

EXTRAORDINARY GENERAL PURPOSES COMMITTEE

Tuesday, 2 May 2017 at 7.00 p.m. OR at the rise of Cabinet, whichever is later

C1, Mulberry Place, 5, Clove Crescent, London E14 2BG

This meeting is open to the public to attend.

Members:

Chair: Councillor Danny Hassell

Vice-Chair: Councillor Denise Jones

Councillor Khaled Uddin Ahmed, Councillor Craig Aston, Councillor David Edgar, Councillor Aminur Khan, Councillor Muhammad Ansar Mustaqim and Councillor Helal Uddin

Deputies:

Councillor Asma Begum, Councillor Andrew Cregan, Councillor Marc Francis, Councillor Peter Golds, Councillor Ayas Miah, Councillor Candida Ronald and Councillor Andrew Wood

[The quorum for this body is 3 Members]

Contact for further enquiries:

Joel West, Democratic Services

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Web: <http://www.towerhamlets.gov.uk/committee>

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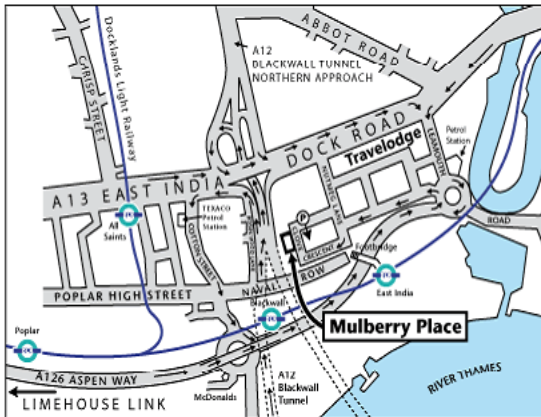
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APOLOGIES FOR ABSENCE

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS **1 - 4**

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992.

See attached note from the Monitoring Officer.

2. REPORTS FOR CONSIDERATION

2.1 Organisational Structure Implementation and Recruitment Update **5 - 12**

This report updates Members on the implementation of the new organisational structure and progress on recruiting to vacant Divisional and Corporate Director positions. The report also contains a re-assessment of the capacity needed for the Children's Services Directorate Management Team in light of the publication of the Ofsted findings.

2.2 Constitution Parts 4 and 5 - Proposed Changes **13 - 106**

As the Council is operating Executive arrangements then it must have a Constitution and also ensure that this Constitution is kept up-to-date. Pursuant to Part 2, Article 15.01(a) of the Constitution, it is a Monitoring Officer role to review the Constitution and make recommendations to ensure that the aims and principles of the Constitution are given full effect. In that regard, a key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council and to make recommendations for ways in which it could be amended in order better to achieve the purposes of the Constitution.

2.3 Preparing for the General Election, 8 June 2017 **107 - 112**

This report outlines the detailed preparations in place for the UK Parliamentary General Election 2017.

Next Meeting of the Committee:

Wednesday, 7 June 2017 at 7.00 p.m. in C1, Mulberry Place, 5, Clove Crescent, London E14 2BG

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DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

Interests and Disclosable Pecuniary Interests (DPIs)

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

Effect of a Disclosable Pecuniary Interest on participation at meetings

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

Further advice

For further advice please contact:-

Graham White, Acting Corporate Director, Governance and Interim Monitoring Officer – 020 7364 4800.

APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

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<p>Non-Executive Report of the:</p> <p>General Purposes Committee</p> <p>2 May 2017</p>	 <p>TOWER HAMLETS</p>
Report of: Will Tuckley, Chief Executive	Classification: Unrestricted
Organisational Structure Implementation and Recruitment Update	

Originating Officer(s)	Mark Keeble, Senior HR Business Partner
Wards affected	All wards

Summary

This report updates Members on the implementation of the new organisational structure and progress on recruiting to vacant Divisional and Corporate Director positions. The report also contains a re-assessment of the capacity needed for the Children's Services Directorate Management Team in light of the publication of the Ofsted findings.

Recommendations

The General Purposes Committee is recommended to:

- a) Note the update on progress to recruit to vacant Divisional and Corporate Director Positions (see paragraph 3.2);
- b) Agree to the deletion of the vacant Divisional Director Sport, Leisure, Culture and Youth position and to create and recruit to roles of Divisional Director Youth and Children's Commissioning and Divisional Director Sport, Leisure and Culture (see paragraphs 3.2 to 3.5); and
- c) Agree to establish an Appointments Sub Committee to appoint to the post of Divisional Director Adult Social Care following the resignation of the current postholder (see paragraph 3.6).

1. REASONS FOR THE DECISIONS

- 1.1 General Purposes Committee has responsibility for the appointment to Chief/Deputy Chief Officer posts. It is usual practice for the Committee to establish Appointment Sub-Committees to fulfil the recruitment process and to receive regular progress reports.

2. ALTERNATIVE OPTIONS

- 2.1 The organisational structure could be left unchanged but this would not deliver the necessary benefits to deliver the Council's strategic priorities and respond to the findings of the Ofsted inspection of Children's Social Care.

3. DETAILS OF REPORT

- 3.1 The previous report to General Purposes Committee on 25th January 2017 provided an update on the assimilation interview process delegated to the Chief Executive to complete and provided the timetable for recruiting to 2 Corporate Director and 7 Divisional Director roles. The report also confirmed that Graham White was appointed to cover the Monitoring Officer role until the candidate appointed to the Corporate Director Governance is in post.
- 3.2 The progress made on appointing to the vacant positions set out below. The names of appointed candidates will not be publicised until each of their pre-employment checks have been completed and they have resigned from their current employer.

Position	Progress
Corporate Director of Governance	Appointment made 22 March 2017
Corporate Director of Place	Appointment made 29 March 2017
Divisional Director Community Safety	Appointment made 10 April 2017
Divisional Director Sports, Leisure, Culture & Youth	Final Interviews held 13 April 2017 – see paragraphs 3.3 and 3.5 below.
Divisional Director IT	Appointment made 18 April 2017
Divisional Director HR & Transformation	Appointment made 18 April 2017
Divisional Director Legal	Shortlist agreed 19 April 2017. Final interview date to be scheduled mid-May 2017.
Divisional Director Growth & Economic Development	Shortlist agreed 11 April 2017. Final interviews to be held 28 April 2017
Divisional Director Housing & Regeneration	Shortlisting scheduled for 15 May 2017 and Final Interviews 22 May 2017.

- 3.3 The report of Ofsted's inspection of Children's Social Care and LSCB was published on 7 April 2017. In response to findings that there was insufficient senior management capacity at an operational level, the Corporate Director

Children's Services and Chief Executive also reviewed the capacity of the Directorate Management Team. Having reviewed arrangements put in place with the new structure in January 2017, it is considered that the breadth of services now in the Directorate require an additional Divisional Director position. The post is necessary to ensure robust arrangements are in place for managing operational delivery and safeguarding risks whilst continuing to deliver improvements to achieve the Council's strategic objectives that Children's Services contributes to.

- 3.4 In addition, the experience of the process of recruiting to the Divisional Director Sports, Leisure, Culture & Youth found that applicants struggled to demonstrate the required depth of experience across the portfolio. Appointing to the role as it is currently configured would increase the risk of someone failing in the role at a time when the management team will be under increased pressure and scrutiny to deliver sustainable and rapid improvements in Children's Social Care and other services that directly support achievement of good outcomes for young people and their families.
- 3.5 It is therefore proposed by the Corporate Director Children's Services and Chief Executive to delete the Divisional Director Sports, Leisure, Culture & Youth post and create two new roles at this level – a Divisional Director Youth and Children's Commissioning and a Divisional Director Sport, Leisure and Culture. This will allow sufficient senior management capacity and oversight across all areas of the Directorate and enable a refocusing of commissioning activities to align them with Health partners.
- 3.6 Following the recent resignation of the Divisional Director Adults Social Care, recruitment to appoint a new permanent postholder will now need to take place. The Committee are requested to agree to establish an Appointments Sub Committee for this purpose.
- 3.7 It is still intended that the Divisional Director Commissioning and Health in Health, Adults and Community Directorate will be a joint appointment with Health partners. The appointment process for this post is expected to take place in the next 3 to 6 months. Management arrangements are in place to cover the duties of this role pending the outcome of discussions with Health.
- 3.8 The current organisational structure is attached at Appendix A for reference.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 The Chief Finance Officer has been consulted in the preparation of this report. The additional recruitment costs arising from the proposals in this report will be met from the Council's Transformation Reserve.

5. LEGAL COMMENTS

- 5.1 This report asks that the Committee approves the recruitment to the remaining vacant posts in the new corporate management structure.

- 5.2 The Officer Employment Procedure Rules (OEPR) in Part 4.9 of the Constitution specify the Council's rules and procedures applying to both the appointment and dismissal of Chief Officers. The current rules and procedures for appointing to Chief and Deputy Chief Officer posts are set out in sections 5 and 6 of the OEPR.
- 5.3 Any person being considered for a new Chief or Deputy Chief Officer role will be subject to an interview process to determine their suitability for the role as required by the appointment process in the OEPR. Further, the recruitment process will support both the Council's obligation to appoint on merit in section 7 of the Local Government and Housing Act 1989 and the Council's obligations under the Equality Act 2010 not to discriminate and to promote equality of opportunity.
- 5.4 When carrying out the reorganisation, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who do not (the public sector equality duty). It must take care not to discriminate or otherwise act unlawfully within the meaning of the Equality Act. A proportionate level of equality analysis is required in order to discharge the Council's duties.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 The organisational design principles set out in this report will support the One Tower Hamlets objectives.

7. BEST VALUE (BV) IMPLICATIONS

- 7.1 The proposals will add value to the efficiency and effectiveness of the Council. The future staffing organisation will contribute to each of the Best Value Action Plan areas.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 8.1 There are no direct SAGE implications arising from this report.

9. RISK MANAGEMENT IMPLICATIONS

- 9.1 The proposals to be brought forward on staffing will provide a secure foundation for the delivery of the Council's main plans and strategies therefore reducing risk of not realising our planned resident outcomes.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 10.1 There are no direct Crime and Disorder implications arising from this report.

Linked Reports, Appendices and Background Documents

Linked Report

- Ofsted Single Inspection of Children's Services and Review of the LSCB

https://reports.ofsted.gov.uk/sites/default/files/documents/local_authority_reports/tower_hamlets/051_Single%20inspection%20of%20LA%20children%27s%20services%20and%20review%20of%20the%20LSCB%20as%20pdf.pdf

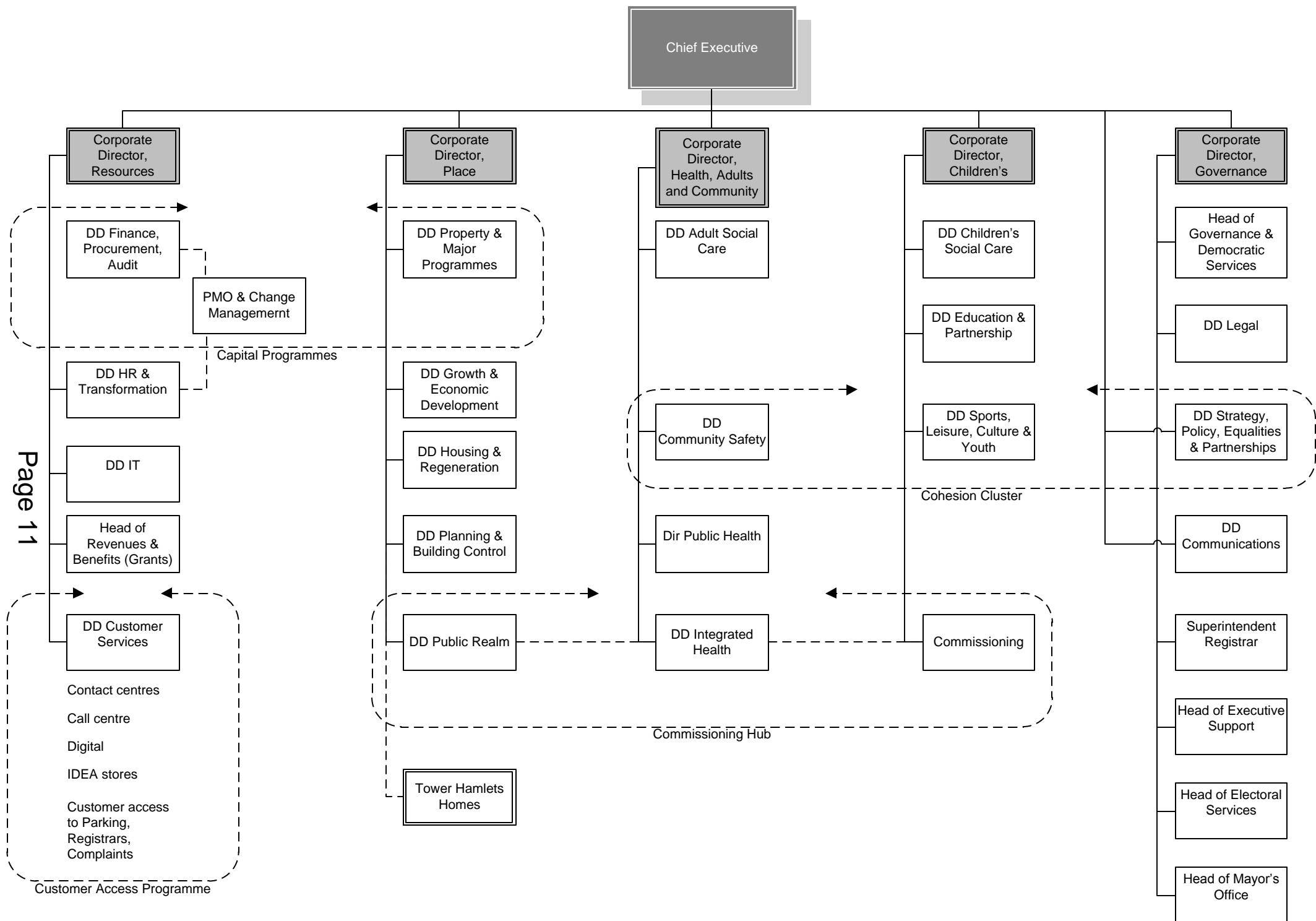
Appendices

- Appendix A - Organisational chart


Officer contact details for documents:

- N/A

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<p>Non-Executive Report of the:</p> <p>General Purposes Committee</p> <p>2nd May 2017</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Graham White – Acting Corporate Director, Governance and Interim Monitoring Officer</p>	<p>Classification: [Unrestricted]</p>
<p>Constitution Update</p>	

Originating Officer(s)	Paul Greeno
Wards affected	All

Summary

As the Council is operating Executive arrangements then it must have a Constitution and also ensure that this Constitution is kept up-to-date. Pursuant to Part 2, Article 15.01(a) of the Constitution, it is a Monitoring Officer role to review the Constitution and make recommendations to ensure that the aims and principles of the Constitution are given full effect. In that regard, a key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council and to make recommendations for ways in which it could be amended in order better to achieve the purposes of the Constitution.

Recommendations:

The General Purposes Committee is recommended to:

1. Note the spreadsheet in Appendix 1 setting out the revisions and the reasons;
2. Agree the revised Part 4.2 of the Constitution (Access to Information Procedure Rules) in Appendix 2 with the revisions shown as tracked changes;
3. Agree the revised Part 4.3 of the Constitution (Budget and Policy Framework Procedure) in Appendix 3 with the revisions shown as tracked changes;
4. Agree the revised Part 4.5 of the Constitution (Overview and Scrutiny Procedure Rules) in Appendix 4 with the revisions shown as tracked changes;
5. Agree the revised Part 4.6 of the Constitution (Financial Regulations and Procedure Rules) in Appendix 5 with the revisions shown as tracked changes;
6. Agree the revised Part 4.7 of the Constitution (Financial Regulations and Procedure Rules) in Appendix 6 with the revisions shown as tracked changes;
7. Agree the revised Part 4.8 of the Constitution (Contracts and Procurement Procedure Rules) in Appendix 7 with the revisions shown as tracked changes;
8. Agree the new Part 4.10 of the Constitution (Recording of Officer Decision Procedure Rules) in Appendix 8; and
9. Recommend these revisions to the Constitution to Council for approval.

1. REASONS FOR THE DECISIONS

- 1.1 Pursuant to the Local Government Act 2000 ('the 2000 Act') as the Council is operating Executive arrangements then it must have a Constitution and also ensure that this Constitution is kept up-to-date. Pursuant to Part 2, Article 15 of the Constitution it is a Monitoring Officer role to review the Constitution.
- 1.2 The purpose of the Constitution is to set out how the council operates; how decisions are made; and the procedures which are followed to ensure that decision making is efficient, transparent and accountable to local people. It is therefore important that the Constitution is kept up-to-date so that it can continue to achieve that purpose.
- 1.3 The Constitution has not had a thorough review for some time and therefore a full review of the Constitution is being undertaken to incorporate these changes but also for the purposes of assessing the Constitution's strengths and weaknesses and to consider appropriate amendments having particular regard to efficiency, transparency and accountability.
- 1.4 Although the vast majority of changes could be made by the Monitoring Officer using delegated powers, it has been decided that as this is a complete review to report the changes through a Member Constitutional Working Party, General Purposes Committee and then to Council to approve all changes.

2. ALTERNATIVE OPTIONS

- 2.1 General Purposes could decide not to agree the proposed revisions.

3. DETAILS OF REPORT

The Purpose of the Review

- 3.1 As the Council is operating Executive arrangements then it must have a Constitution and also ensure that this Constitution is kept up-to-date. Pursuant to the Constitution, it is a Monitoring Officer role to review the Constitution and make recommendations to ensure that the aims and principles of the Constitution are given full effect. In that regard, a key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council and to make recommendations for ways in which it could be amended in order better to achieve the purposes the Constitution.
- 3.2 The purpose of the Constitution is to set out how the Council operates; how decisions are made; and the procedures which are followed to ensure that decision making is efficient, transparent and accountable to local people. It is therefore important that the Constitution is kept up-to-date so that it can continue to achieve that purpose.

- 3.3 The Constitution has not had a thorough review for some time and therefore a full review of the Constitution is being undertaken to incorporate these changes but also for the purposes of assessing the Constitution's strengths and weaknesses and to consider appropriate amendments having particular regard to efficiency, transparency and accountability.
- 3.4 The review is ongoing but has been completed in respect of Parts 1 to 3, 4.4, 4.9, 5.1, 5.3, 6 and 7 and which all been approved by Council. These revisions were published on 7th April 2017.

Monitoring Officer Review

- 3.5 This report is in respect of the review of Parts 4.2, 4.3, 4.5, 4.6, 4.7 and 4.10. A number of revisions have been identified and a spreadsheet has been prepared (see Appendix 1) that sets out the various revisions and the reason for them.
- 3.6 There are a number of changes (referred to in entry number 1) that have been made and the purpose of which is to correct grammar (e.g. the addition of the definite article), numbering corrections, or typographical errors and due to the nature of the changes that have been made, these have not specifically recorded in the spreadsheet at Appendix 1. Further all the changes reflecting the Council's recent structural change (see entry number 2) have not been individually recorded.
- 3.7 Looking at each Part in turn, the Council has statutory responsibilities regarding access to reports and agendas, attendance at meetings; publications of decisions etc. and the changes to the Access to Information Procedure Rules at Part 4.2 are for the purposes of updating legislation and for consistency/ clarification.
- 3.8 Part 4.3 sets out the Budget and Policy Framework Procedure and the changes made are for consistency and clarification.
- 3.9 Part 4.5 sets out the Overview and Scrutiny Procedure Rules. The changes are predominantly for the purposes of updating legislation and for consistency/ clarification. There is also a proposed new Rule 14 and which is a factual change to reinforce that there are sanctions if the Mayor, Member or Officer does not attend in response to a request to attend an Overview and Scrutiny Committee or Sub-Committee/ Panel.
- 3.10 Part 4.6 set of the Financial Regulations and Procedure Rules. The main change here is that the Financial Regulations/ Procedures that are prepared by the Corporate Director, Resources on a yearly basis will be an Appendix to these Rules so that these are also forward facing for reasons of transparency and ease of reference. There is also a change to emphasise that a breach of these Rules by officers does have consequences.
- 3.11 Part 4.7 sets out the Contracts and Procurement Procedure Rules. The main change here is that the Procurement Procedures that are prepared by the Corporate Director, Resources will be an Appendix to these Rules so that

these are also forward facing for reasons of transparency and ease of reference. There is also a change to emphasise that a breach of these Rules by officers does have consequences.

3.12 The Access to Information Procedure Rules at 4.2 has a Rule relating to Recording of Officer Decisions. The Council has a statutory responsibility to produce a written record:

- (a) executive decisions (key or otherwise) made by individual officers or members must be recorded in a written; and
- (b) non-executive decisions which would have been taken by the relevant local government body, or a committee, sub-committee of that body or a joint committee in which that body participates, but has been delegated to an officer of that body either under a specific express authorisation; or under a general authorisation to officers to take such decisions and, the effect of the decision is to either grant a permission or licence; or affect the rights of an individual; or award a contract or incur expenditure which, in either case, materially affects that relevant local government body's financial position.

3.13 This is not being consistently done at the moment and therefore the Council is failing in its statutory duty. The way forward is therefore to make officers aware of what decisions require both a written record and to be published and officers also need to be aware of the difference between executive and non-executive decisions. Officers need to be aware that they are accountable for actions taken in accordance with delegations and that the Council needs to ensure transparency of decision making. To do this, a Procedure needs to be put in place to ensure that relevant decisions are recorded correctly; made available for inspection; and published on the Council's website. As to publication, these can be published through the modern.gov system. In that regard, a Recording of Officer Decisions Procedure Rule is proposed and which will be 4.10.

What is next

3.14 It will be noted in respect of Part 4 that 4.1 and 4.8 are not covered by this report. As to 4.1, this is the Council Procedure Rules and has previously been to the Constitutional Working Party when a steer was given by Members regarding revisions and a revised draft will be presented to the next Constitutional Working.

3.15 As to 4.8, these are the Development Procedure Rules and are being considered alongside the review of the Planning Code of Conduct at Part 5.3.

3.16 Finally, Parts 5.4 (Member/ Officer Relations' Protocol) and Part 5.5 (Employees' Code of Conduct) have both been revised and will be discussed at the next Constitutional Working Party prior to being presented to the General Purposes Committee.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 The Chief Finance Officer has been consulted on this report and has no additional comments to make; there are no financial implications as a result of the proposed changes to the Constitution set out in this report.

5. LEGAL COMMENTS

- 5.1 Any legal implications are addressed in the body of the report.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 The proposed revisions to the Constitution are intended to address weaknesses regarding efficiency, transparency and accountability. In making the revisions to increase efficiency, transparency and accountability of decision making this should help to achieve the objectives of equality and personal responsibility inherent in One Tower Hamlets.

7. BEST VALUE (BV) IMPLICATIONS

- 7.1 As a best value authority, the Council has an obligation under section 3 of the Local Government Act 1999 to “make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness” (the best value duty). Whilst the report does not propose any direct expenditure, it is looking to put in place arrangements in the exercise of its functions having regard to efficiency and thereby also economy and effectiveness.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 8.1 It is not considered that there are any environmental implications.

9. RISK MANAGEMENT IMPLICATIONS

- 9.1 This proposed revision of the Constitution is designed to address weaknesses regarding efficiency, transparency and accountability. The overall aim is therefore to reduce risk.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 10.1 There are no crime and disorder reductions implications.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE

Appendices

- Appendix 1 – Spreadsheet of Revisions
- Appendix 2 – Revised Part 4.2
- Appendix 3 – Revised Part 4.3
- Appendix 4 – Revised Part 4.5
- Appendix 5 – Revised Part 4.6
- Appendix 6 – Revised Part 4.7
- Appendix 7 – New Part 4.10

Local Government Act, 1972 Section 100D (As amended)

List of “Background Papers” used in the preparation of this report

List any background documents not already in the public domain including officer contact information.

- NONE

Officer contact details for documents:

- N/A

CONSTITUTION REVISIONS

NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
1				All	Minor changes to correct grammar (e.g. the addition of the definite article), numbering or typographical errors and due to the nature of the change have been made and not specifically recorded in this spreadsheet	Factual change
2				All	Minor changes to correct grammar (e.g. the addition of the definite article), numbering or typographical errors and due to the nature of the change have been made and not specifically recorded in this spreadsheet	Factual change
430				4.2 (Index)	In entry number 18 add the word "Urgency"	Factual change - reflects fact that this rule relates to urgency but needs to be distinguished from special urgency
431				4.2 (Index)	In entry number 19 add the word "Urgency"	Factual change - reflects fact that this rule relates to urgency but needs to be distinguished from the general exception
432				4.2 (Rule 7.1)	Number paragraphs a through to c	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution
433				4.2 (Rule 8.1)	Number paragraphs a through to d	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution
434				4.2 (Rule 9.1)	Number paragraphs a and b	Factual change - for consistency to reflect the numbering of paragraphs elsewhere in these Procedure Rules
435				4.2 (Rule 9.1)	Addition of words "adviser or" between the words "political" and "assistant"	Legislative change - reflects the wording in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012
436				4.2 (Rule 11.1)	Addition of the words "or those part or parts of meetings" between the words "meetings" and "whenever"	Factual change - reflects the fact that it may only be a part or parts of meetings as opposed to the entire meeting when the public are excluded

CONSTITUTION REVISIONS

NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
437				4.2 (Rule 11.1)	Addition of the words "(as defined in Rule 11.4 below)" between the words "information" and "would"	Factual change - link to the definition
438				4.2 (Rule 11.1)	At the end of the paragraph addition of the words "in breach of the obligation of confidence"	Legislative change - reflects the wording in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012
439				4.2 (Rule 11.2)	Addition of the words "or those part or parts of meetings" between the words "meetings" and "whenever"	Factual change - reflects the fact that it may only be a part or parts of meetings as opposed to the entire meeting when the public are excluded
440				4.2 (Rule 11.2)	Addition of the words "(as defined in Rule 11.5 below)" between the words "information" and "would"	Factual change - link to the definition
441				4.2 (Rule 11.4)	Deletion of the words "which cannot be publicly disclosed by Court Order" and replace with the words "the disclosure of which to the public is prohibited by or under any enactment or by the order of a court"	Legislative change - reflects the wording in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012
442				4.2 (Rule 11.5)	Replace the words "means information falling within the following categories" and replace with the words "is those for the time being specified in Part I of Schedule 12A to the Local Government Act 1972, namely"	Factual change - reference to Schedule 12A of the Local Government Act 1972 which specifies the categories
443				4.2 (Rule 11.6)	The addition of the word "above" between the words "Rule 11.5" and "are"	Factual change - tidying up change
444				4.2 (Rule 12.1)	Addition of the words "or those part or parts of the meeting" between the words "the meeting" and "is likely"	Factual change - reflects the fact that it may only be a part or parts of meetings as opposed to the entire meeting when the public are excluded
445				4.2 (Rule 12.1)	At the end of the paragraph addition of the words "(see Rule 11.5 above for the categories)"	Factual change - link to the definition

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NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
446				4.2 (Rule 13.1)	Add the word "urgency" before the words "general exception" and "special urgency"	Factual change - reflects fact that both rules relates to urgency but still need to be distinguished from each other
447				4.2 (Rule 13.2)	Add the word "urgency" before the words "general exception" and "special urgency"	Factual change - reflects fact that both rules relates to urgency but still need to be distinguished from each other
448				4.2 (Rule 14.1)	Add the word "urgency" before the words "general exception" and "special urgency"	Factual change - reflects fact that both rules relates to urgency but still need to be distinguished from each other
449				4.2 (Rule 14.1)	Number paragraphs a through to c	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution
450				4.2 (Rule 14.1(a))	Addition of the words "at both the offices of the Council and on the Council's website"	Legislative change - reflects the wording in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012
451				4.2 (Rule 16.1)	Number paragraphs a through to h	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution
452				4.2 (Rule 16.1(a))	Add new paragraph (a): "that a key decision is to be made on behalf of the relevant local authority"	Legislative change - reflects the wording in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012
453				4.2 (Rule 16.1)	Deletion of: 16.1.4 the identity of the principal groups or organisations whom the decision maker proposes to consult before making the decision; 16.1.5 the means by which any such consultation is proposed to be undertaken; 16.1.6 the steps which may be taken by any person who wishes to make representations to the decision maker about the matter in respect of which the decision is to be made and the date by which those steps are to be taken; and	Legislative change - pursuant to the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 this information is not required to be added to key decision notices

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NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
454				4.2 (Rule 16.1(f))	Add new paragraph (f): "that a key decision is to be made on behalf of the relevant local authority"	Legislative change - reflects the wording in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012
455				4.2 (Rule 16.1(g))	Add new paragraph (g): "that other documents relevant to those matters may be submitted to the decision maker; and"	Legislative change - reflects the wording in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012
456				4.2 (Rule 16.1(h))	Add new paragraph (h): "the procedure for requesting details of those documents (if any) as they become available"	Legislative change - reflects the wording in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012
457				4.2 (Rule 16.2)	The deletion of the words "The particulars referred to in paragraph 16.1 above need not contain any advice of a political assistant" and replace with "Where, in relation to any matter- (a) the public may be excluded under Rule 21.2 below from the meeting at which the matter is to be discussed; or (b) documents relating to the decision need not, because of Rule 17, be disclosed to the public, then the document referred to in 16.1 must contain particulars of the matter but may not contain any confidential, exempt information or particulars of the advice of a political adviser or assistant.	Legislative change - more accurately reflects the wording in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

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NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
458				4.2 (Rule 17.1)	The deletion of the words "Exempt information need not be included in any notice of a Key Decision and confidential information cannot be included" and replace with "Nothing in these Rules (or the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 ("the 2012 Regulations")) is to be taken to authorise or require the disclosure of confidential information in breach of the obligation of confidence"	Legislative change - more accurately reflects the wording in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012
459				4.2 (Rule 17.2)	Addition of new Rule 17.2: "Nothing in these Rules or the 2012 Regulations- (a) authorises or requires the Council to disclose to the public or make available for public inspection any document or part of document if, in the opinion of the Monitoring Officer, that document or part of a document contains or may contain confidential information; or (b) requires the Council to disclose to the public or make available for public inspection any document or part of document if, in the opinion of the proper officer, that document or part of a document contains or is likely to contain exempt information or the advice of a political adviser or assistant."	Legislative change - more accurately reflects the wording in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012
460				4.2 (Rule 18)	Change heading from "General Exception" to "Urgency - General Exception"	Factual change - reflects fact that this is technically a rule relating to urgency but needs to be distinguished from special urgency
461				4.2 (Rule 18.1)	Add the word "urgency" before the words "special urgency"	Factual change - reflects fact that both rules relates to urgency but still need to be distinguished from each other

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NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
462				4.2 (Rule 18.1)	Number paragraphs a through to d	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution
463				4.2 (Rule 19.1)	Change heading from "Special Urgency" to "Urgency - Special Urgency"	Factual change - reflects fact that this is a rule relating to urgency but needs to be distinguished from general exception which is also about urgency
464				4.2 (Rule 19.1)	Add the word "urgency" before the words "general exception"	Factual change - reflects fact that both rules relates to urgency but still need to be distinguished from each other
465				4.2 (Rule 19.1)	Number paragraphs a through to c	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution
466				4.2 (Rule 19.2)	Delete the words "a quarterly" and replace with the words "an annual" and delete the words "three months and replace with the word "year"	Factual change - reflects that the Urgency - Special Urgency rule is used infrequently and therefore reporting every three (3) months will frequently result in a nil report
467				4.2 (Rule 20.1)	Number paragraphs a through to e	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution
468				4.2 (Rule 20.1(b))	Add the word "urgency" before the words "general exception"	Factual change - reflects fact that both rules relates to urgency but still need to be distinguished from each other
469				4.2 (Rule 20.1(b))	Addition of the words "(see Rule 18)" between the words "procedure" and "or"	Factual change - link to appropriate rule
470				4.2 (Rule 20.2)	Number paragraphs a and b	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution
471				4.2 (Rule 21.10)	Addition of the word "meeting" between the words "private" and "of"	Factual change - addition of missing word
472				4.2 (Rule 22.1)	Number paragraphs a through to e	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution

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NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
473				4.2 (Rule 22.1(a))	Addition of the words "including the date it was made"	Legislative change - reflects the wording in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012
474				4.2 (Rule 22.1(c))	Delete the words "when it made the decision" and replace with the words "at which the decision was made"	Legislative change - reflects the wording in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012
475				4.2 (Rule 22.1(d))	Addition of the words "relating to the matter which is" between the words "interest" and "declared"	Legislative change - reflects the wording in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012
476				4.2 (Rule 22.1(e))	Delete the words "a note of any relevant dispensation granted in relation to participation in the decision by a Member with a Disclosable Pecuniary Interest" and replace with the words "in respect of any declared conflict of interest, a note of dispensation granted by the Head of Paid Service"	Legislative change - reflects the wording in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012
477				4.2 (Rule 22.6)	(Formerly 22.2.4) - Reword so that it reads "Individual decisions by Members of the Executive can only be taken in the presence of an officer"	Factual change - reflects the fact that, in practice, decisions are not taken before the listed officers
478				4.2 (Rule 22.8)	Number paragraphs a through to e	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution
479				4.2 (Rule 22.8(a))	Addition of the words "including the date it was made"	Legislative change - reflects the wording in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012
480				4.2 (Rule 22.8(c))	Delete the words "s/he made" and replace with the words "making"	Legislative change - reflects the wording in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

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NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
481				4.2 (Rule 22.8(d))	Delete the words "in relation" and replace with the words "which relates"	Legislative change - reflects the wording in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012
482				4.2 (Rule 22.8(e))	Delete the words "a note of any relevant dispensation granted in relation to participation in the decision by a Member with a Disclosable Pecuniary Interest" and replace with the words "in respect of any declared conflict of interest, a note of dispensation granted by the Head of Paid Service"	Legislative change - reflects the wording in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012
483				4.2 (Rule 22.10)	Addition of the words "or the advice of a political adviser or assistant"	Legislative change - reflects the wording in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012
484				4.2 (Rule 23.5)	Number paragraphs a through to e	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution
485				4.2 (Rule 23.5(a))	Addition of the words "including the date it was made"	Legislative change - reflects the wording in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012
486				4.2 (Rule 23.5(c))	Delete the words "s/he made" and replace with the words "making"	Legislative change - reflects the wording in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012
487				4.2 (Rule 23.5(d))	Delete the words "in relation" and replace with the words "which relates"	Legislative change - reflects the wording in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

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NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
488				4.2 (Rule 23.5(e))	Delete the words "a note of any relevant dispensation granted in relation to participation in the decision by a Member with a Disclosable Pecuniary Interest" and replace with the words "in respect of any declared conflict of interest, a note of dispensation granted by the Head of Paid Service"	Legislative change - reflects the wording in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012
489				4.2 (Rule 23.6)	Delete the words "decisions of the Executive and" and replace with the word "executive"	Factual change - reflects the fact that this Rule is in relation to officer decisions only
490				4.2 (Rule 23.7)	Addition of the words "or the advice of a political adviser or assistant"	Legislative change - reflects the wording in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012
491				4.2 (Rule 23.8)	New Rule 23.8: "Rule 23 must be read in conjunction with the Recording of Officers' Decisions Procedure Rules at Part 4.10 of this Constitution"	Factual change - reflects the fact that there will be separate procedure rules for Recording of Officers' Decisions
492				4.2 (Rule 24.1)	Number paragraphs a through to c	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution
493				4.2 (Rule 24.2)	Number paragraphs a through to c	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution
494				4.2 (Rule 25.1)	Number paragraph a	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution
495				4.2 (Rule 25.2)	Number paragraphs a and b	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution
496				4.3 (Rule 2.1)	Number paragraphs a through to r	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution

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NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
497				4.3 (Rule 2.1(g))	Insert the words "if the Mayor accepts the proposed change then it can be agreed at the relevant Council meeting otherwise Council" between the words "strategy and "must"	Factual change - reflects the fact that the Mayor can agree the proposed change
498				4.3 (Rule 2.1(g))	Delete the words "give to her/him instructions requiring" and replace with the word "require"	Factual change - less adversarial
499				4.3 (Rule 2.1(h))	Delete the words "gives instructions" and replace with "requires reconsideration"	Factual change - less adversarial
500				4.3 (Rule 2.1(h))	Delete the words "Mayor receives the instructions on behalf of the Executive" and replace with "requirement is made"	Factual change - less adversarial
501				4.3 (Rule 2.1(m))	Insert the words "if the Mayor accepts the proposed change then it can be agreed at the relevant Council meeting otherwise Council" between the words "amounts and" and "must"	Factual change - reflects the fact that the Mayor can agree the proposed change
502				4.3 (Rule 2.1(m))	Delete the words "give her/him instructions requiring" and insert the word "require"	Factual change - less adversarial
503				4.3 (Rule 2.1(n))	Delete the words "gives instructions" and replace with "requires reconsideration"	Factual change - less adversarial
504				4.3 (Rule 2.1(n))	Delete the words "Mayor receives the instructions on behalf of the Executive within which" and replace with the words "requirement is received,"	Factual change - less adversarial
505				4.3 (Rule 4.1)	Number paragraphs a through to c	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution
506				4.3 (Rule 4.4)	Number paragraphs a through to c	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution
507				4.3 (Rule 6.1)	Number paragraphs a through to d	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution
508				4.3 (Rule 7.4)	Number paragraphs a through to c	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution

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509	Council	05/12/2016		4.4	Updated Executive Procedure Rules agreed by the Mayor and submitted to the Monitoring Officer. Changes reported to Council	Substantive change - change was to note the creation of a new Executive Committee, namely the Grants Scrutiny Sub-Committee
510				4.5 (Rule 1.1)	Addition of the word "and/" between the words "Sub-Committees" and "or"	Factual change - reflects that it is not a choice between Sub-Committees or Scrutiny Panels as both can be set up
511				4.5 (Rule 1.2)	Addition of the word "Sub-Committees/" between the words "Scrutiny" and "Panels"	Factual change - reflects the fact that Scrutiny Sub-Committees as well as Scrutiny Panels can be set up
512				4.5 (Rule 1.3)	Add the words "per political group" and delete the words "for each Councillor"	Factual change - most Committees require specific training for that Committee to permit a Member to participate and limiting the number of substitutes allows for Democratic Services to ensure that the substitutes are informed as to any mandatory training
513				4.5 (Rule 1.3)	Addition of the words at the end of the paragraph "set out in detail in Part 2, Article 6 of the Constitution but they include"	Factual change - reflects the fact that the exact Terms of Reference for the Committee are set out in Part 2, Article 6 of the Constitution
514				4.5 (Rule 1.3(b))	Addition of the word "Sub-Committees/" between the words "Scrutiny" and "Panels" where they appear	Factual change - reflects the fact that Scrutiny Sub-Committees as well as Scrutiny Panels can be set up
515				4.5 (Rule 1.3(c))	Addition of the word "Sub-Committees/" between the words "Scrutiny" and "Panels" where they appear	Factual change - reflects the fact that Scrutiny Sub-Committees as well as Scrutiny Panels can be set up
516				4.5 (Rule 1.3(i))	Delete existing sub-paragraph (i)	Legislative change - section 21(8) of the Local Government Act 2000 has been repealed
517				4.5 (Rule 1.5(a))	Number paragraphs i through to v	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution
518				4.5 (Rule 2.1)	Addition of the word "Sub-Committees/" between the words "Scrutiny" and "Panels"	Factual change - reflects the fact that Scrutiny Sub-Committees as well as Scrutiny Panels can be set up
519				4.5 (Rule 2.2)	Delete the word "six" and delete the words "service areas" and replace with the word "portfolios"	Factual change - reflect the fact that there is no need to specify the number and that the term portfolios is used instead of service areas

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520				4.5 (Rule 2.3)	Replace the words "Adults, Health and Wellbeing" with the words "Health, Adults and Community"	Factual change - reflects the new name of that portfolio
521				4.5 (Rule 2.3)	Replace the word "Panel" with "Sub-Committee"	Factual change - reflects the correct name is the Health Scrutiny Sub-Committee
522				4.5 (Rule 3.1)	Addition of the word "Sub-Committees/" between the words "Scrutiny" and "Panels"	Factual change - reflects the fact that Scrutiny Sub-Committees as well as Scrutiny Panels can be set up
523				4.5 (Rule 4.1)	Number paragraphs a through to c	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution
524				4.5 (Rule 7.1)	Addition of the word "Sub-Committees/" between the words "Scrutiny" and "Panels"	Factual change - reflects the fact that Scrutiny Sub-Committees as well as Scrutiny Panels can be set up
525				4.5 (Rule 9.1)	Addition of the word "Sub-Committee/" between the words "Scrutiny" and "Panel"	Factual change - reflects the fact that Scrutiny Sub-Committees as well as Scrutiny Panels can be set up
526				4.5 (Rule 10.1)	Addition of the words at the end of the Rule "(see Part 4.3 of the Constitution)"	Factual change - reflects the fact that the Budget and Policy Framework Procedure Rules are set out in Part 4.3 of the Constitution
527				4.5 (Rule 10.03)	Addition of the word "Sub-Committee/" between the words "Scrutiny" and "Panel"	Factual change - reflects the fact that Scrutiny Sub-Committees as well as Scrutiny Panels can be set up
528				4.5 (Rule 11.1)	Addition of the word "Sub-Committees/" between the words "Scrutiny" and "Panels"	Factual change - reflects the fact that Scrutiny Sub-Committees as well as Scrutiny Panels can be set up
529				4.5 (Rule 12.3)	Delete the words "Part 4.3 –" and replace with "Rule 2 of the Budget and Policy Framework Procedure Rules" and delete the words "– Rule 2 –" and replace with "(see Part 4.3 of the Constitution)"	Factual change - for consistency reflects how such links to other parts of the Constitution are referred to elsewhere in the Constitution
530				4.5 (Rule 12.5(d))	Insert the words "then it is" between the words "Procedure Rules" and "to provide"	Factual change - reads better

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531				4.5 (Rule 13.1)	Addition of the word "Sub-Committees/" between the words "Scrutiny" and "Panels"	Factual change - reflects the fact that Scrutiny Sub-Committees as well as Scrutiny Panels can be set up
532				4.5 (Rule 14.1)	Number paragraphs a through to d	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution
533				4.5 (Rule 14.2)	Addition of the words "the Mayor" after the word "Where" and before the words "any Member"	Factual change - the requirement to attend Overview and Scrutiny includes the Mayor
534				4.5 (Rule 14.2)	Addition of the word "Sub-Committee/"before the word "Panel"	Factual change - reflects the fact that Scrutiny Sub-Committees as well as Scrutiny Panels can be set up
535				4.5 (Rule 14.2)	Addition of the word "Mayor" before the word "Member"	Factual change - the requirement to attend Overview and Scrutiny includes the Mayor
536				4.5 (Rule 14.3)	Addition of the word "Mayor" before the word "Member"	Factual change - the requirement to attend Overview and Scrutiny includes the Mayor
537				4.5 (Rule 14.3)	Addition of the word "Sub-Committee/"before the word "Panel"	Factual change - reflects the fact that Scrutiny Sub-Committees as well as Scrutiny Panels can be set up
538				4.5 (Rule 14.4)	New Rule 14.4 "Except in exceptional circumstances, any failure by the Mayor or Member to attend the Committee or Sub-Committee/ Panel will be considered a breach of the Code of Conduct for Members and investigated accordingly. Any failure by an Officer to attend will be dealt with under the appropriate disciplinary procedure"	Factual change - to reinforce that there are sanctions if the Mayor, Member or Officer does not attend in response to a request
539				4.5 (Rule 15.1)	Addition of the word "Sub-Committee/"before the word "Panel"	Factual change - reflects the fact that Scrutiny Sub-Committees as well as Scrutiny Panels can be set up
540				4.5 (Rule 16.3)	Number paragraphs a through to c	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution

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541				4.5 (Rule 16.4)	Number paragraphs a through to e	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution
542				4.5 (Rule 18.1)	Addition of the word "Sub-Committees/"before the word "Panels"	Factual change - reflects the fact that Scrutiny Sub-Committees as well as Scrutiny Panels can be set up
543				4.5 (Rule 18.1)	Addition of the words "and should not be used" at the end of the paragraph	Factual change - not only is it inappropriate but it should state that the part whip should not be used in these circumstances
544				4.5 (Rule 19.1)	Number paragraphs a through to e	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution
545				4.5 (Rule 19.2)	Number paragraphs a through to c	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution
546				4.5 (Rule 19.3)	Addition of the word "Sub-Committee/"before the word "Panel"	Factual change - reflects the fact that Scrutiny Sub-Committees as well as Scrutiny Panels can be set up
547				4.6 (Heading)	Change Heading to "Financial Regulations and Procedure Rules"	Factual change - to reflect that these Rules pertain as much to Regulations and they do to Procedures
548				4.6 (Index)	In entry number 2 change to "Financial Regulations/ Procedures"	Factual change - to reflect that these Rules pertain as much to Regulations and they do to Procedures
549				4.6 (Index)	Add new entry "Appendix A" "Financial Regulations/ Procedures 2017/18"	Factual change - the actual Financial Regulations/ Procedures should also be forward facing for reasons of transparency and also ease of reference
550				4.6 (Rule 1.1)	Number paragraphs a through to d	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution
551				4.6 (Rule 1.1(c))	Delete the word "Investment"	Factual change - superfluous word

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552				Part 4.6 (Rule 1.3)	Delete the words "section 4.3 of Part 4 to" and replace with the words "the Budget and Policy Framework Procedure Rules at Part 4.3 of"	Factual change - for consistency reflects how such links to other parts of the Constitution are referred to elsewhere in the Constitution
553				Part 4.6 (Rule 2.1)	Add word "/Procedures" after the word "Regulations"	Factual change - to reflect that these Rules pertain as much to Regulations as they do to Procedures
554				Part 4.6 (Rule 2.1)	Add the words "These Regulations/ Procedures and any updated or amended versions will then be placed in Appendix A of these Rules" at the end of the paragraph	Factual change - the actual Financial Procedures/ Regulations should also be forward facing for reasons of transparency and also ease of reference
555				Part 4.6 (Rule 2.2)	Add word "/Procedures" after the word "Regulations"	Factual change - to reflect that these Rules pertain as much to Regulations and they do to Procedures
556				Part 4.6 (Rule 2.2)	Replace the word "may" with "is likely to"	Factual change - greater emphasis that a breach has potential consequences
557				Part 4.6 (Rule 2.2)	Addition of the words "and be investigated under the appropriate disciplinary procedure" at the end of the paragraph	Factual change - greater emphasis that a breach has potential consequences
558				Part 4.6 (Rule 3.1)	Addition of the words "For more details on Virements please see FM2, FM5 and FA10 of Appendix A to these Rules" at the end of the paragraph	Factual change - for transparency cross-reference to the Financial Procedures/ Regulations
559				4.6 (Rule 3.3)	Number paragraphs a through to d	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution
560				4.6 (Rule 3.4)	In the heading replace Departments with Directorates	Factual change - reference should be to Directorates
561				4.6 (Rule 3.4)	Replace the words "department" and replace with the word "Directorate"	Factual change - reference should be to Directorates
562				4.7 (Heading)	Change heading to "Contracts and Procurement Procedure Rules"	Factual change - to reflect that these Rules pertain as much to Procurement as they do to Contracts
563				4.7 (Index)	Contents Index Added	Factual change - for consistency reflects that there is a Contents Index for all other Procedure Rules within the Constitution

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NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
564				4.7 (Rule 1.4)	Add the words "(otherwise known as the Council's Best Value Duty)"	Factual change - to reflect the fact that this is the name of the duty
565				4.7 (Rule 1.5)	Add the words "Any failure by an offices to comply with the Procurement Procedures is likely to constitute a disciplinary offence and be investigated under the appropriate disciplinary procedure" at the end of the paragraph	Factual change - to emphasise that a breach has potential consequences
566				4.7 (Rule 1.6)	Add the words "If however the decision is a 'key' decision that has not been delegated then a report must be submitted to Cabinet for determination having proper regard to the Access to Information Rules at Part 4.2 of the Constitution" at the end of the paragraph	Factual change - to emphasise that some decisions in relation to procurement activity may be 'key' decisions that have not been delegated
567				4.7 (Rule 1.7)	Add the words "If however the decision is a 'key' decision that has not been delegated then a report must be submitted to Cabinet for determination having proper regard to the Access to Information Rules at Part 4.2 of the Constitution" at the end of the paragraph	Factual change - to emphasise that some decisions in relation to procurement activity may be 'key' decisions that have not been delegated
568				Rule 4.10	New Rule	Factual change - to ensure that relevant officer decisions are recorded correctly; made available for inspection; and published on the Council's website

4.2 Access to Information Procedure Rules

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Rule	Subject
1	Scope
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3	Rights to Attend Meetings
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7	Supply of Copies
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23	Executive Decisions made by Officers
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1. SCOPE

- 1.1** These rules apply to all meetings of ~~the~~ Council, Overview and Scrutiny Committee, Scrutiny Panels, the Standards Advisory Committee, regulatory and other Committees, Sub-Committees and public meetings of the Executive (together called “meetings”).

2. ADDITIONAL RIGHTS TO INFORMATION

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

3. RIGHTS TO ATTEND MEETINGS

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

4. NOTICE OF MEETING

- 4.1** The Council will give at least five (5) clear working days’ notice not including the day that notice is given or the day of the meeting, of any meeting by posting details of the meeting at Tower Hamlets Town Hall, Mulberry Place, 5 Clove Crescent, London E14 2BG (the designated office).

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

- 5.1** The Council will make copies of the agenda and reports open to the public available for inspection at the designated office at least five (5) clear working days before the meeting except;
- 5.2** Where the meeting is convened at shorter notice, copies of the agenda and report shall be open to inspection from the time the meeting is convened, and

- 5.3 ~~where~~ Where an item is added to an agenda copies of which are open to inspection by the public, copies of the item (and of the revised agenda) and copies of any report for the meeting relating to that item, shall be open to inspection from the time the item is added to the agenda.

6. ITEMS OF BUSINESS

- 6.1 An item of business may not be considered at a meeting unless either:

(a) a copy of the agenda including the item (or a copy of the item) is open to inspection by a member of the public for at least five (5) clear working days before the meeting or, where the meeting is convened at shorter notice, from the time the meeting is convened; or

(b) by reason of special circumstances, which shall be specified in the minutes, the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

- 6.2 “Five (5) clear working days” excludes the day of the meeting, the day on which the meeting is called, weekends and bank holidays.

- 6.3 “Special circumstances” justifying an item being considered as a matter of urgency will relate to both why the decision could not be made by calling a meeting allowing the proper time for inspection as well as why the item or report could not have been available for inspection for five (5) clear days before the meeting.

- 6.4 Where the item of business relates to a key decision Rules 14-19 also apply.

7. SUPPLY OF COPIES

- 7.1 The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the Corporate Director, ~~of Law, Probity and~~ Governance thinks fit, any other documents supplied to Councillors in connection with an item,

to any person on payment of a charge for postage and any other costs.

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8. ACCESS TO MINUTES ETC. AFTER THE MEETING

8.1 The Council will make available copies of the following for six (6) years after a meeting:

8.1.1(a) the minutes of the meeting or records of decisions taken together with reasons, for all meetings excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;

8.1.2(b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;

8.1.3(c) the agenda for the meeting; and

8.1.4(d) reports relating to items when the meeting was open to the public.

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9. BACKGROUND PAPERS

9.1 **List of Background Papers.** The ~~Corporate Director, of Law, Probity and Governance~~ will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in her/his opinion:

(a) ~~9.1.1~~ disclose any facts or matters on which the report or an important part of the report is based; and

(b) ~~9.1.2~~ 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 11) or in respect of reports to the Executive, the advice of a political adviser or assistant.

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9.2 **Publication and Public Inspection of Background Papers.** The Council will publish background papers on the Council's website and will make available for public inspection for four (4) years after the date of the meeting one copy of each of the documents on the list of background papers.

10. SUMMARY OF PUBLIC'S RIGHTS

- 10.1 A written summary of the public's rights to attend meetings and to inspect and copy documents shall be kept at and available to the public at the designated office.

11. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

- 11.1 **Confidential Information – Requirement to Exclude Public.** The public *must* be excluded from meetings or those part or parts of 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 (as defined in Rule 11.4 below) would be disclosed in breach of the obligation of confidence.

- 11.2 **Exempt Information – Discretion to Exclude Public.** The public *may* be excluded from meetings or those part or parts of 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 (as defined in Rule 11.5 below) would be disclosed and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

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

- 11.4 **Meaning of Confidential Information.** *Confidential information* means information given to the Council by a Government Department on terms which forbid its public disclosure or information which ~~cannot be publicly disclosed by Court Order~~ the disclosure of which to the public is prohibited by or under any enactment or by the order of a court.

- 11.5 **Meaning of Exempt Information.** *Exempt information* is those for the time being specified in Part I of Schedule 12A to the Local Government Act 1972, namely means information falling within the following categories:

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority handling the information) [Information is not exempt under this category if it is required to be registered under the Companies Act 1985, the Friendly Societies Act 1974 and 1992, the Industrial and Provident Societies Acts 1965 to 1978, the Building Societies Act 1986 or the Charities Act 1993.]

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~~Information is not exempt under this category if it is required to be registered under the Companies Act 1985, the Friendly Societies Act 1974 and 1992, the Industrial and Provident Societies Acts 1965 to 1978, the Building Societies Act 1986 or the Charities Act 1993.~~

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4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes:-
 - a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

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- 11.6** Information falling within any of the categories 1-7 of Rule 11.5 above are 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.

12. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

- 12.1** If the Corporate Director, ~~of Law, Probity and~~ Governance thinks fit, the Council may exclude access by the public to reports which in ~~her or his/ her~~ opinion relate to items during which, in accordance with Rule 11, the meeting or those part or parts of 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 (see Rule 11.5 above for the categories).

13. APPLICATION OF RULES TO EXECUTIVE

- 13.1** Rules 14-25 apply to the Executive and its Committees. If the Executive or one of its Committees meets to take a key decision or meets in public then it must also comply with Rules 1-11 unless Rule 18 (urgency - general exception) or Rule 19 (urgency - special urgency) apply. A key decision is defined in Article 13 of this Constitution.

- 13.2 If the Executive or one of its Committees meets to discuss a key decision to be taken collectively, with an officer other than a political assistant present, within twenty-eight (28) days of the date by which it is to be decided, then it must also comply with Rules 1-11 unless Rule 18 (urgency - general exception) or Rule 19 (urgency - special urgency) apply. This requirement does not include meetings whose sole purpose is for officers to brief Members.

14. PROCEDURE BEFORE TAKING KEY DECISIONS

- 14.1 Subject to Rule 18 (urgency - general exception) and Rule 19 (urgency - special urgency), a key decision shall not be taken unless:

- (a) ~~14.1.1~~ a notice has been published in connection with the matter in question at both the offices of the Council and on the Council's website;
- (b) ~~14.1.2~~ at least twenty-eight (28) days have elapsed since the notice has been published; and
- (c) ~~14.1.3~~ where the decision is to be taken at a meeting of the Executive or a committee of the Executive, notice of the meeting has been given in accordance with Rule 4 (notice of meeting).

15. NOTICE OF KEY DECISIONS

- 15.1 A notice shall be published under Rule 14 in respect of any matter which the Mayor has reason to believe will be the subject of a key decision to be taken by the Mayor, the Executive, a Committee of the Executive, an individual member of the Executive, an officer or under joint arrangements in the course of the discharge of an executive function.
- 15.2 In addition, a notice shall be published under Rule 14 in respect of those items of business which the Executive intends to consider and which form part of the policy framework and where the Executive will be making recommendations to Council.

16. CONTENT OF KEY DECISION NOTICES

- 16.1 Each notice published under Rule 14 shall contain in relation to each matter included such of the following particulars as are available when the notice is prepared or which the person preparing it may reasonably be expected to obtain:

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	(a) 16.1.1 that a key decision is to be made on behalf of the relevant local authority;	Formatted: Font: (Default) +Body (Calibri)
	(b) the matter in respect of which the decision is to be made;	Formatted: List Paragraph, Indent: Left: 1.25 cm, Hanging: 0.75 cm, Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm
	16.1.2 (c) where the decision maker is an individual, her/his name and title, if any; and, where the decision maker is a decision making body, its name and a list of its members;	Formatted: Font color: Auto
	16.1.3 (d) the date on which or the period within which the decision is to be made;	Formatted: Font: (Default) +Body (Calibri)
	16.1.4 the identity of the principal groups or organisations whom the decision maker proposes to consult before making the decision;	Formatted: List Paragraph, Indent: Left: 1.25 cm, Hanging: 0.75 cm, Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm
	16.1.5 the means by which any such consultation is proposed to be undertaken;	Formatted
	16.1.6 the steps which may be taken by any person who wishes to make representations to the decision maker about the matter in respect of which the decision is to be made and the date by which those steps are to be taken; and	Formatted
	(e) 16.1.7 a list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the decision is to be made;	Formatted
	(f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;	Formatted
	(g) that other documents relevant to those matters may be submitted to the decision maker; and	Formatted
	(h) the procedure for requesting details of those documents (if any) as they become available;	Formatted
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16.2 The particulars referred to in paragraph 16.1 above need not contain any advice of a political assistantWhere, in relation to any matter-

- (a) the public may be excluded under Rule 21.2 below from the meeting at which the matter is to be discussed; or
- (b) documents relating to the decision need not, because of Rule 17, be disclosed to the public;

then the document referred to in 16.1 must contain particulars of the matter but may not contain any confidential, exempt information or particulars of the advice of a political adviser or assistant.

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17. KEY DECISION NOTICES – EXEMPT AND CONFIDENTIAL INFORMATION

17.1 Nothing in these Rules (or the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (“the 2012 Regulations”)) is to be taken to authorise or require the disclosure of confidential information in breach of the obligation of confidence. Exempt information need not be included in any notice of a Key Decision and confidential information cannot be included

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17.2 Nothing in these Rules or the 2012 Regulations-

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(a) authorises or requires the Council to disclose to the public or make available for public inspection any document or part of document if, in the opinion of the Monitoring Officer, that document or part of a document contains or may contain confidential information; or

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(b) requires the Council to disclose to the public or make available for public inspection any document or part of document if, in the opinion of the proper officer, that document or part of a document contains or is likely to contain exempt information or the advice of a political adviser or assistant.

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18. URGENCY - GENERAL EXCEPTION

18.1 If a matter which is likely to be a key decision is to be considered and the matter has not been published in advance in accordance with Rule 14 then, subject to Rule 19 (urgency - special urgency), the decision may still be taken if:

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(a) ~~18.1.1~~ the decision must be taken by such a date that it is impracticable to defer the decision until public notice of at least twenty-eight (28) days has been given;

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(b) ~~18.1.2~~ the Corporate Director, of Law, Probity and Governance has informed the Chair of the Overview and Scrutiny Committee, or if there is no such person, each member of the Overview and Scrutiny Committee by notice in writing of the matter about which the decision is to be made;

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(c) ~~18.1.3~~ the Corporate Director, of Law, Probity and Governance has made copies of that notice available to the public at the offices of the local authority for inspection; and

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(d) ~~18.1.4~~ at least five (5) clear days have elapsed following the day on which the Corporate Director of Law, Probity and Governance complied with 18.1.2(b) and 18.1.3(c).

Where such a decision is taken collectively, it must be taken in public unless it involves consideration of confidential or exempt information.

19. URGENCY - SPECIAL URGENCY

19.1 If by virtue of the date on which a decision must be taken Rule 18 (urgency - general exception) cannot be followed, then a decision can only be taken if the decision taker (or the Chair of the body making the decision) has obtained from:

- (a) the Chair of the Overview and Scrutiny Committee ; or
- (b) if there is no such person, or if the Chair is unable to act, the Speaker of the Council; or
- (c) where there is no Chair of the Overview and Scrutiny Committee or Speaker of the Council, the Deputy Speaker of the Council;

agreement that the taking of the decision cannot reasonably be deferred.

19.2 The Mayor will submit ~~a quarterly~~ an annual report to ~~the~~ Council on the executive decisions taken under this Rule in the preceding ~~three months~~ year. The report will include the number of decisions so taken and a summary of the matters in respect of which each decision was made.

20. RIGHTS OF OVERVIEW AND SCRUTINY

20.1 When the Overview and Scrutiny Committee can Require a Report

If the Overview and Scrutiny Committee thinks that a key decision has been taken which was not:

- (a) published in advance in accordance with Rule 14, or
- (b) the subject of the urgency - general exception procedure (see Rule 18), or
- (c) the subject of an agreement with the Chair of the Overview and Scrutiny Committee, or the Speaker of the Council under Rule 19;

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the Committee may require the Executive to submit a report to the Council within such reasonable time as the Committee specifies. The power to require a report rests with the Committee, but is also delegated to the Chief Executive, who shall require such a report on behalf of the Committee when so requested in writing by:

(d) ~~20.1.1~~ the Chair of the Overview and Scrutiny Committee; or

(e) ~~20.1.2~~ three (3) Members of the Overview and Scrutiny Committee.

Alternatively the requirement may be raised by resolution passed at a meeting of the Overview and Scrutiny Committee.

20.2 The Executive's Report to Council

(a) ~~20.2.1~~ The Executive will prepare a report setting out particulars of the decision, the individual or body making the decision, and if the Mayor is of the opinion that it was not a key decision, the reasons for that opinion.

(b) ~~20.2.2~~ The report will be submitted to the next ordinary meeting of the Council. However, if the next meeting of the Council is within ~~ten~~ (10) days of receipt of the written notice, or the resolution of the Committee, then the report may be submitted to the Council meeting after that.

21. MEETINGS OF THE EXECUTIVE AND ITS COMMITTEES TO BE HELD IN PUBLIC

21.1 Any meeting of the Executive or a Committee of the Executive shall be open to the public except to the extent that the public are excluded under Rule 21.2

21.2 The public must be excluded from a meeting during an item of business whenever—

(a) it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item, confidential information would be disclosed to them in breach of the obligation of confidence;

(b) the decision-making body concerned passes a resolution to exclude the public during that item where it is likely, in view of the nature of the item of business, that if members of the public were present during that item, exempt information would be disclosed to them; or

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- (c) a lawful power is used to exclude a member or members of the public in order to maintain orderly conduct or prevent misbehaviour at a meeting.

21.3 A resolution under Rule 21.2 (b) must—

- (a) identify the proceedings, or the part of the proceedings to which it applies; and
- (b) state, by reference to the descriptions in Rule 11.5 the description of exempt information giving rise to the exclusion of the public.

21.4 The public may only be excluded under sub-paragraph (a) or (b) of Rule 21.2 for the part or parts of the meeting during which it is likely that confidential information or exempt information would be disclosed.

21.5 Without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting, the Executive and its committees do not have the power to exclude members of the public from a meeting while it is open to the public.

21.6 While a meeting of the Executive or one of its committees is open to the public, any person attending the meeting for the purpose of reporting the proceedings is, so far as practicable, to be afforded reasonable facilities for taking their report.

Procedures prior to private meetings

21.7 Any decision made by the Executive or one of its committees to hold a meeting in private is a prescribed decision for the purpose of section 9GA(5) of the Local Government Act 2000 (regulations requiring prescribed information about prescribed decisions).

| **21.8** At least twenty-eight (28) clear days before a private meeting of the Executive or one of its committees, the Executive must—

- (a) make available at the offices of the local authority a notice of its intention to hold the meeting in private; and
- (b) publish that notice on the local authority's website.

21.9 A notice under Rule 21.8 must include a statement of the reasons for the meeting to be held in private.

21.10 At least five (5) clear days before a private meeting of the Executive or one of its committees, the Executive must—

- (a) make available at the offices of the local authority a further notice of its intention to hold the meeting in private; and
- (b) publish that notice on the local authority's website.

21.11 A notice under Rule 21.10 must include—

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

21.12 Where the date by which a meeting must be held makes compliance with Rules 21.8 to 21.11 impracticable, the meeting may only be held in private where the decision-making body has obtained agreement from—

- (a) the Chair of the Overview and Scrutiny Committee; or
- (b) if there is no such person, or if the Chair of the Overview and Scrutiny Committee is unable to act, the Speaker of the Council; or
- (c) where there is no Chair of the Overview and Scrutiny committee or Speaker of the Council, the Deputy Speaker of the Council,

that the meeting is urgent and cannot reasonably be deferred.

21.13 As soon as reasonably practicable after the decision-making body has obtained agreement under Rule 21.12 to hold a private meeting, it must—

- (a) Make available at the offices of the local authority a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred; and
- (b) publish that notice on the local authority's website.

21.14 The Executive or one of its Committees may meet in private if it meets with officers for the purposes only of briefing.

21.15 The Head of Paid Service, the Chief Finance Officer and the Monitoring Officer, and their nominees are entitled to attend any meeting of the Executive and its Committees. The Executive may not meet unless the Chief Executive has been given reasonable notice that a meeting is to take place. A meeting of the Executive may not meet to take any decisions unless the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer or their nominee are present or have waived their entitlement to attend. The meeting may only take a decision if there is an officer present with responsibility for recording and publishing the decision.

22. RECORD OF DECISIONS

22.1 Executive Decisions made at Meetings. As soon as is reasonably practicable after a meeting of a decision making body at which an executive decision has been made, whether held in public or private, the Corporate Director, ~~of Law, Probity and~~ Governance shall ensure that a written statement is produced in respect of every executive decision made at that meeting including:

- (a) a record of the decision including the date it was made;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected at the meeting by the decision making body ~~when it made the decision~~ at which the decision was made;
- (d) a record of any conflict of interest relating to the matter which is declared by any Member of the decisions making body which made the decision; and
- (e) in respect of any declared conflict of interest, a note of dispensation granted by the Head of Paid Service ~~a note of any relevant dispensation granted in relation to participation in the decision by a Member with a Disclosable Pecuniary Interest.~~

Decisions taken at a meeting may only be taken on the basis of a written report, setting out key legal, financial, service and corporate implications and may not be taken unless the Corporate Director, ~~of Law, Probity and~~ Governance or his/her nominee is present.

~~22.2~~ 22.2 Executive Decisions made by Individual Members of the Executive

~~22.3~~ 22.2.1 All decisions taken individually by Members of the Executive must be based on written reports setting out key legal, financial, service and corporate implications and may not be taken unless the Corporate Director, ~~of Law, Probity and~~ Governance (or an officer nominated by her/him) has agreed the report.

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22.4 ~~22.2.2~~ When an officer prepares a report which is to be given to an individual Member for decision, s/he must first give a copy of that report to the Corporate Director, of Law, Probity and Governance (or an officer nominated by her/him).

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22.5 ~~22.2.3~~ The Corporate Director, of Law, Probity and Governance will publish the report to the Overview and Scrutiny Committee, the Chief Executive, Chief Finance Officer and Monitoring Officer. The report will be made publicly available as soon as reasonably practicable.

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22.6 ~~22.2.4~~ Individual decisions ~~may only be made~~ by Members of the Executive ~~can only be taken~~ in the presence of ~~the Chief Executive, Chief Finance Officer or Monitoring Officer or their nominee (unless they waive that requirement).~~ ~~The Director of Law, Probity and Governance (or an officer nominated by her/him) shall have responsibility to record the decision an officer.~~

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22.7 ~~22.2.5~~ Subject to Rules 18 and 19, the individual decision maker may not make any key decision until notice of the decision has been available for public inspection for at least twenty-eight (28) days before the decision is made.

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22.8 ~~22.2.6~~ As soon as is reasonably practicable after an individual Member has made an executive decision s/he shall produce, or cause to be produced, a written statement including:

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- (a) a record of the decision including the date it was made;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected at the time by the Member when ~~s/he made~~making the decision;
- (d) a record of any conflict of interest declared by any Executive Member who was consulted by the Member in relation which relates to the decision; and
- (e) in respect of any declared conflict of interest, a note of dispensation granted by the Head of Paid Service.~~a note of any relevant dispensation granted in relation to participation in the decision by a Member with a Disclosable Pecuniary Interest~~

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22.9 ~~22.2.7~~ A copy of the written statement setting out the decision must be sent to the Corporate Director, of Law, Probity and Governance. All decisions of the Executive must be published and will be subject to call in as set out in Part 4.5 of this Constitution.

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22.10 ~~22.2.8~~ Nothing in these rules relating to the taking of decision by individual Members shall require them to disclose confidential or exempt information or the advice of a political adviser or assistant.

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23 EXECUTIVE DECISIONS MADE BY OFFICERS

23.1 Where executive decision making is delegated to an officer, that officer may only take a key decision on the basis of a written report setting out key legal, financial, service and corporate implications.

23.2 Subject to Rules 18 and 19, where an individual officer receives a report which s/he intends to take into account in making a key decision s/he shall not make that decision until notice of the decision has been available for public inspection for twenty-eight (28) days.

23.3 The individual officer making the decision must ensure that the Corporate Director, of Law, Probity and Governance (or an officer nominated by him/her) receives a copy of the report and makes it available in accordance with paragraph 23.4.

23.4 The Corporate Director, of Law, Probity and Governance will publish the report to the Overview and Scrutiny Committee, the Chief Executive, Chief Finance Officer and Monitoring Officer. The report will be made publicly available as soon as reasonably practicable.

23.5 As soon as is reasonably practicable after an officer has made a key decision or a non-key decision delegated to the officer by a specific decision of the Executive s/he shall produce a written statement including:

- (a) a record of the decision including the date it was made;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected at the time by the officer when s/he made making the decision;
- (d) a record of any conflict of interest declared by any Executive Member who was consulted by the officer in relation which relates to the decision; and
- (e) in respect of any declared conflict of interest, a note of dispensation granted by the Head of Paid Service a note of any relevant dispensation granted in relation to participation in the decision by a Member with a Disclosable Pecuniary Interest.

23.6 All ~~decisions of the Executive and executive~~ decisions taken by officers in accordance with Rule 23.5 must be published and will be subject to call in as set out in part 4.5 of this Constitution. Other non-key decisions taken by officers are not subject to call in.

~~23.7~~ 23.7 — Nothing in these rules relating to the taking of decision by individual officers shall require them to disclose confidential or exempt information or the advice of a political adviser or assistant.

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23.8 Rule 23 must be read in conjunction with the Recording of Officers' Decisions Procedure Rules at Part 4.10 of this Constitution.

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24. OVERVIEW AND SCRUTINY COMMITTEE ACCESS TO DOCUMENTS - AFTER A DECISION HAS BEEN MADE

24.1 Subject to Rule 24.2 below, any member of the Overview and Scrutiny Committee or of a Scrutiny Panel will be entitled to copies of any document which is in the possession or control of the Executive or any of its Committees, and contains material relating to:

- **(a)** any business which has been transacted at a public or private meeting of the Executive or its Committees; or
- **(b)** any decision taken by an individual Member of the Executive;
- **(c)** any key decision that has been taken by an officer in accordance with executive arrangements.

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24.2 Limits on Rights. Overview and Scrutiny Committee Members and Scrutiny Panel Members shall not be entitled to:

- (a) ~~24.2.1~~** any document that is in draft form;
- (b) ~~24.2.2~~** any part of a document that contains exempt or confidential information unless;
 - **(i)** it is relevant to an action or decision that s/he is reviewing or scrutinising or intends to review or scrutinise; or
 - **(ii)** which is relevant to any review contained in any programme of work of an Overview and Scrutiny Committee or Scrutiny Panel;
- (c) ~~24.2.3~~** any document or part of a document that contains the advice of a political assistant.

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25. ADDITIONAL RIGHTS OF ACCESS FOR ALL MEMBERS

25.1 Material Relating to Council and Committee Meetings. All Members are entitled to inspect any document which is in the possession or under the control of the Council and contain material relating to any business to be transacted at a meeting of the Council or its Committees or Sub Committees unless 25.1.1 below applies:

- (a) ~~25.1.1~~** it contains exempt information falling within categories 1, 2, 3 (insofar as the information relates to any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract), 4, 5 or 7 as set out at Rule 11.5 above.

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25.2 Material Relating to Executive Meetings. All Members are entitled to inspect any document which is in the possession or under the control of the Executive and contains material relating to any business to be transacted at a public meeting unless either 25.2.1 or 25.2.2 below applies:

(a) ~~25.2.1~~ — It contains exempt information falling within categories 1, 2, 3, (insofar as the information relates to any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract) 4, 5 or 7 as set out in rule 11.5 above.

(b) ~~25.2.2~~ — It contains the advice of a political assistant.

25.3 After the conclusion of a private meeting of the Executive at which an Executive decision has been made, all Members are entitled to inspect any document which is in the possession or under the control of the Executive and contain material relating to business transacted at the meeting in the terms set out at 25.2 above.

25.4 Material Relating to Key Decisions. All Members are entitled to inspect any document which is in the possession or under the control of the Executive and contains material relating to any key decision in the terms set out at 25.2 above.

25.5 Nature of Rights. These rights are additional to any rights of access to information a Member may have

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4.3 Budget and Policy Framework Procedure

CONTENTS

Rule	Subject
1	The Framework for Executive Decisions
2	Process for Developing the Framework
3	Decisions Outside the Budget or Policy Framework
4	Urgent Decisions Outside the Budget or Policy Framework
5	Virement
6	In-Year Changes to Policy Framework
7	Call-In of Decisions Outside the Budget or Policy Framework
8	Suspension

1. THE FRAMEWORK FOR EXECUTIVE DECISIONS

1.1 The Council will be responsible for the adoption of its budget and policy framework as set out in Article 4. In relation to the budget and the plans and strategies listed in Article 4:-

- (a) The adoption or approval of the plan or strategy is the responsibility of ~~the full~~ Council;
- (b) The Mayor as the Executive has responsibility for preparing the draft plan or strategy for submission to ~~the full~~ Council; and
- (c) If ~~the~~ Council wishes to amend the Mayor's proposals in relation to the items included in the Budget and Policy Framework only, the Local Authorities (Standing Orders) (England) Regulations 2001 sets out the dispute resolution procedure to be followed. ~~The~~ Council must inform the Mayor of any objections which it has to his proposals (i.e. the amendments it wishes to agree) and must give the Mayor at least five (5) working days, starting on the day following the meeting, to reconsider his proposals and re-submit them (amended or not, with reasons) to a further Council meeting. If at this further meeting ~~the~~ Council still wishes to amend the Mayor's revised proposals, such a decision requires a two-thirds (²/₃^{rds}) majority of the Members present and voting. If no valid amendment at the further meeting receives two-thirds (²/₃^{rds}) support, the

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Mayor's proposals are deemed adopted in accordance with the regulations.

- (d) Once a budget or a policy framework document has been agreed, it is the responsibility of the Mayor, the Executive and officers to implement it.

2. PROCESS FOR DEVELOPING THE FRAMEWORK

2.1 The process by which the budget and policy framework shall be developed is:

- (a) ~~2.1.1~~ — The Executive will publicise, by publishing a notice in accordance with the Access to Information Procedure Rules at Part 4.2 of this Constitution, a timetable for making proposals to ~~the~~ Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework and its arrangements for consultation after publication of those initial proposals.
- (b) ~~2.1.2~~ — The Chair of Overview and Scrutiny Committee will be notified of proposals referred to in Rule 2.1.1(a) and which shall be referred to Overview and Scrutiny Committee.
- (c) ~~2.1.3~~ — For the purposes of these ~~procedure~~ Procedure rules Rules the consultation in each instance shall be in line with the Council's normal consultation time periods except where there is an urgent need to reduce the consultation period. The period for Overview and Scrutiny Committee to respond to consultation shall be not less than ~~ten~~ (10) clear working days unless the Executive considers that there are special factors that make this timescale inappropriate. If it does, it will inform the Overview and Scrutiny Committee of the time for response when the proposals are referred to it.
- (d) ~~2.1.4~~ — At the end of the consultation period, having taken account of the responses received to the consultation and the views of the Overview and Scrutiny Committee, the Executive will submit recommendations to the Council.
- (e) ~~2.1.5~~ — ~~The~~ Council will consider the proposals of the Executive and may adopt them, amend them, refer them back to the Executive for further consideration or substitute its own proposals in their place.
- (f) ~~2.1.6~~ — If ~~the~~ Council adopts the Executive's proposals without amendment, the decision shall become effective immediately. However, if, having considered a draft plan or strategy, it has any objections to it, ~~the~~ Council must take the action set out in 2.1.7(g).
- (g) ~~2.1.7~~ — Before ~~the~~ Council-

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- (i) ~~(a)~~ amends the draft plan or strategy;
- (ii) ~~(b)~~ approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for her/his approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or
- (iii) ~~(c)~~ adopts (with or without modification) the plan or strategy;

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it must inform the Mayor of any objections which it has to the draft plan or strategy and if the Mayor accepts the proposed change then it can be agreed at the relevant Council meeting otherwise Council must give to her/him instructions requiring the Executive to reconsider, in the light of those objections, the draft plan or strategy submitted to it.

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- (h) 2.1.8 Where ~~the~~ Council gives instructions requires reconsideration in accordance with 2.1.7(g) above, it must specify a period of at least five (5) working days beginning on the day after the date on which the Mayor receives the instructions on behalf of the Executive requirement is made, within which the Mayor may:

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- (i) Submit a revision of the draft plan or strategy as amended by the Executive (the "revised draft plan or strategy"), with the Executive's reasons for any amendments made to the draft plan or strategy, to the Council for the Council's consideration; or

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- (ii) Inform ~~the~~ Council of any disagreement that the Executive has with any of ~~the~~ Council's objections and the Executive's reasons for any such disagreement.

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If the specified period would prohibit ~~the~~ Council from making determinations under Rule 2.1.9(i) within the statutory deadline for the setting of Council Tax, ~~the~~ Council may specify such lesser period as is necessary to ensure compliance.

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- (i) 2.1.9 Subject to Rule 2.1.10(j), when the period specified by ~~the~~ Council, referred to in Rule 2.1.8(h), has expired ~~the~~ Council must, when:

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- ~~(a)~~(i) amending the draft plan or strategy or, if there is one, the revised plan or strategy;

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- ~~(b)~~(ii) approving for the purpose of its submission to the Secretary of State or any Minister of the Crown for her/his approval, any plan or strategy (whether or not in the form of a draft or a revised draft) of which any part is required to be so submitted; or

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- ~~(c)(iii)~~ adopting (with or without modification) the plan or strategy, take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the Executive's reasons for those amendments, any disagreement that the Executive has with any of ~~the~~ Council's objections and the Executive's reasons for that disagreement, which the Mayor submitted to ~~the~~ Council, or informed ~~the~~ Council of, within the period specified.
- (i) ~~2.1.10~~ — Where ~~the~~ Council proposes to –
- (i) ~~(a)~~ amend the draft plan or strategy or, as the case may be, the revised draft plan or strategy;
- (ii) ~~(b)~~ approve, for the purpose of its submission to the Secretary of State or any Minister of the Crown for her/his approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or
- (iii) ~~(c)~~ adopt with modifications the plan or strategy, and that plan or strategy (whether or not in the form of a draft), with any proposed amendments or modifications, is not in accordance with the draft plan or strategy or, as the case may be, the revised draft plan or strategy, the question whether to amend, to approve or to adopt the plan or strategy must be decided in accordance with paragraph 2.1.~~11(k)~~.
- (k) ~~2.1.11~~ — The question referred to in Rule 2.1.~~10(i)~~ must be decided by a two-thirds (~~2/3~~^{rds}) majority of the members of ~~the~~ Council present and voting on the question at a meeting of ~~the~~ Council.
- (l) ~~2.1.12~~ — Subject to Rule 2.1.~~18(r)~~, where, before 8 February in any financial year, the Executive submits to ~~the~~ Council for its consideration in relation to the following financial year:
- (i) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 37 or 43 to 49 of the Local Government Finance Act 1992 (calculation of budget requirement etc.); or
 - (ii) estimates of other amounts to be used for the purposes of such a calculation; or
 - (iii) estimates of such a calculation; or

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(iv) amounts required to be stated as a precept under Chapter IV of Part I of the Local Government Finance Act 1992 (precepts),

and following consideration of those estimates or amounts ~~the~~ Council has any objections to them, it must take the action set out in Rule 2.1.~~13~~(m).

(m) ~~2.1.13~~ — Before ~~the~~ Council makes a calculation (whether originally or by way of a substitute) in accordance with any of the sections referred to in Rule 2.1.~~12~~(l) or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992, it must inform the Mayor of any objections which it has to the Executive's estimates or amounts and if the Mayor accepts the proposed change then it can be agreed at the relevant Council meeting otherwise Council must give her/him instructions requiring require the Executive to reconsider, in the light of those objections, those estimates and amounts in accordance with ~~the~~ Council's requirements.

(n) ~~2.1.14~~ Where ~~the~~ Council gives instructions requires reconsideration in accordance with Rule 2.1.~~13~~(m), it must specify a period of at least five (5) working days beginning on the day after the date on which the ~~Mayor receives the instructions on behalf of the Executive within which requirement is received~~, the Mayor may:

(a)(i) Submit a revision of the estimates or amounts as amended by the Executive ("revised estimates or amounts") which have been reconsidered in accordance with ~~the~~ Council's requirements, with the Executive's reasons for any amendments made to the estimates or amounts, to ~~the~~ Council for ~~the~~ Council's consideration; or

(b)(ii) Inform ~~the~~ Council of any disagreement that the Executive has with any of ~~the~~ Council's objections and the Executive's reasons for any such disagreement.

(o) ~~2.1.15~~ Subject to Rule 2.1.~~16~~(p), when the period specified by ~~the~~ Council referred to in Rule 2.1.~~14~~(n) has expired, ~~the~~ Council must, when making calculations (whether originally or by way of a substitute) in accordance with any of the sections referred to in Rule 2.1.~~13~~(m) or issuing a precept under Chapter IV of Part I of the Local Government Finance Act 1992, take into account:

(a)(i) Any amendments to the estimates or amounts that are included in any revised estimates or amounts;

(b)(ii) The Executive's reasons for those amendments;

(c)(iii) Any disagreement that the Executive has with any of ~~the~~ Council's objections; and

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~~(d)(iv)~~ The Executive's reasons for that disagreement,
which the Mayor submitted to ~~the~~ Council, or informed ~~the~~ Council of,
within the period specified.

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~~(p) 2.1.16~~ Where ~~the~~ Council, for the purposes of making the
calculations or issuing the precept, proposes to use estimates or amounts
(‘the different estimates or amounts’) which are not in accordance with
the Executive’s estimates or amounts or, as the case may be, the
Executive’s revised estimates or amounts, the question whether to use
the different estimates or amounts must be decided in accordance with
Rule 2.1.~~17(g)~~.

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~~(q) 2.1.17~~ The question referred to in Rule 2.1.~~16(p)~~ must be decided by
a two-thirds ($\frac{2}{3}$ rds) majority of the members of ~~the~~ Council present and
voting on the question at a meeting of ~~the~~ Council.

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~~(r) 2.1.18~~ Rules 2.1.~~12(l)~~ to 2.1.~~17(g)~~ shall not apply in relation to:

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~~(a)(i)~~ Calculations or substitute calculations which the Council is
required to make in accordance with sections 52I, 52J, 52T or 52U
of the Local Government Finance Act 1992 (limitation of council tax
and precept); and

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~~(b)(ii)~~ Amounts stated in the precept issued to give effect to
calculations or substitute calculations made in accordance with
sections 52J or 52U of that Act.

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3. DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

3.1 Subject to the provisions of Rule 5 (virement) the Mayor, Executive,
Committees of the Executive and any officers or joint arrangements may only
take decisions which are in line with the budget and policy framework. If any
of these bodies or persons wishes to make a decision which is contrary to the
policy framework, or contrary to or not wholly in accordance with the budget
approved by ~~the~~ Council, then that decision may only be taken by ~~the~~
Council, subject to Rule 4 below.

3.2 If the Mayor, Executive, a Committee of the Executive, any officer or joint
arrangements want to make such a decision, they shall take advice from the
Monitoring Officer and/or the Chief Finance Officer as to whether the
decision they want to make would be contrary to the policy framework, or
contrary to or not wholly in accordance with the budget. If the advice of
either of those officers is that the decision would not be in line with the
existing budget and/or policy framework, then the decision must be referred
by that body or person to the Council for decision, unless the decision is a

matter of urgency, in which case the provisions in Rule 4 (urgent decisions outside the budget and policy framework) shall apply.

4. URGENT DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

4.1 The Mayor, Executive, a Committee of the Executive, an officer or joint arrangements 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) ~~4.1.1~~ if it is not practicable to convene a quorate meeting of the Council; and

(b) ~~4.1.2~~ if the Chair of the Overview and Scrutiny Committee agrees in writing that the decision is a matter of urgency.

4.2 The reasons why it is not practicable to convene a quorate meeting of the Council and the Chair of the Overview and Scrutiny Committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chair of the Overview and Scrutiny Committee, the consent of the Speaker of ~~the~~ Council, and in the absence of both, the Deputy Speaker of ~~the~~ Council, will be sufficient.

4.3 Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

4.4 Urgent Action

(a) ~~4.4.1~~ Where an urgent action is necessary to protect the interests of the Council, or the inhabitants of the Borough, in connection with an executive function, that requires a decision before a meeting of the Executive can be called; the Proper Officer, after consultation with the Mayor or the Cabinet Member in respect of which the matter is associated, shall have power to act and shall report the action to the next meeting of the Executive.

(b) ~~4.4.2~~ Urgent action shall not be subject to the call-in procedure and may be implemented with immediate effect.

(c) ~~4.4.3~~ Where the Proper Officer considers that urgent action is necessary to protect the interests of the Council, or the inhabitants of the Borough, in connection with a non-executive function, that requires a decision before a meeting of ~~the~~ Council or the appropriate committee

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can be called; the Proper Officer, after consultation with the Speaker of the Council or Deputy Speaker of the Council, shall have power to act and shall report the action to the next meeting of ~~the~~ Council or the relevant committee.

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5. VIREMENT

- 5.1 Steps taken by the Mayor, the Executive, a Committee of the Executive, an officer, or joint arrangements to implement Council policy shall not exceed the budgets allocated to each relevant budget head. However, such bodies or individuals shall be entitled to vire across budget heads within such limits as shall be laid down in the Financial Procedure Rules. Beyond those limits, approval to any virement across budget heads shall require the approval of the Council.

6. IN-YEAR CHANGES TO BUDGET AND POLICY FRAMEWORK

- 6.1 The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the Mayor, the Executive, a Committee of the Executive, officers, or joint arrangements must be in line with it. No changes to any budget, plan or strategy which comprises part of the budget and policy framework may be made by those bodies or individuals except those changes:

(a) ~~6.1.1~~ which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;

(b) ~~6.1.2~~ which are necessary to ensure compliance with the law, ministerial direction or government guidance;

(c) ~~6.1.3~~ in relation to the policy framework in respect of a policy which would normally be agreed annually by ~~the~~ Council following consultation, but where the existing policy document is silent on the matter under consideration;

(d) ~~6.1.4~~ which relate to policy in relation to schools, where the majority of school governing bodies agree with the proposed change.

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

- 7.1 Where the Overview and Scrutiny Committee is of the opinion that an executive decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Monitoring Officer and/or Chief Finance Officer.

- 7.2 In respect of functions which are the responsibility of the Mayor or the Executive, the report of the Monitoring Officer and/or Chief Finance Officer shall be to the Mayor and Executive with a copy to every Member of the Council. Regardless of whether the decision is delegated or not, the Executive must meet within twenty-one (21) days of receiving the report to decide what action to take in respect of the Monitoring Officer's or Chief Finance Officer's report and to prepare a report to Council in the event that the Monitoring Officer or the Chief Finance Officer conclude that the decision was a departure, and to the Overview and Scrutiny Committee if the Monitoring Officer or the Chief Finance Officer conclude that the decision was not a departure.
- 7.3 If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Finance Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the Overview and Scrutiny Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. ~~The~~ Council shall meet within twenty-one (21) days of the request from the Overview and Scrutiny Committee (or within twenty-eight (28) days if a meeting of ~~the~~ Council is scheduled within that period). At the meeting ~~the~~ Council will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Finance Officer.
- 7.4 ~~The~~ Council may either:
- (a) ~~7.4.1~~ endorse a decision or proposal of the decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of ~~the~~ Council be minuted and circulated to all Councillors in the normal way; or
- (b) ~~7.4.2~~ amend the budget, financial rule or policy concerned to encompass the decision or proposal of the body or individual responsible for that function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of ~~the~~ Council be minuted and circulated to all Councillors in the normal way; or
- (c) ~~7.4.3~~ where ~~the~~ Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the Mayor or Executive to reconsider the matter in accordance with the advice of the Monitoring Officer and/or the Chief Finance Officer.
- 7.5 If ~~the~~ Council does not meet, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting

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should have been held, whichever is the earlier providing that the Monitoring Officer and/or the Chief Finance Officer is/are satisfied that the decision is within the budget and policy framework or falls within Rules 6.1-~~1(a)~~ – 6.1-~~4(d)~~.

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8. SUSPENSION

- 8.1** Provided it is not contrary to law, these rules may be suspended by ~~the~~ Council or, in so far as they are applicable to either body, the Cabinet or the Overview and Scrutiny Committee.

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4.5 Overview and Scrutiny Procedure Rules

CONTENTS

Rule	Subject
1	The Arrangements for Overview and Scrutiny
2	Who may sit on Overview and Scrutiny?
3	Co-optees
4	Education Representatives
5	Meetings
6	Quorum
7	Who chairs the Overview and Scrutiny Committee and the Scrutiny Panels
8	Work Programme
9	Agenda Items
10	Policy Review and Development
11	Reports from Overview and Scrutiny
12	Making sure that Overview and Scrutiny Reports are Considered by the Executive
13	Rights of Committee Members to Documents
14	Members and Officers Giving Account
15	Attendance by Others
16	Call-In
17	Call-In and Urgency
18	The Party Whip
19	Procedure at Overview and Scrutiny Committee Meetings
20	Suspension

1. THE ARRANGEMENTS FOR OVERVIEW AND SCRUTINY

- 1.1 The Council will establish the Overview and Scrutiny Committee and Sub-Committees and/ or Scrutiny Panels set out in Article 6. ~~The~~ Council will appoint the Chair and Members of the Overview and Scrutiny Committee and the Overview and Scrutiny Committee will appoint the Chair and Members of the Sub-Committees or Scrutiny Panels. The Vice-Chair of each Committee and Sub-Committee/Panel shall be appointed by the Committee or, as the case may be, Sub-Committee/Panel itself.
- 1.2 There will be one (1) standing Scrutiny Panel to discharge the Council's functions under the National Health Service Act 2006. There will be such other Scrutiny Sub-Committees/ Panels during the course of the municipal year as the Committee considers appropriate from time to time to carry out individual reviews under the Overview and Scrutiny work programme.
- 1.3 The Overview and Scrutiny Committee will comprise nine (9) Members of the Council and up to six (6) co-opted members. Up to three (3) substitutes per political group may be appointed ~~for each Councillor~~. Its terms of reference are set out in detail in Part 2, Article 6 of the Constitution but they include:
- (a) The performance of all overview and scrutiny functions on behalf of the Council.
 - (b) The appointment of such ~~Sub-Committees~~ Scrutiny Sub-Committees/ Panels as it considers appropriate to fulfil those functions; ~~and~~ determining those ~~Scrutiny Sub-Committees/~~ Panels' composition (including any co-opted Members); and the terms of reference of those Sub-Committees/ Panels.
 - (c) To approve an annual overview and scrutiny work programme including the work programme of any Scrutiny Sub-Committees/ Panels it appoints to ensure that there is efficient and effective use of the Committee's time and the time of the Council's Scrutiny Sub-Committees/ Panels.
 - (d) To advise the Mayor and Cabinet of key issues/questions to be considered in relation to reports due to be considered by the Executive.
 - (e) To exercise the right to call in for reconsideration any executive decisions taken but not yet implemented.
 - (f) To determine whether to request full Council to review or scrutinise any decision called in, where considered contrary to the budget and policy framework and whether to recommend that the decision be reconsidered.
 - (g) To receive and consider requests from the Executive for scrutiny involvement in the annual budget process.
 - (h) To monitor the Executive's forward plan to ensure that appropriate matters are subject to scrutiny.

~~(i) To consider any matters relevant to the remit of the Committee required by a Committee Member to be considered under s.21 (8) Local Government Act 2000.~~

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~~(i)~~ (i) To consider any local government matter referred to the Committee by a Councillor in accordance with section 119 of the Local Government and Public Involvement in Health Act 2007.

~~(k)~~ (i) To discharge the functions conferred by the Police and Justice Act 2006 as the Council's Crime and Disorder Committee.

1.4 The Health Scrutiny Panel will undertake the Council's functions under the National Health Service Act 2006 and consider matters relating to the local health service as provided by the NHS and other bodies including the Council:

- (a) To review and scrutinise matters relating to the health service within the Council's area and make reports and recommendations in accordance with any regulations made thereunder;
- (b) To respond to consultation exercises undertaken by an NHS body; and
- (c) To question appropriate officers of local NHS bodies in relation to the policies adopted and the provision of the services.

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1.5 The membership of individual Scrutiny Panels and their terms of reference will be determined by the Overview and Scrutiny Committee. They will include the following:

(a) To investigate, scrutinise, monitor and advise in relation to:

- ~~(i)~~ (i) How services are being delivered and the Council's functions discharged.
- ~~(ii)~~ (ii) How policies have been implemented and their effect on the Council's corporate strategies (i.e. equal opportunities, antipoverty and crime and disorder).
- ~~(iii)~~ (iii) The development of relevant policy.
- ~~(iv)~~ (iv) How resources are being used, spent and managed.
- ~~(v)~~ (v) Any other matter, relevant to the specific remit of the Scrutiny Panels, which affects the Council's area or any of its inhabitants.

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2. WHO MAY SIT ON OVERVIEW AND SCRUTINY?

2.1 All Councillors except Members of the Executive may be Members of the Overview and Scrutiny Committee and Scrutiny Sub-Committees/ Panels. However, no Member may be involved in scrutinising a decision in which s/he has been directly involved.

- 2.2 The Overview and Scrutiny Committee will select from among its Councillor Members ~~six~~ lead Scrutiny Members, one for each of the following ~~service areas~~portfolios:-

~~Communities, Localities and Culture~~
Children's ~~Services~~
Governance
Health, Adults and Community
Place
Resources
~~Development and Renewal~~
~~Law Probity and Governance~~
~~Adults, Health and Wellbeing~~

These themes may be subject to change from time to time.

- 2.3 The Lead Scrutiny Member for ~~Adults, Health and Wellbeing~~Health, Adults and Community shall be appointed as a member and Chair of the Health Scrutiny ~~Panel~~Sub-Committee.

3. CO-OPTEEES

- 3.1 The Overview and Scrutiny Committee will be responsible for approving co-opted Members for the Scrutiny Sub-Committees/ Panels. Co-opted Members will be non-voting.

4. EDUCATION REPRESENTATIVES

- 4.1 The Overview and Scrutiny Committee must include in its membership the following voting representatives in respect of education matters:

- (a) ~~4.1.1~~ — One ~~(1)~~ Church of England diocese representative;
(b) ~~4.1.2~~ — One ~~(1)~~ Roman Catholic diocese representative; and
(c) ~~4.1.3~~ — Three ~~(3)~~ parent governor representatives elected under the procedures contained in the Parent Governor Representatives (England) Regulations 2001.

This Rule and Rules 4.2 and 4.3 below also apply to any Scrutiny Panel established in respect of education matters.

- 4.2 The Committee may also include a Muslim representative in a non-voting capacity.

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- 4.3 These Members may speak but not vote on any other (i.e. non educational) matters.

5. MEETINGS

- 5.1 The Overview and Scrutiny Committee shall meet in accordance with the calendar of meetings approved by ~~the~~ Council. The Chair of the Committee may call an extraordinary meeting of the Committee at any time subject to the ordinary rules on the convening of meetings and the Access to Information Procedure Rules.
- 5.2 The Scrutiny Panels shall meet in accordance with a timetable agreed by the Overview and Scrutiny Committee, but will establish their own pattern of meetings within this framework and the Chair of Scrutiny may decide to lead any scrutiny panels.

6. QUORUM

- 6.1 The quorum for the Overview and Scrutiny Committee and the Scrutiny Panels shall be three (3) voting Members.

7. WHO CHAIRS THE OVERVIEW AND SCRUTINY COMMITTEE AND THE SCRUTINY PANELS

- 7.1 The Chair of the Overview and Scrutiny Committee and the Chairs of the Scrutiny Sub-Committees/ Panels will be drawn from among the Councillors sitting on the Committee.
- 7.2 ~~The~~ Council shall appoint a Member to serve as Chair of the Overview and Scrutiny Committee. If ~~the~~ Council does not, and subject to the requirement at 7.1 above, the Committee may appoint such a person as it considers appropriate as Chair.

8. WORK PROGRAMME

- 8.1 The Overview and Scrutiny Committee will be responsible for agreeing the overview and scrutiny work programme for the year.

9. AGENDA ITEMS

- 9.1 Any Member of the Overview and Scrutiny Committee and/or any Scrutiny Sub-Committee/ Panel shall be entitled to give notice to the Corporate

Director, ~~of Law, Probity and~~ Governance that s/he wishes an item relevant to the functions of the Committee to be included on the agenda for the next available meeting. On receipt of such a request the Corporate Director, ~~of Law, Probity and~~ Governance will ensure that it is included on the next available agenda provided that it is relevant to the Committee work programme.

9.2 The Overview and Scrutiny Committee shall also respond, as soon as its work programme permits, to requests from the Council and if it considers it appropriate the Mayor or Executive to review particular areas of Council activity. Where they do so, the Overview and Scrutiny Committee shall report their findings and any recommendations back to the Mayor/Executive and/or Council. The Executive shall consider the matter at one of its next two (2) meetings following receipt of the report. If the matter is relevant to the Council only then will they consider the report at their next meeting.

9.3 Any Member of the Council may refer to the Overview and Scrutiny Committee a local government matter in accordance with section 119 of the Local Government and Public Involvement in Health Act 2007. In relation to any matter referred under this provision, the Committee shall consider whether or not to exercise its powers under section 21B of the Local Government Act 2000 to make a report or recommendation(s) to the authority or the executive on the matter.

9.4 A “local government matter” at 9.3 above is one that: (a) relates to the discharge of any function of the authority; (b) affects all or part of the Member’s electoral area or any person who lives or works in that area; and (c) is not an excluded matter. Excluded matters are: any matter relating to a planning decision; any matter relating to a licensing decision; any matter relating to an individual in respect of which the individual has a right of appeal; and any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or disclosed at, the Overview and Scrutiny Committee or Panel.

9.5 If the Committee decides not to exercise any of its powers in relation to a matter referred to it under 9.3 above, it shall notify the Member who referred the matter of its decision and the reasons for it. If the Committee does make any report or recommendation(s) to the authority or the executive on the matter referred, it shall provide the Member with a copy of that report or recommendation(s), subject to the provisions of section 21D of the Act regarding confidential or exempt information.

10. POLICY REVIEW AND DEVELOPMENT

10.1 The role of the Overview and Scrutiny Committee in relation to the development of the Council’s budget and policy framework is set out in detail

in the Budget and Policy Framework Procedure Rules [\(see Part 4.3 of the Constitution\)](#).

10.2 In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Overview and Scrutiny Committee may make proposals to the Mayor or Executive for developments in so far as they relate to matters within its terms of reference.

10.3 The Overview and Scrutiny Committee or any Scrutiny [Sub-Committee](#)/ Panel established for this purpose 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 pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

11. REPORTS FROM OVERVIEW AND SCRUTINY

11.1 All reports from Scrutiny [Sub-Committees](#)/ Panels must first be considered by the Overview and Scrutiny Committee. Once it has formed recommendations on proposals for development, the Overview and Scrutiny Committee will prepare a formal report and submit it to the [Corporate](#) Director, ~~of Law, Probity and~~ Governance for consideration by the Mayor or Executive (if the proposals are consistent with the existing budgetary and policy framework) or to ~~the~~ Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework).

11.2 The Executive shall consider the report of the Overview and Scrutiny Committee one of its next two [\(2\)](#) meetings following submission of the report to the [Corporate](#) Director, ~~of Law, Probity and~~ Governance. The Council will consider the report at its next ordinary meeting if appropriate.

12. MAKING SURE THAT OVERVIEW AND SCRUTINY REPORTS ARE CONSIDERED BY THE EXECUTIVE

12.1 Once the Overview and Scrutiny Committee has completed its deliberations on any matter it will forward a copy of its final report to the [Corporate](#) Director, ~~of Law, Probity and~~ Governance who will allocate it to either the Executive or the Council for consideration in accordance with the Local Authorities (Functions and Responsibilities) Regulations 2000 (as amended) and the Local Authorities (arrangements for the Discharge of Functions) Regulations 2000.

- 12.2** If the ~~Corporate~~ Director, ~~of Law, Probity and~~ Governance refers the matter to Council, s/he may first refer it to the Mayor or Executive, who will have two (2) weeks in which to consider the Overview and Scrutiny report and formulate any additional comments or recommendations. The Mayor or Executive will then refer the report, along with their own additional comments and recommendations, to ~~the~~ Council. When ~~the~~ Council does meet to consider any referral from an Overview and Scrutiny Committee, it shall also consider any additional comments or recommendations of the Mayor or Executive to the Overview and Scrutiny Committee proposals.
- 12.3** For the avoidance of doubt, the Mayor or Executive shall not alter or amend any Overview and Scrutiny Committee report before referring it to Council, but shall only make additional comments or recommendations (including any corporate, financial or legal implications) as may be appropriate. However, if the Council does not agree with the Mayor's or Executive's recommendations, the disputes resolution procedure in ~~Part 4.3 — Rule 2 of the~~ Budget and Policy Framework Procedure Rules ~~— Rule 2 —~~ (see Part 4.3 of the Constitution) will apply.
- 12.4** If the contents of the report would not have implications for the Council's budget and policy framework, and is thus not referred to Council by the ~~Corporate~~ Director, ~~of Law, Probity and~~ Governance, the Mayor or Executive will have two (2) weeks in which to consider the matter and respond to the overview and scrutiny report.
- 12.5** Where the Overview and Scrutiny Committee makes a report or recommendations to the authority or the Mayor or Executive in accordance with section 21B of the Local Government Act 2000 as amended, the Committee shall by notice in writing require the authority or Mayor or Executive:-
- (a) to consider the report or recommendations;
 - (b) to respond to the ~~overview-Overview~~ and ~~scrutiny-Scrutiny committee~~ Committee indicating what (if any) action the authority propose, or the Mayor or Executive proposes, to take;
 - (c) if the Overview and Scrutiny Committee has published the report or recommendations, to publish the response,
 - (d) if the Overview and Scrutiny ~~committee-Committee~~ provided a copy of the report or recommendations to a Member of the Authority under paragraph 9.4 of these Procedure Rules, then it is to provide that Member with a copy of the response, and to do so within two (2) months beginning with the date on which the authority or Mayor or Executive received the report or recommendations or (if later) the notice.
- 12.6** It is the duty of the authority or Mayor or Executive to which a notice is given under 12.5 above to comply with the requirements specified in the notice.

13. RIGHTS OF COMMITTEE MEMBERS TO DOCUMENTS

13.1 In addition to their rights as Councillors, Members of the Overview and Scrutiny Committee or a Scrutiny Sub-Committee/ Panel have such additional rights to documents, and to notice of meetings as may be set out in the Access to Information Procedure Rules in Part 4 of this Constitution.

13.2 Nothing in this paragraph prevents more detailed liaison between the Executive and the Overview and Scrutiny Committee as appropriate depending on the particular matter under consideration.

14. MEMBERS AND OFFICERS GIVING ACCOUNT

14.1 The Overview and Scrutiny Committee 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 their role, they may require the Mayor, any other Member of the Executive, a Councillor, the Head of Paid Service and/or any senior officer to attend before it to explain in relation to matters within their remit:

- (a) ~~14.1.1~~ any particular decision or series of decisions;
- (b) ~~14.1.2~~ the extent to which the actions taken implement Council policy; and/or
- (c) ~~14.1.3~~ their performance, within their area of responsibility; and it is the duty of those persons to attend as so required.
- (d) ~~14.1.4~~ any function exercisable by a Councillor in accordance with any delegation made by the Council under section 236 of the Local Government and Public Involvement in Health Act 2007.

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14.2 Where the Mayor, any Member or officer is required to attend the Overview and Scrutiny Committee or a Scrutiny Sub-Committee/ Panel under this provision, the Chair of the Committee or Sub-Committee/ Panel will inform the Chief Executive. The Chief Executive shall inform the Mayor, Member or officer in writing giving at least fifteen (15) working days notice of the meeting at which s/he 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 or Sub-Committee/ Panel. Where the account to be given to the Committee will require the production of a report, then the Mayor, Member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

14.3 Where, in exceptional circumstances, the Mayor, Member or officer is unable to attend on the required date, then the Committee or Sub-Committee/ Panel shall in consultation with the Mayor, Member or officer arrange an alternative date for attendance, to take place within a maximum of twenty-one (21) working days from the date of the original request.

14.4 Except in exceptional circumstances, any failure by the Mayor or Member to attend the Committee or Sub-Committee/ Panel will be considered a breach of the Code of Conduct for Members and investigated accordingly. Any failure by an Officer to attend will be dealt with under the appropriate disciplinary procedure.

15. ATTENDANCE BY OTHERS

15.1 The Overview and Scrutiny Committee or a Scrutiny Sub-Committee/ Panel may invite people other than those people referred to in Rule 14 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and Members and officers in other parts of the public sector and shall invite such people to attend.

16. CALL-IN

16.1 When a decision is made by the Mayor, the Cabinet, an individual Member of the Executive, a Committee of the Executive, or a key decision is made by an officer with delegated authority or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within five (5) working days of being made. Members of the Overview and Scrutiny Committee will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.

16.2 That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented at 5pm on the fifth (5th) clear working day, after the publication of the decision unless, after receiving a written request to do so, the Corporate Director, of Law, Probity and Governance calls the decision in.

16.3 During that period, the Corporate Director, of Law, Probity and Governance shall call-in a decision for scrutiny by the Overview and Scrutiny Committee if so requested by:

(a) 16.3.1 — Not fewer than five (5) Members of the Council; or

(b) 16.3.2 — Two (2) voting church, faith or parent governor representative in respect of any education matters only;

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(c) ~~16.3.3~~ The request for a call-in must give reasons in writing and outline an alternative course of action. In particular, the request must state whether or not those Members believe that the decision is outside the policy or budget framework.

16.4 The Corporate Director, ~~of Law, Probity and~~ Governance shall call-in a decision within twenty-four (24) hours of receiving a written request to do so and shall place it on the agenda of the next meeting of the Overview and Scrutiny Committee on such a date as s/he may determine, where possible after consultation with the Chair of the Committee, and in any case within five (5) clear working days of the decision to call-in. However, the Corporate Director, ~~of Law, Probity and~~ Governance will not call-in:

- (a) ~~16.4.1~~ Any decision which has already been the subject of call-in;
- (b) ~~16.4.2~~ A decision which is urgent as defined in Rule 17.1 below and has to be implemented prior to the completion of any review. In such circumstances the decision – taker(s) shall give reasons to the Overview and Scrutiny Committee; and
- (c) ~~16.4.3~~ Decisions by regulatory and other Committees discharging non-executive functions;
- (d) ~~16.4.4~~ Day to day management and operational decisions taken by officers;
- (e) ~~16.4.5~~ A resolution which merely notes the report or the actions of officers;
- (f) ~~16.4.6~~ A resolution making recommendations to ~~full~~ Council.

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16.5 Where the matter is in dispute, both the Chief Executive and the Monitoring Officer should be satisfied that one of the above criteria applies.

16.6 The Corporate Director, ~~of Law, Probity and~~ Governance shall then notify the decision taker of the call-in, who shall suspend implementation of the decision.

16.7 If, having considered the decision, the Overview and Scrutiny Committee is still concerned about it, then it may refer it back to the Mayor or Executive for reconsideration, setting out in writing the nature of its concerns or if the matter should properly be considered by Council refer the matter to ~~full~~ Council. If referred to the decision-maker they shall then reconsider within a further five (5) clear working days or as soon as is reasonably practical thereafter, amending the decision or not, before adopting a final decision.

16.8 For the avoidance of doubt, if the Overview and Scrutiny Committee refers a matter back to the decision-making person or body, the implementation of that decision shall be suspended until such time as the decision-making person or body reconsiders and either amends or confirms that decision.

- 16.9** If following an objection to the decision, the Overview and Scrutiny Committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision-making person or body, the decision shall take effect on the date of the Overview and Scrutiny Committee meeting, or the expiry of that further five (5) working day period, whichever is the earlier.
- 16.10** If the matter was referred to ~~full~~ Council and ~~the~~ Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if ~~the~~ Council does object, then ~~the~~ Council will refer any decision to which it objects back to the decision making person or body together with ~~the~~ Council's views on the decision. That decision making person or body shall decide whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Executive as a whole or a Committee of the Executive, a meeting will be convened to reconsider within five (5) clear working days of the ~~Council~~ request. Where the decision was made by an individual, the individual will also reconsider within five (5) clear working days of the ~~Council~~ request.
- 16.11** If ~~the~~ Council does not meet, or it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

17. CALL-IN AND URGENCY

- 17.1** The call-in procedure set out in Rule 16 above shall not apply where the decision being taken by the Mayor, the Executive or a Committee of the Executive, or the key decision being made by an officer with delegated authority from the Executive or under joint arrangements is urgent. A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the ~~public~~public's interests.
- 17.2** The record of the decision~~;~~ and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in.
- 17.3** The Chair of the Overview and Scrutiny Committee must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chair, the Speaker of the Council's consent shall be required. In the absence of both, the consent of the Deputy Speaker of the Council or the Head of Paid Service or her/his nominee shall be required.

17.4 Decisions taken as a matter of urgency must be reported to the next available meeting of ~~the~~ Council, together with the reasons for urgency.

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

18. THE PARTY WHIP

18.1 The use of the party whip to influence decisions of the Overview and Scrutiny Committee or one of its Sub-Committees/ Panels is inappropriate and should not be used.

18.2 In this rule “a party whip” means any instruction given by or on behalf of a political group to any Councillor who is a Member of that group as to how that Councillor shall speak or vote on any matter before the Council or any Committee, or the application or threat to apply any sanction by the group in respect of that Councillor should s/he speak or vote in any particular manner.

19. PROCEDURE AT OVERVIEW AND SCRUTINY COMMITTEE MEETINGS

19.1 The Overview and Scrutiny Committee and the Scrutiny Panels shall consider the following business:

- ~~(i)~~(a) Minutes of the last meeting;
- ~~(ii)~~(b) Declarations of interest;
- ~~(iii)~~(c) Consideration of any matter referred to the Committee for a decision in relation to call-in;
- ~~(iv)~~(d) Responses of the Executive to reports of Overview and Scrutiny;
- ~~(v)~~(e) The business otherwise set out on the agenda for the meeting.

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19.2 Where the Overview and Scrutiny Committee or a Scrutiny Panel conducts investigations (e.g. with a view to policy development), the body may also ask people to attend to give evidence at meetings of the body. Such meetings are to be conducted in accordance with the following principles:

- (a) 19.2.1 — that the investigation be conducted fairly and all Members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
- (b) 19.2.2 — that those assisting the Committee by giving evidence be treated with respect and courtesy; and
- (c) 19.2.3 — that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

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- | **19.3** Following any investigation or review, the Committee or [Sub-Committee/](#) Panel shall prepare a report, for submission to the Mayor/Executive and/or Council as appropriate by the Overview and Scrutiny Committee, and shall make its report and findings public in so far as the report does not contain exempt or confidential information.

20. SUSPENSION

- 20.1** Any part of these Rules may be suspended in accordance with Council Procedure Rule 25 of Part 4.1 of this Constitution provided such suspension is not contrary to the law.

4.6 Financial Regulations and Procedure Rules

CONTENTS

Rule	Subject
1	The Budget Framework
2	Financial Regulations/ <u>Procedures</u>
3	Virements
<u>Appendix</u>	
<u>A</u>	<u>Financial Regulations/ Procedures 2017/18</u>

1. THE BUDGET FRAMEWORK

1.1 The **Budget Framework** comprises the following;

- (a) General Fund Budget
- (b) Housing Revenue Account Budget
- (c) General Fund Capital ~~Investment~~ Strategy
- (d) Housing Revenue Account Capital Programme

1.2 ~~The~~ Council is responsible for agreeing the Budget Framework. It is the responsibility of the Executive (whether the Mayor, the Cabinet, individual Members or an officer acting on delegated authority) to operate within the Budget Framework.

1.3 Any proposal or decision by the Mayor or Executive that would result in expenditure exceeding the limits within the budget framework as defined above will be considered a breach of that framework, and must be dealt with in accordance with the Budget and Policy Framework Procedure Rules at Part 4.3 of section 4.3 of Part 4 to the Constitution.

2. FINANCIAL REGULATIONS

2.1 The Corporate Director, Resources is responsible for the administration of the Council's financial affairs. As part of her/his duties, s/he will, when s/he considers it appropriate, issue Financial Regulations/Procedures which are the rules governing the management of the Council's financial resources. S/he will ensure that the Regulations/Procedures and any updated or amended versions are made available to all chief officers, the Mayor and Members of the Council. These Regulations/ Procedures and any updated or amended versions will then be placed in Appendix A of these Rules.

2.2 It is the responsibility of all ~~chief~~ Chief officers ~~Officers~~ to comply personally with Financial Regulations/Procedures and to ensure that all officers within their ~~director~~ Directorate with financial responsibilities also comply with them. Failure to comply with Financial Regulations/Procedures ~~may is likely to~~ constitute a disciplinary offence and be investigated under the appropriate disciplinary procedure.

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3. VIREMENT RULES

3.1 These rules aim to allow the Executive to manage the budget once it has been approved by Council, whilst also providing for good governance of financial matters. [For more details on Virements please see FM2, FM5 and FA10 of Appendix A to these Rules.](#)

3.2 A virement is the transfer of resources from one budget head to another, during a financial year. It is thus the financial consequence of a change in priority of service delivery or in the means by which services are delivered. It can also be the use of resources provided within the budget framework but which are not allocated for any specific purpose e.g. unallocated contingency. A virement will naturally flow from, and be part of, a decision.

3.3 The Executive shall have the power to vire resources within each of the above components of the Budget Framework agreed by Council, subject to the following limitations:

3.3.1(a) All individual virement proposals that exceed £1 million require the approval of full Council. Virements for the same budget head, project or substantively similar purpose which are below the £1m threshold should not cumulatively (over a period of three months) exceed the £1m limit without the approval of Council.

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3.3.2(b) Individual virements between £250,000 and £1 million must be reported to the Cabinet for decision.

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3.3.3(c) Individual virements below £250,000 can be authorised by the relevant Corporate Director/Chief Officer provided that any virement so authorised which exceeds £100,000 must be subsequently reported to the Cabinet for noting.

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3.3.4 (d) No virement to or from the following budgets (irrespective of the amount proposed) shall be made without the specific agreement of the Corporate Director, Resources:

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- (i) Capital Financing (not normally available for virement)
- (ii) Support service and other forms of internal charges (to avoid unintended impact upon other departments' budget).
- (iii) Rates (to ensure compliance with rating legislation).
- (iv) Insurance (to ensure compliance with insurance policies).
- (v) Pensions (to ensure compliance with Pensions regulations).

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3.4 Virements between ~~Departments~~ Directorates

The use of resources from one ~~department~~ Directorate to finance activities in another must be authorised by the Council or the Cabinet (depending on the level of resources involved) but the decision should only be made after advice from the relevant Corporate Directors and the Corporate Director, Resources. However, where the responsibility for a service(s) is merely

transferred from one department to another, the consequent transfer of budget resources is not deemed to be a virement for the purposes of these Rules.

3.5 Virements – Non-Financial Consequences

The Virement Rules refer only to the financial consequences of proposals and decisions by the Executive. However, such proposals and decisions can also impact upon services and upon the community. This needs to be acknowledged when determining the procedural arrangements for those proposals and decisions, for example they may represent a “key decision”.

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4.7 Contracts and Procurement Procedure Rules

CONTENTS

<u>Rule</u>	<u>Subject</u>
<u>1</u>	<u>Procurement Procedures</u>
<u>Appendix</u>	
<u>A</u>	<u>Procurement Procedures</u>

1. PROCUREMENT PROCEDURES

- 1.1. Every contract or official order for works, goods or services made by the Council shall be for the purpose of achieving the Council's statutory or approved objectives and shall conform to all relevant EU Directives and United Kingdom legislation.
- 1.2. The **Procurement Procedures** shall govern Council tendering and contract procedures. The Corporate Director, Resources shall maintain and issue these Procedures. Any procurement activity shall proceed in accordance with the Procedures and any financial thresholds for procurement specified by the Procedures. These Procedures and any updated or amended versions will then be placed in Appendix A of these Rules.
- 1.3. The Corporate Director, Resources shall make the latest version of the **Procurement Procedures** available to every ~~chief~~ **Chief officer** ~~Officer~~, the Mayor and all Members of the Council and any other person engaged in procuring works, goods or services on behalf of the Council. Chief ~~officers~~ **Officers** or officers acting on their behalf shall apply the requirements of the Procedures when engaging in any procurement activity.
- 1.4. The purpose of procurement activity shall be to achieve best value for local people in accordance with the Council's statutory or approved objectives. Officers with responsibility for procurement shall ensure that they are able to demonstrate achievement of best value by having regard to a combination of economy, efficiency and effectiveness (otherwise known as the Council's Best Value Duty).
- 1.5. Nothing in the **Procurement Procedures** shall be construed as removing or diminishing the responsibility of all involved to meet individual and collective accountabilities. Any failure by an officer to comply with the Procurement Procedures is likely to constitute a disciplinary offence and be investigated under the appropriate disciplinary procedure.
- 1.6. Chief Officers shall ensure that the Executive or an Executive Member is consulted on any procurement activity of a controversial nature. If however the decision is a 'key' decision that has not been delegated then a report

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must be submitted to Cabinet for determination having proper regard to the Access to Information Rules at Part 4.2 of the Constitution.

- 1.7. The contracting strategy and/or award of any contract for goods or services with an estimated value exceeding £250,000, and any contract for capital works with an estimated value exceeding £5,000,000, shall be approved by the Executive in accordance with the Procurement Procedures. Contracts for goods or services with an estimated value of less than £250,000 and contracts for capital works with an estimated value of less than £5,000,000 shall be approved by the relevant Chief Officer, in accordance with the Procurement Procedures. If however the decision is a 'key' decision that has not been delegated then a report must be submitted to Cabinet for determination having proper regard to the Access to Information Rules at Part 4.2 of the Constitution.

4.10 Recording of Officer Decision Procedure Rules

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1. Introduction

- 1.1 Section 101 of the Local Government Act 1972 and section 9E of the Local Government Act 2000 set out the framework of delegation. They provide that a Council and a Mayor and Cabinet Executive can arrange for the discharge of functions through a Committee, Sub-Committee or officer of the authority, or any other local Authorities. Committees can delegate to Sub-Committees or to officers, and Sub-Committees can delegate to officers, unless expressly prohibited.

1.2 Pursuant to both the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (SI 2012/2089) ('the 2012 Regulations') and the Openness of Local Government Bodies Regulations 2014 (SI 2014/2095) ('the 2014 Regulations'), the Council has a statutory responsibility to produce a written record of:

- (a) executive decisions (key or otherwise) made by individual officers or members which must be recorded in a written statement (courtesy of the 2012 Regulations); and
- (b) non-executive decisions which would have been taken by the relevant local government body, or a Committee, Sub-Committee of that body or a Joint Committee in which that body participates, but have been delegated to an officer of that body either under a specific express authorisation; or under a general authorisation to officers to take such decisions and, the effect of the decision is to either grant a permission or licence; or affect the rights of an individual; or award a contract or incur expenditure which, in either case, materially affects that relevant local government body's financial position (courtesy of the 2014 Regulations).

1.3 This is part of the Government's Transparency Agenda with the aim of placing more power into citizens' hands to increase democratic accountability and make it easier for local people to contribute to the local decision making process and help shape public services. This also forms part of the Council's specific focus on transparency.

1.4 This document forms part of the legal framework to decision making and establishes a system to document decisions taken under delegated authority. It must be read in conjunction with the

2. Types of Decisions

2.1 Officers acting in accordance with delegated authority take one of two types of decisions: executive or non-executive.

3. Executive Decisions

3.1 An "executive decision" means a decision made or to be made by a decision maker in connection with the discharge of a function which is the responsibility of the executive of a local authority and all decisions of the authority are executive unless they are specified as not. These non-executive functions are set out in Parts 3.1 and 3.2 of the Council's Constitution.

3.2 Executive decisions are then split into two (2) categories: key decisions or non-key decisions. Key decisions are defined in Part 2, Article 13.03(b) of the

Constitution. Pursuant to the 2012 Regulations, key decisions require to be published at least twenty-eight (28) days before the decision is made. This applies even if the key decision is to be taken by an officer. The Key Decision Notice shall contain in relation to each matter included such of the following particulars as are available when the notice is prepared or which the person preparing it may reasonably be expected to obtain:

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

3.3 For more information about Key Decision Notices please refer to Rules 14 to 19 of the Access to Information Procedure Rules, Part 4.2 of the Council's Constitution.

4. Non-executive Decisions

4.1 Non-executive functions are those set out in Part 3.1 of the Constitution and any decision taken in respect of these functions is a non-executive decision. These functions include:

- (a) Functions relating to Town and Country Planning;
- (b) Licensing and Registration Functions;
- (c) Functions relating to health and safety at work;
- (d) Functions relating to elections;
- (e) Functions relating to smoke-free premises;
- (f) Miscellaneous functions (as set out in Part 3.1.1 of the Constitution); and

- (g) The 'Local Choice' functions set out in Parts 3.1.2 and 3.1.3 of the Constitution (e.g. Street Trading Functions).

5. Delegations

- 5.1 Officers are delegated to take both executive (including key) and non-executive decisions. The delegations are either directly from the Mayor, a Committee or within the Scheme of Delegations contained in the Constitution.
- 5.2 The significance of decisions taken under delegated powers will vary, and officers authorised to make delegated decisions will need to exercise judgement in determining whether decisions are significant enough to require placing in the Forward Plan if they are key executive decisions; in addition to whether the decision requires to be formally recorded.
- 5.3 Officers also need to be aware of whether the decision that is being taken relates to an executive or non-executive function.

6. Decision Making - The Process

- 6.1 Before taking any decision, the authorised officer must take into account the principles of decision making set out in the Constitution and ensure that they have the necessary authority to take the decision.
- 6.2 Additionally, before taking any decision, an officer must satisfy him/herself of the following matters, where relevant:
 - (a) The facts upon which the decision must be based.
 - (b) Any legislative requirements, including the need to secure Best Value.
 - (c) The strategies and policies of the Council including any plans, objectives relating to their service or the Council.
 - (d) Any relevant national or regional guidance.
 - (e) The available options.
 - (f) The financial, staffing and legal implications, following consultations with the Corporate Director, Place; Corporate Director, Governance; Divisional Director, HR and Workforce Development; or other service as appropriate.
 - (g) The views/advice of any appropriate statutory officer.
 - (h) Any consultations undertaken, the views of any consultees, and any other representations received.

- (i) Any implications for any other areas of the Council's activities including the views of any Corporate Director or Divisional Director whose services may be affected.
 - (j) The need to inform the Mayor or appropriate Members (e.g. the Chair of a particular Committee).
- 6.3 Where the decision to be taken is a Key Decision then, as stated in Rule 3.2 above, before the decision can be taken a notice must be published at least 28 days before the decision is made. The Council has a system to publish notices of forthcoming decisions and which is known as the Forthcoming Decisions Plan (or 'Forward Plan'). A Forward Plan is published at least twenty-eight (28) days before each Cabinet meeting setting out information on all the Key Decisions that are expected to be taken at that meeting, along with other Cabinet and Commissioner decisions where known.
- 6.4 Therefore, officers proposing to make a Key Decision and needing to place an item on the Council's Forward Plan should complete the Forward Plan template and supply this to the Democratic Services Officer. This is available on the Council's intranet site. **Key decisions must be published on the Forward Plan at least twenty-eight (28) clear days before the proposed decision date.**
- 6.5 If it is impracticable to include the matter in the Forward Plan, then the officer must comply with the legal requirements relating to exceptional and urgent executive decisions. These are set out in Rules 18 (Urgency - General Exception) and Rule 19 (Urgency - Special Urgency) of the Access to Information Procedure Rules, Part 4.2 of the Council's Constitution.
- 6.6 The Urgency - General Exception is that if matter has not been published at least twenty-eight (28) days in advance then, subject to Urgency - Special Urgency, the decision may still be taken if
 - (a) the decision must be taken by such a date that it is impracticable to defer the decision until public notice of at least twenty-eight (28) days has been given;
 - (b) the Corporate Director, Law, Probity and Governance has informed the Chair of the Overview and Scrutiny Committee, or if there is no such person, each member of the Overview and Scrutiny Committee by notice in writing of the matter about which the decision is to be made;
 - (c) the Corporate Director, Law, Probity and Governance has made copies of that notice available to the public at the offices of the local authority for inspection; and
 - (d) at least five (5) clear days have elapsed following the day on which the Corporate Director, Law, Probity and Governance complied with 6.6(b) and 6.6(c).

- 6.7 If an officer is unable to give five (5) clear days notice of a key decision that was not in the Forward Plan, s/he can only take the decision if the chair of the Overview and Scrutiny Committee agrees that the decision is urgent and cannot reasonably be deferred. This is Urgency - Special Urgency.
- 6.8 A report has to be submitted to Full Council on executive decisions taken under the Urgency - Special Urgency Rule.

7. Decision Making - Accountability

- 7.1 Decisions are open to challenge and review in a number of ways and it is therefore important that the Council is able to demonstrate that such decisions have been properly taken and in a manner that avoids challenge. In that regard, it is important to bear in mind that frequently decisions are overturned not because they were 'wrong' but because the challenge has successfully shown that the decision was reached following a flawed process.
- 7.2 Challenges to decisions usually arise where-
- (a) there is a failure by the decision maker to take into account relevant considerations, either as required by law or such as would be taken into account by any reasonable person taking into account irrelevant considerations acting so unreasonably such that no reasonable body of persons could have so acted;
 - (b) there is a failure by the decision maker to direct himself/ herself properly in law;
 - (c) there is a failure to take into account relevant considerations, either as required by law or such as would be taken into account by any reasonable person taking into account irrelevant considerations acting so unreasonably such that no reasonable body of persons could have so acted;
 - (d) the decision maker exercises a power for a purpose for which it was not delegated;
 - (e) the decision maker acts in bad faith or with an improper motive;
 - (f) there is a fettering or failing to exercise a discretion;
 - (g) there has been an improper delegation;
 - (h) there is a failure to consult or to consult properly, either as a matter of statute or legitimate expectation; or
 - (i) the decision maker fails to act fairly or observe procedural requirements.

- 7.3 Officers are accountable to the Council for any decision they make, and with the exception of decisions relating to non-executive functions, officers may be required to report to, and to answer questions from the Overview and Scrutiny Committee or a Scrutiny Panel in respect of any decision. The Overview and Scrutiny Committee may also call in Key Decisions before they are implemented and may recommend a course of action requiring the matter to be reconsidered by the officer.
- 7.4 Where a decision can be called in, it cannot be implemented until either the call-in period has expired or the Overview and Scrutiny Committee has made a decision regarding the call-in. The call-in procedure is set out in the Overview and Scrutiny Procedure Rules, Part 4.4 of the Council's Constitution.

8. Decision Making – Recording Executive Decisions

- 8.1 Executive decisions made by officers must be recorded in a written statement. This written record together with any other background documents must also be made available for inspection as soon as practicable and published on the Council's website. This applies whether or not the decision is a key decision. That being said, numerous executive decisions are taken by officers on a daily basis and a large number of these are administrative. A line therefore needs to be drawn as to what type of executive decision should be recorded as clearly it would be an administrative nightmare for all officer executive decisions to be recorded. To assist, the Department of Communities and Local Government ('DCLG') has published guidance and which provides that it is not intended that administrative and operational decisions are to be recorded.
- 8.2 Based on this Guidance and for the purposes of these Rules only, executive decisions will be defined as Key, Important or Administrative. All decisions other than Administrative are to be formally recorded and published. However, administrative decisions although not required to be formally recorded and published, should still have a written note of the decision made so as to provide an audit trail in respect of decision making.
- 8.3 A Key Decision is as defined in Article 13.
- 8.4 "Important" decisions are:
- (a) Any decision taken and which would be contrary to the Budget and Policy Framework;
 - (b) Decisions taken that are likely to conflict with or result in a change or departure from any decision or policy agreed by the Executive;
 - (c) Decisions taken that are contrary to legal advice;

- (d) Decisions taken that may incur significant social, economic or environmental risk (and this would include decisions that have significant impact on communities in a single ward);
- (e) Decisions taken which have an impact both within and outside of the Borough;
- (f) Decisions taken and which are likely to result in substantial public interest;
- (g) Decisions specifically delegated to an officer at an Executive meeting;
- (h) Decisions that would result in the setting up of a company or entering into a partnership arrangement with any other body;
- (i) Major individual service reorganisation decisions likely to involve 20 or more redundancies;
- (j) Decisions to waive the procurement rules in respect of contracts over the value of £250,000; and
- (k) Urgent decisions on matters that are otherwise reserved to the Executive.

8.5 The procedure for an officer taking a key decision is set out in Rule 23 of the Access to Information Procedure Rules and is set out in full below.

23.1 *Where executive decision making is delegated to an officer, that officer may only take a key decision on the basis of a written report setting out key legal, financial, service and corporate implications.*

23.2 *Subject to Rules 18 and 19, where an individual officer receives a report which s/he intends to take into account in making a key decision s/he shall not make that decision until notice of the decision has been available for public inspection for twenty-eight (28) days.*

23.3 *The individual officer making the decision must ensure that the Corporate Director, Law, Probity and Governance (or an officer nominated by her/him) receives a copy of the report and makes it available in accordance with paragraph 23.4.*

23.4 *The Corporate Director, Law, Probity and Governance will publish the report to the Overview and Scrutiny Committee, the Chief Executive, Chief Finance Officer and Monitoring Officer. The report will be made publicly available as soon as reasonably practicable.*

23.5 *As soon as is reasonably practicable after an officer has made a key decision or a non-key decision delegated to the officer by a specific decision of the Executive s/he shall produce a written statement including:*

- (a) *a record of the decision including the date it was made;*
- (b) *a record of the reasons for the decision;*
- (c) *details of any alternative options considered and rejected at the time by the officer when making the decision;*
- (d) *a record of any conflict of interest declared by any Executive Member who was consulted by the officer which relates to the decision; and*
- (e) *in respect of any declared conflict of interest, a note of dispensation granted by the relevant local authority's Head of Paid Service.*

23.6 *All executive decisions taken by officers in accordance with Rule 23.5 must be published and will be subject to call in as set out in part 4.5 of this Constitution. Other non-key decisions taken by officers are not subject to call in.*

23.7 *Nothing in these rules relating to the taking of decision by individual officers shall require them to disclose confidential or exempt information or the advice of a political adviser or assistant.*

8.6 If the executive decision is a non- key decision then the decision maker needs to consider whether it is an “Important” or an “Administrative” decision using the criteria as outlined in Rule 8.4 of these Rules.

8.7 If it is an “Important” decision then it has to be recorded and published just like a key decision.

8.8 All executive decisions taken by officers and which are required to be published will be published through the modern.gov portal on the LBTH intranet. This link is:

<https://edemoc2ksrv.towerhamlets.gov.uk/mgWorkToDo.aspx?DR=08%2f03%2f2016%20-%2015%2f03%2f2016&SC=U00001675&OP=2>

8.9 On making an executive decision that requires to be recorded, the officer must provide the Directorate lead within his/her Directorate a completed Record of Decision Form – Executive Decision (see Appendix A) within two (2) clear working days of the date of taking the decision. A copy of the completed record should also be provided to the officer’s Service Head.

8.10 It is essential that the contents of the Record of Decision Form – Executive Decision are clear in conveying the decision taken. The reasons for the

decision must be set out. It will not be sufficient to say that the recommendations in a report were agreed especially as it is an accepted 'best practice' principle of good administration that reasons for decisions have to be given. Any report to the officer exercising the delegation must be attached and details of any background documents must be included. The form and accompanying report must set out:

- (a) a record of the decision (including the date it was made);
- (b) the reasons for the decision;
- (c) details of any alternative options considered and rejected;
- (d) a record of any conflict of interest declared by any Executive Member consulted; and
- (e) in relation to any such declaration, a note of any dispensation granted by the Chief Executive.

8.11 The Record of Decision Form – Executive Decision includes a section for the recording of interests by officers. It is important that where officers involved in making decisions have a registerable interest this is declared on the form to preserve the integrity of the process.

8.12 The Directorate lead will be responsible for maintaining a record of all decisions referred, including any report upon which each decision was made and any background documents. Further s/he will ensure that this decision is recorded by the Council and that the record of the decision is available for public inspection, excluding any exempt or confidential information, during all normal office hours and that the public has the right to copy or to be provided with a copy of any part of that record upon payment of a reasonable copying and administrative charge. The Directorate lead will also publish the decision on the Council's website via the modern.gov portal and will follow the "submit officer decision" link and complete as required.

8.13 If the Directorate lead has any concerns regarding the submitted Record of Decision Form – Executive Decision then they must raise this with officer submitting the form and ensure that all concerns are addressed before publishing the decision.

8.14 If a decision is challenged it is vital to be able to demonstrate that the proper processes were complied with. To be able to do this it is essential that adequate records are kept so they can be referred to and produced if necessary. These records should include written notes of all relevant meetings and discussions and copies of all papers considered in making a decision. It is best practice to keep a clear note of all considerations taken into account with reasons why they were considered relevant and why matters not considered were thought not to be relevant.

- 8.15 With regard to publication, nothing in these Rules relating to the taking of an executive decision by individual officers shall require them to disclose confidential or exempt information or the advice of a political adviser or assistant. In there is such information then the published decision must contain particulars of the matter but is not to contain any confidential or exempt information or particulars of the advice of a political adviser or assistant. Please see Rule 10 of these Rules for more details.**

9. Decision Making – Recording Non-Executive Decisions

- 9.1 Regulation 7 of the 2014 Regulations extends the requirement for officers to also make a written record of non-executive decisions which would have been taken by the relevant local government body, or a committee, sub-committee of that body or a joint committee in which that body participates, but has been delegated to an officer of that body either-

- (a) under a specific express authorisation; or
- (b) under a general authorisation to officers to take such decisions and,
 - (i) the effect of the decision is to either grant a permission or licence; or
 - (ii) affect the rights of an individual; or
 - (iii) award a contract or incur expenditure which, in either case, materially affects that relevant local government body's financial position.

- 9.2 Regulation 7(3) of the 2014 Regulations also requires that the written record be produced as soon as reasonable practicable and contain the following information:

- (a) a record of the decision including the date it was made;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected at the time by the officer when making the decision; and
- (d) where the decision falls under a specific express authorisation, the names of any member of the relevant local government body who has declared a conflict of interest in relation to the decision.

- 9.3 This written record together with any other background documents must also be made available for inspection as soon as practicable and published on the Council's website.

- 9.4 Non-executive functions are those set out in Part 3.1 of the Constitution and any decision taken in respect of these functions is a non-executive decision. These functions include:
- (a) Functions relating to Town and Country Planning;
 - (b) Licensing and Registration Functions;
 - (c) Functions relating to health and safety at work;
 - (d) Functions relating to elections;
 - (e) Functions relating to smoke-free premises;
 - (f) Miscellaneous functions (set out in Part 3.1 of the Constitution);
and
 - (g) The 'Local Choice' functions set out in Parts 3.1.2 and 3.1.3 of the Constitution (e.g. Street Trading Functions).
- 9.5 Decisions under an express authorisation are straightforward and would be where a Committee has delegated a specific non-executive decision to an officer or there is a specific delegation to an officer in the Constitution. All non-executive decisions of this nature must be recorded.
- 9.6 Decisions under a general authorisation to officers to take such decisions would be those as set out in the Scheme of Management and specifically, Part B – Directorate Delegations. These are set out at Part 8.2 of this Constitution and apply to the particular functions undertaken by each Directorate. The delegations extend to the holders of the specified posts which have been determined by the Director having regard to the requirements of the particular functions and the way in which the service is delivered.
- 9.7 Under a general authorisation, to require recording the decision must also be to either grant a permission or licence; affect the rights of an individual; or award a contract or incur expenditure which, in either case, materially affects that relevant local government body's financial position.
- 9.8 Decisions under a general authorisation to officers to take such decisions would be those as set out in the Scheme of Management and specifically, Part B – Directorate Delegations. These are set out at Part 8.2 of this Constitution and apply to the particular functions undertaken by each Directorate. The delegations extend to the holders of the specified posts which have been determined by the Director having regard to the requirements of the particular functions and the way in which the service is delivered.
- 9.9 The DCLG Guidance has set out examples of decisions that should be recorded, namely-

- Decisions about awarding contracts above specified individual or total values (the values will vary according to the relevant council or local government body);
- A decision to carry out major road works;
- Determination of licencing applications, building control decisions and notices; and
- Decisions to give listed building consents.

9.10 Taking this into account, and looking at each category in turn then where the effect of the decision is to grant a licence or permission, this would include:

- (a) determination of a licence application;
- (b) the granting of a planning permission and any other permissions; and
- (c) giving listed building consent.

9.11 As to a decision that affect the rights of an individual, this would include:

- (a) a decision to review a licence;
- (b) a decision to refuse to grant a licence or permission; and
- (c) a decision to serve a notice.

9.12 As to decisions in respect of the award of a contract and incurring expenditure then having regard to Section D of the Financial Procedure Rules and which relates to Financial Management, decisions that should be recorded are:

- (a) Decisions which would lead to a shortfall in the services budget;
- (b) Decisions in relation to an overspend;
- (c) Decisions the result of which would lead to a budget variance that would require to be reported to the Corporate Director of Resources.
- (d) The exercise of discretion by Corporate Directors in respect of incurring expenditure in respect of non-executive functions; and
- (e) Any decision in respect of a level 3 category contract where a PIF (Procurement Instruction Form) is to be completed but Member approval is not required.

9.13 All non-executive decisions taken by officers and which are required to be published will be published through the modern.gov portal on the LBTH intranet. This link is:

- 9.14 On making a non-executive decision that requires to be recorded, the officer must provide the Directorate lead within his/her Directorate a completed Record of Decision Form – Non-Executive Decision (see Appendix B) within 2 clear working days of the date of taking the decision. A copy of the completed record should also be provided to the officer's Service Head.
- 9.15 It is essential that the contents of the Record of Decision Form – Non-Executive Decision are clear in conveying the decision taken. The reasons for the decision must be set out. It will not be sufficient to say that the recommendations in a report were agreed especially as it is an accepted 'best practice' principle of good administration that reasons for decisions have to be given. Any report to the officer exercising the delegation must be attached and details of any background documents must be included. The form and accompanying report must set out:
- (a) a record of the decision including the date it was made;
 - (b) a record of the reasons for the decision;
 - (c) details of any alternative options considered and rejected at the time by the officer when making the decision; and
 - (d) where the decision falls under a specific express authorisation, the names of any member of the relevant local government body who has declared a conflict of interest in relation to the decision.
- 9.16 The Record of Decision Form – Non-Executive Decision includes a section for the recording of interests by officers. It is important that where officers involved in making decisions have a registerable interest this is declared on the form to preserve the integrity of the process.
- 9.17 The Directorate lead will be responsible for maintaining a record of all decisions referred, including any report upon which each decision was made and any background documents. Further s/he will ensure that this decision is recorded by the Council and that the record of the decision is available for public inspection, excluding any exempt or confidential information, during all normal office hours and that the public has the right to copy or to be provided with a copy of any part of that record upon payment of a reasonable copying and administrative charge. The Directorate lead will also publish the decision on the Council's website via the modern.gov portal and will follow the "submit officer decision" link and complete as required.
- 9.18 If the Directorate lead has any concerns regarding the submitted Record of Decision Form – Non-Executive Decision then they must raise this with officer

submitting the form and ensure that all concerns are addressed before publishing the decision.

9.19 If a decision is challenged it is vital to be able to demonstrate that the proper processes were complied with. To be able to do this it is essential that adequate records are kept so they can be referred to and produced if necessary. These records should include written notes of all relevant meetings and discussions and copies of all papers considered in making a decision. It is best practice to keep a clear note of all considerations taken into account with reasons why they were considered relevant and why matters not considered were thought not to be relevant.

9.20 With regard to publication, nothing in these Rules relating to the taking of a non-executive decision by individual officers shall require them to disclose confidential or exempt information. In there is such information then the published decision must contain particulars of the matter but is not to contain any confidential or exempt information. Please see Rule 10 of these Rules for more details.

10. Decision Making - Exempt and Confidential Information

10.1 In respect of the recording of executive decisions, the 2012 Regulations provide that nothing in those Regulations is to be taken to authorise or require the disclosure of confidential information in breach of the obligation of confidence.

10.2 Further, in respect of Executive Decisions, the Council is not required to disclose to the public or make available for public inspection any document or part of a document relating to the decision if, in the opinion of the monitoring officer, that document or part of that document contains or may contain:

- (a) confidential information;
- (b) exempt information; or
- (c) the advice of a political adviser or an assistant.

10.3 "Confidential Information" is information provided to the local authority by a government department on terms (however expressed) which forbid the disclosure of the information to the public; or information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court, and in either case, a reference to the obligation of confidence is to be construed accordingly.

10.4 "Exempt Information" is has the meaning given by section 100I of the 1972 Act (exempt information and power to vary Schedule 12A, namely-

- (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 handling the information) [**Information is not exempt under this category if it is required to be registered under the Companies Act 1985, the Friendly Societies Act 1974 and 1992, the Industrial and Provident Societies Acts 1965 to 1978, the Building Societies Act 1986 or the Charities Act 1993.**].
 - (d) Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters 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:-
 - (i) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (ii) 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.
- 10.5 Information falling within any of the categories (a) to (g) of Rule 11.5 above are not exempt by virtue of Rule 11.2 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.
- 10.6 As to non-executive decisions, the 2014 Regulations also provide that nothing in those Regulations is to be taken to authorise or require the disclosure of confidential information in breach of the obligation of confidence.
- 10.7 The 2014 Regulations also provide that the Council is not required to disclose to the public or make available for public inspection any document or part of a document relating to the decision if, in the opinion of the monitoring officer, that document or part of that document contains or may contain:
- (a) confidential information; or
 - (b) exempt information.
- 10.8 The 2014 Regulations do not provide an exemption for the advice of a political adviser or an assistant.
- 10.9 Otherwise, confidential information and exempt information have the same meanings in Rules 10.3 and 10.4 above.

11. Decision Making - Referrals

- 11.1 Whilst officers are encouraged to take responsibility for decisions, an officer may decide that a particular issue is such that it should be referred to the body from which authority was delegated. In any event, such a referral must take place where the proposed decision relating to Executive function is in conflict with the Council's Budget and Policy Framework.
- 11.2 The Executive may also direct an officer's delegated authority should not be exercised and that the matter should be referred to the Executive.
- 11.3 In relation to the exercise of non-Executive functions, the officer may decide to refer a particular issue to the Committee or sub-committee from whom it was delegated, or if none, arrange for an appropriate recommendation to be made to Full Council.
- 11.4 In considering not to exercise a delegation, The criteria that officers may have to consider when determining whether to exercise a function could include-
- (a) Whether the decision may incur a significant social, economic or environmental risk.
 - (b) The likely extent of the impact of the decision both within and outside of the borough.
 - (c) Whether the decision is likely to be a matter of political controversy.
 - (d) The extent to which the decision is likely to result in substantial public interest.

12. Retention of Documents

- 12.1 Both the 2012 Regulations and the 2014 Regulations provide that any written record of an executive decision or any report required to be available for inspection by members of the public, must be retained by the Council and made available for inspection by the public for a period of at least six (6) years beginning on the date on which the decision, to which the report or record relates, was made.
- 12.2 In respect of background papers however, both sets of Regulations only require retention for four (4) years.

RECORD OF DECISION FORM – EXECUTIVE DECISION

Regulation 13 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Name, job title, Directorate and Service of Decision Maker:	
Subject matter:	
Wards affected:	
Delegated Power Being Exercised:	
Name of the Executive Member consulted (if applicable):	
Any conflict of interest that has been declared by the Executive Member:	
In relation to any such declaration, is there a note of any dispensation granted by the Chief Executive:	
Does the decision maker have a registerable interest:	
Date Decision Taken:	
Decision Taken (specify precise details):	
Reasons for the Decision (specify all reasons for taking the decisions including reference to Council policy, where necessary):	

List and attach the documents, reports etc. considered as part of making the decision:	
Details of any alternative options considered and rejected at the time by the officer when making the decision:	
Consultations (where appropriate):	
Any Legal, Financial, or Equality Implications considered:	
List of background papers:	
If not the Decision Maker, the name and contact details of the officer to contact for background papers:	
Signature and Date:	

RECORD OF DECISION FORM – NON-EXECUTIVE DECISION

Regulation 7 of The Openness of Local Government Bodies Regulations 2014

Name, job title, Directorate and Service of Decision Maker:	
Subject matter:	
Wards affected:	
Delegated Power Being Exercised:	
Is the decision arising from a specific express authorisation:	
If yes, state the names of any member who has declared a conflict of interest in relation to the decision:	
Does the decision maker have a registerable interest:	
Date Decision Taken:	
Subject of Decision:	
Decision Taken (specify precise details):	
Reasons for the Decision (specify all reasons for taking the decisions including reference to Council policy, where necessary):	


List and attach the documents, reports etc. considered as part of making the decision:	
Details of any alternative options considered and rejected at the time by the officer when making the decision:	
Consultations (where appropriate):	
Any Legal, Financial, or Equality Implications considered:	
List of background papers:	
If not the Decision Maker, the name and contact details of the officer to contact for background papers:	
Decision:	
Signature and Date:	

BULLET POINT GUIDE TO RECORDING OF OFFICER DECISIONS

- Is the decision Executive or Non-executive?
- If Executive, is it a Key decision?
- If a Key Decision, then decision must be recorded and complete **“RECORD OF DECISION FORM – EXECUTIVE DECISION”** and then submit to Directorate lead.
- If Executive non-Key decision, then is it an important decision or an administrative one?
- If important (see Rule 8.4 of **“Recording of Officer Decision Procedure Rules”** for criteria for deciding whether decision is important), then decision must be recorded and complete **“RECORD OF DECISION FORM – EXECUTIVE DECISION”** and then submit to Directorate lead.
- If administrative, then decision does not need to be formally recorded but a written note of the decision should be made by the officer to provide an audit trail in respect of decision making.
- If decision is non-Executive (see Rule 9.4 of **“Recording of Officer Decision Procedure Rules”** for examples of non-Executive decisions), then it must be recorded if it is has either-
 - been delegated under a specific express authorisation; or
 - been delegated under a general authorisation to officers to take such decisions and the effect of the decision is to-
 - (i) grant a permission or licence; or
 - (ii) affect the rights of an individual; or
 - (iii) award a contract or incur expenditure which, in either case, materially affects that relevant local government body's financial position.
- Examples of decisions in (i), (ii) and (iii) above are-
 - determination of a licence application;

- the granting of a planning permission and any other permissions;
 - giving listed building consent;
 - a decision to review a licence;
 - a decision to refuse to grant a licence or permission;
 - a decision to serve a notice;
 - a decision which would lead to a shortfall in the services budget;
 - a decision in relation to an overspend;
 - a decision the result of which would lead to a budget variance that would require to be reported to the Corporate Director of Resources.
 - the exercise of discretion by Corporate Directors in respect of incurring expenditure in respect of non-executive functions; and
 - any decision in respect of a level 3 category contract where a PIF (Procurement Instruction Form) is to be completed but Member approval is not required.
- If the non-Executive decision must be recorded then complete **“RECORD OF DECISION FORM – NON-EXECUTIVE DECISION”** and then submit to Directorate lead.
 - Do consider whether any information is confidential or exempt (see Rule 10 of **“Recording of Officer Decision Procedure Rules”** for definitions of exempt and confidential) and, if so, advise Directorate lead accordingly.

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Non-Executive Report of the: General Purposes Committee 2 nd May 2017	 TOWER HAMLETS
Report of: Will Tuckley – Chief Executive	Classification: Unrestricted
Update on the UK Parliamentary General Election 2017	

Originating Officer(s)	Louise Stamp
Wards affected	All

1. **SUMMARY**

- 1.1 This report outlines the detailed preparations in place for the UK Parliamentary General Election 2017 (UKPGE).

2. **RECOMMENDATIONS**

- 2.1 That the Committee note the content of this report.

No unpublished background papers were relied upon to a material extent in the preparation of this report.

3. PREPARATIONS FOR THE UK PARLIAMENTARY GENERAL ELECTION (UKPGE)

- 3.1 Due to the short timetable, preparations are underway based on best practice and lessons learnt from previous elections. A number of successful initiatives were employed for the polls in 2016 and further initiatives will be introduced for 2017.
- 3.2 Plans for the UKPGE election on 8 June 2017 are progressing well. A detailed election planner and risk and contingency register are being prepared for the election and will act as a working document for the team throughout the timetable.
- 3.3 An elections' working group has been set up with regular meetings scheduled. The meetings will be chaired by the Acting Returning Officer, with officers from across the Council, the Metropolitan Police, Electoral Commission and Agilisys.
- 3.4 The pre-election period will commence on 3 May 2017, guidance will be made available to all staff and Members. The Notice of Election will be published 2 days after receipt of the writ.
- 3.5 The Met Police are closely involved in the election planning. They have appointed a senior officer with previous elections experience in Tower Hamlets as the Single Point of Contact (SPOC).
- 3.5 A work package agreement will be prepared with Agilisys to cover any system failures and ensure they are responded to within 24 hours.
- 3.6 All rooms required for the election have been secured.

4. UKPGE – 8 JUNE 2017

- 4.1 The Returning Officer for the UKPGE is the Speaker of the Council, who delegates all duties and responsibilities to the Acting Returning Officer, Will Tuckley.
- 4.2 Tower Hamlets is divided into two constituencies – Bethnal Green and Bow; and Poplar and Limehouse.

Polling Places

- 4.3 Three polling places previously used will change as follows:

BG5 existing polling place – Pupil Referral Unit (not available due to exams)
New Polling Place – TBA

SG3 – existing polling place – Redcoat Youth Centre (under refurbishment)

New Polling Place – Marion Richardson Primary School, Senrab Street

ME3 – existing polling place – Stepney Greencoat Primary School (request not to use)

New Polling Place – Lockesley Community Centre, Dora Street

All other polling places have been secured. A total of 75 polling places and 104 polling stations will be used.

- 4.4 A polling station finder will be available on the website for residents to enter their postcode and a map will identify the location of their polling station.
- 4.5 Detailed discussions are taking place with the Met Police on how Police Officers will be deployed at polling places across the borough and joint training scheduled.
- 4.6 A contractor has been engaged to fit up and collect equipment from each polling place.

Staffing

- 4.7 Presiding Officers and Poll Clerks have been emailed to confirm their availability. One Presiding Officer and two Poll Clerks will be appointed at every polling station.
- 4.8 Reserve presiding officers and poll clerks will be trained to cover any 'drop-outs' and emergency cover before polling day. The reserves not appointed will be required to attend the Town Hall at 6am on the day of poll to be allocated as required or cover the phones in the office.
- 4.9 Polling Station Inspectors (PSIs) have been emailed to confirm their availability. Ten PSIs will be appointed to cover polling places in 20 wards.
- 4.10 Postal Vote Opening staff have been emailed to confirm their availability. There will be a total of seven opening sessions.
- 4.11 Count staff will be emailed at the beginning of May. We will recruit around 156 count staff, 52 supervisors and 6 accountants.
- 4.12 All staff must attend compulsory training sessions commencing in May 2017, to be able to carry out their duties.

Postal vote opening

- 4.13 Seven postal vote opening sessions have been organised. Agilisys staff will be identified to set up the opening equipment and ensure an engineer is on call for each session in the event of IT failure.

- 4.14 The current number of postal voters for the UKPGE is: 27,452
- 4.15 The final opening session will take place at the count venue from 8pm on Thursday 8 June 2017.

26/05/2017	MP701	1st Opening Postal Votes
30/05/2017	MP701	2nd Opening Postal Votes
01/06/2017	MP701	3rd Opening Postal Votes
05/06/2017	MP701	4th Opening Postal Votes
07/06/2017	MP701	5th Opening Postal Votes
08/06/2017	Count Venue	6th Opening Postal Votes
08/06/2017	Count Venue	Final Opening Postal Votes

- 4.16 The opening process will be split into am and pm sessions to ensure staff downtime is reduced.

Registration

- 4.17 The current eligible electorate for the UKPGE in each constituency is as follows:

Bethnal Green and Bow – 81,133

Poplar and Limehouse – 83,107

- 4.18 Visits to properties with more than six electors will take place in May to ensure the register used at the polling station is as up-to-date as possible.
- 4.19 Daily new property/resident checks are being undertaken with Council Tax to ensure the appropriate information is exchanged and everyone has the opportunity to register.

Timetable dates

- 4.20 Statement of persons nominated will be published at 5pm Thursday 11 May 2017

Last date to register to vote in the election is Monday 22 May 2017

Last date to apply for or amend an existing postal vote is 5pm on Tuesday 23 May 2017

Last date to apply to vote by proxy is 5pm on Wednesday 31 May 2017

- 4.21 Following publication of the notice of election, the website will be updated to include all statutory dates for the UKPGE election.

The Count

- 4.22 The count for the UKPGE election will take place at ExCeL London, commencing at 10pm. Only appointed people can attend the counting of votes. The results for both constituencies will be declared in the early hours on Friday 9 June 2017.

5. OBSERVATIONS OF THE CHIEF FINANCE OFFICER

- 5.1 This is a noting report which provides the general purpose committee with an update on the preparations for the UKPGE 2017.
- 5.2 The Council's Electoral Services team conduct the election on behalf of the ARO. The service costs £613k per annum and is funded through general fund resources.
- 5.3 The UKPGE is estimated to cost around £400k and is expected to be fully funded through Cabinet Office funding.
- 5.4 There are no additional financial commitments arising from the recommendations within this report.

6. LEGAL SERVICES COMMENTS

- 6.1 The UKPGE is being conducted in compliance with The Representation of the People Act 1983 (as amended).
- 6.2 There are no other immediate legal implications arising from this report.

7. ANTI-POVERTY IMPLICATIONS

- 7.1 There are no anti-poverty implications arising from this report.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT (SAGE)

- 8.1 There are no SAGE implications arising from this report.

9. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 9.1 There are no specific crime and disorder reduction implications arising out of this report.