the Management Committee has taken, and make available to all those persons who would have been required to be consulted under this decision making process.

220. Implementation of Decisions

All decisions can be implemented five working days after the publication of the decision (subject to there being no call-in invoked) except where specifically a shorter implementation period is necessary because it is not practical due to contract, legal obligation or any such other obligation that the Council must reasonably meet within a timeframe less than the specified 5 working days.

On a call-in being invoked the decision is placed in abeyance until the call-in determination process is complete.

221. Call-In

The procedure for call-in is detailed in the Procedural Rules for the Policy and Scrutiny Committee and for Budget and Policy Framework.

## Rule 71 Consultation

222. All reports to the Management Committee from any member of the Management Committee or an Officer on proposals relating to the Budget and Policy Framework must contain details of the nature and extent of consultation with stakeholders and other relevant bodies of the Council, 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 proportionate to the nature of the matter under consideration.

## Rule 72 Who can put items on the Management Committee agenda?

223. The Chair of Management Committee may put on the agenda of any Management Committee meeting any matter which he/she wishes, whether or not authority has been delegated to the Management Committee, an Officer or a Briefholder in respect of that matter. The Democratic Services Manager will comply with the Chair of the Management Committee's requests in this respect.

224. Any member of the Management Committee may require the Chief Executive to make sure that an item is placed on the agenda of the next available meeting of the Management Committee for consideration. If he/she receives such a request the Democratic Services Manager will comply.

225. Full Council may require any item to be placed on the agenda of the next reasonably available meeting of the Management Committee.

226. There will be a standing item on the agenda of each meeting of the Management Committee for matters referred by other committees of the Council but the amount of business which can reasonably be dealt with at any one meeting of the Management Committee will be within the discretion of the Chair of the Management Committee.

227. Any Councillor may ask the Chair of Management Committee to put an item on the agenda of the Management Committee meeting for consideration and, if the Chair of the Management Committee agrees, the item will be considered for timetabling into the Forward Plan at the next reasonably available meeting of the Management Committee. The agenda for the meeting will give the name of the Councillor who asked for the item to be considered.

228. The Chief Executive, and any Member of senior Leadership Team (or any other person authorised by him/her or them) may include an item for consideration on the agenda of a Management Committee meeting subject to prior approval of the Chair or the Vice-Chair. Specifically the Monitoring Officer and the Chief Finance (Section 151) Officer may put an item on the agenda if either believes it is necessary to do so to carry out his or her statutory duties.

## Rule 73 The role of the Management Committee in scrutiny

229. Scrutiny and Performance Committee reports will normally be submitted to the Management Committee for consideration. The Management Committee will expect the Briefholder with responsibility to look in depth at the report and draft a response. The Briefholder should indicate a proposed response to the Scrutiny and Performance Committee's report's recommendations and ask Officers to prepare a draft response for consideration at the Management Committee.
230. Before the Management Committee can act on the recommendations it will want to be clear:
- That the Council has the powers to act;
  - How the recommendations fit in with the Community Strategy and Corporate Plan;
  - How much the recommendations will cost;
  - How the recommendations fit in with the existing budget agreed by the full Council or whether additional resources are required;
  - How soon the proposals can realistically be implemented;
  - Whether they can or should be phased in over a period of time.
231. The draft response of the Briefholder should address these points and whether the Scrutiny and Performance Committee's report's recommendations are accepted or not. If any recommendation is not supported, or only partially supported, then the reasons for this should be clearly stated. This will help to make the process transparent for all concerned and make it easier to monitor agreed action.
232. The Management Committee will then consider the Scrutiny and Performance Committee's report and the suggested written response. The Management Committee's final response will be circulated to all members of the Scrutiny and Performance Committee, appropriate Officers and any other recipients.
233. Implementation of the recommendations will be the responsibility of the Management Committee, except where recommendations are directed at non-executive bodies or external agencies. The Scrutiny and Performance Committee will monitor this implementation.

## Rule 74 The Role of the Management Committee in policy development

234. The Management Committee will work in partnership with the Policy Development Committee to develop the Budget and Policy Framework.
235. The Management Committee will expect Briefholders to work with the Policy Development Committee, as detailed in Article 7 in Part A of the Constitution. In addition, the Management Committee may refer matters to the Policy Development Committee where a more in-depth analysis or investigation of issues is required when developing new policies.

236. The Management Committee will approve all policies not reserved for full Council detailed in Article 4 in Part A of the Constitution. The implementation of the Council's policies will be the responsibility of the Management Committee.

## **Rule 75 Implementation of decisions**

237. The decisions of the Management Committee are subject to the call-in procedure and cannot therefore, be implemented until the period for call-in has passed. The procedure for call-in is detailed in the Policy and Scrutiny Committee's Procedural Rules in Part B of the Constitution.

## Procedural Rules for the Disposal of Land

### Rule 76 Disposal of Land

238. These Rules apply to the disposal (by sale, exchange or lease) of all freehold and leasehold interests for terms exceeding 25 years.
239. These Rules will not apply to freehold and leasehold disposals of land approval for which has been delegated to the Property Manager as set out in the Schedule of Delegations to Officers in Part C of the Constitution.
240. These Rules will apply to freehold disposals of land with a market value of between £10,001 and £99,999.
241. These Rules will not apply where the Council has set a different policy in respect of a specific area or areas of land or of a specific type or types of property e.g. Hotel Policy, the Policy in respect of the sale of Granby Industrial Estate Freehold reversions and the Property Review.
242. The Management Committee may waive the requirements of this Rule if it is satisfied that there are compelling justifications for such action, following consideration of the written advice of the Property Manager. Reasons for the waiver must be recorded.
243. No land (with or without buildings) to which these Rule relate shall be disposed of unless:
- a) The principle of such disposal has been approved by the Management Committee.
  - b) The Management Committee is satisfied in the case of proposed disposal, that the land and/or buildings are no longer required for any Council purpose, following consideration of the written advice of the Property Manager after consultation with any appropriate General Manager or Service Manager.
  - c) The Property Manager confirms that appropriate consultations have been completed with the local Ward Councillors.
  - d) The Property Manager has either
    - i. Provided an estimate of the market value of the property or; has confirmed that in his/her opinion the recommendations represents best value for the Council or;
    - ii. Has supplied an independent valuation either setting out the valuer's opinion of market value or, that the recommendation represents best value for the Council;
  - e) The land and property shall be openly marketed in accordance with Financial Regulations unless the Management Committee is satisfied having considered the advice of the Property Manager that the Council would not secure the best price reasonably obtainable for the land by adopting such disposal procedure. If the Management Committee is so satisfied, the Committee shall determine the procedure for the disposal of the property after considering the written advice of the Property Manager.

- f) Save for the approved exceptions for tenants under the Hotel Policy and to existing leaseholders under the sale of reversionary interests on the Granby Industrial Estate Policy (by which sales to special purchasers are permitted), a sale to a special purchaser such as an existing tenant or an adjacent landowner shall only be considered on the recommendation of the Property Manager. The Property Manager will then confirm that the sale represents the realisation of best value for the Council or will supply an independent report from a valuer confirming that the sale to a special purchaser has yielded the best price reasonably obtainable.
- g) Where the Management Committee decides to dispose of land or property at less than market value, the Management Committee will confirm and record the stated aims and objectives to be achieved by such a disposal and formally record the level of subsidy which the departure from usual procedures represents.