

**SCHEDULE OF CHANGES TO THE CONSTITUTION: 17<sup>th</sup> MAY 2011**

<b>Abolition of Policy Development Groups and Introduction of Cabinet Advisory Groups</b>		
<b>No.</b>	<b>Section</b>	<b>Amendment</b>
1.	Part 2, Article 11 – Advisory Process	<p>(a) Delete whole of existing section 11.02 and replace with the following:  '<b>11.02 Cabinet Advisory Groups</b>  The Leader of the Council and/or any Cabinet Member may from time to time convene ad hoc task and finish advisory groups advise and inform Executive Members on key emerging issues. These informal meetings will form part of the Council’s internal political management arrangements and provide a mechanism whereby non-Executive members of the Council have an opportunity to influence Executive Members in exercising their functions.  The Head of Democratic and Members’ Services will maintain a schedule of these Advisory Groups and details of representation.'</p> <p>(b) Delete first paragraph of section 11.07.</p> <p>(c) In section 11.07 amend ‘schedule’ in the second line of the second paragraph to read ‘Article’.</p>
2.	Part 2, Article 11 – Advisory Process	Delete Annex A.
3.	Part 3, Responsibility for Functions, Annex B	Delete reference to ‘in consultation with the Adult and Communities Policy Development Group’ in the ‘Grants’ ‘Delegated to:’ column.
4.	Part 4, Rules of Procedure, County Council Procedure Rules, Annex C, County Council Motions Guidance	Delete the fourth bullet point in paragraph 6.3.

No.	Section	Amendment
5.	Part 4, Rules of Procedure, Cabinet Procedure Rules	Page 4, delete section 3.
6.	Part 4, Rules of Procedure, Cabinet Procedure Rules – Explanatory Note	<ul style="list-style-type: none"> <li>(a) In section 3 delete '(as tested at a PDG meeting)'.</li> <li>(b) Delete whole of section 5 and renumber remaining sections.</li> <li>(c) Delete 'The only exception to prior consideration by a PDG' and 'i.e.' in the first line of section 6.</li> <li>(d) Delete first bullet point under section 7.</li> <li>(e) Delete '(These should also go via the appropriate PDG).' from section 8.</li> <li>(f) Delete 'PDG or' in the sixth line of section 10.</li> <li>(g) Delete 'PDG or' in the third line of section 13.</li> </ul>
7.	Part 5, Codes and Protocols, Members' Code of Conduct – Guidance on Confidentiality	Delete section 11.
8.	Part 5, Codes and Protocols, Expectations of Scrutiny	Delete 'or PDG' from the last bullet point in Section 4.
9.	Part 6, Members' Allowances Scheme	<ul style="list-style-type: none"> <li>(a) In the fourth bullet point in paragraph 5.4 delete 'Policy Development Group'.</li> <li>(b) Insert 'and Members' after 'Democratic' in paragraph 5.6.</li> <li>(c) In the third bullet point in Schedule 2 delete 'Policy Development Group (PDG) or'.</li> </ul>

<b>Overview and Scrutiny</b>		
<b>No.</b>	<b>Section</b>	<b>Amendment</b>
10.	Index	Insert 'Overview and' before each reference to 'Scrutiny'.
11.	Part 1, Summary and Explanations	<p>(a) Insert 'Overview and' before 'Scrutiny' in the bulleted list of Articles on page 1</p> <p>(b) Insert 'Overview and' before 'Scrutiny' in the penultimate line of the third paragraph under the 'How the Council Operates' section.</p> <p>(c) Amend section on 'Scrutiny', page 3 to read as follows:</p> <p><b>'Overview and Scrutiny</b></p> <p>The work of the Cabinet and the Council as a whole is supported by a number of Overview and Scrutiny Committees. They allow the public to have a greater say in Council matters by holding public inquiries into matters of local concern. These lead to reports and recommendations which advise the Cabinet and the Council as a whole on its policies, Budget and service delivery. In some circumstances, these committees may also make reports and recommendations to external organisations such as health partners.</p> <p>Overview and Scrutiny Committees also monitor the decisions of the Cabinet. Decisions which have been made by the Cabinet or by an individual member of the Cabinet but not yet implemented may be called in for review. The Cabinet or the individual member may be recommended to reconsider the decision. Scrutiny bodies may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy. In addition the Council may appoint ad hoc Panels to look at particular issues or services. These will be time-limited and focus on cross-cutting issues. They will not have the power to call in decisions.'</p> <p>(d) Insert 'Overview and' before 'Scrutiny' in the sixth bullet point in the bulleted list in the 'Rights of the Public' section.</p>

No.	Section	Amendment
12.	Part 2, Article 3 – The Public and the Council	In (c) insert ‘Overview’ after the word ‘by’ and delete ‘Scrutiny’ after the word ‘each’.
13.	Part 2, Article 6 – Scrutiny Committees	Delete existing Article and replace with that attached at Annex 1.
14.	Part 2, Article 10 – Area Committees	In 10.03 insert ‘Overview and’ before each reference to ‘Scrutiny’.
15.	Part 2, Article 12 – Joint Arrangements	In 12.02 (e) and (f) insert ‘Overview and’ before each reference to ‘Scrutiny Committee’.
16.	Part 2, Article 13 – Officers	In the table under 13.01 (b) insert ‘overview and’ before the word ‘scrutiny’ in the list of functions and areas of responsibility allocated to the Corporate Director: Customer Services and Transformation.
17.	Part 2, Article 14 – Decision Making	In 14.06, insert ‘Overview and’ before each reference to ‘Scrutiny’.
18.	Part 2, Schedule 1 – Description of Executive Arrangements	In 1 insert ‘Overview and’ before both references to ‘Scrutiny’.
19.	Part 3, Responsibility for Functions	<p>(a) On page 2, insert ‘Overview and’ before ‘Scrutiny’ in the ‘Delegation of Functions’ column.</p> <p>(b) On page 8, function ‘14’, insert ‘Overview and’ before ‘Scrutiny Management Group’ and ‘Overview and’ before ‘Scrutiny’.</p>
20.	Part 4, Rules of Procedure, Council Procedure Rules	<p>(a) In 1.1(vi) insert ‘Overview and’ before ‘Scrutiny’.</p> <p>(b) In 2(xi) delete ‘the’ in the penultimate line and insert ‘Overview and’ before ‘Scrutiny’.</p> <p>(c) In 12.5(g) delete ‘a’ and insert ‘Overview and’ before ‘Scrutiny’ in the last line.</p>

No.	Section	Amendment
21.	Part 4, Rules of Procedure, Council Procedure Rules, Annex C: County Council Motions – Guidance	Insert ‘Overview and’ before ‘Scrutiny’ in the last bullet point in 6.2.
22.	Part 4, Rules of Procedure, Council Procedure Rules, Annex D: County Council Public Question Time – Guidance.	Insert ‘Overview and’ before ‘Scrutiny’ in the third bullet point in 3.1.
23.	Part 4, Rules of Procedure, Access to Information Procedure Rules	Insert ‘Overview and’ before each reference to ‘Scrutiny’ and where necessary, amend ‘a’ to read ‘an’.
24.	Part 4, Rules of Procedure, Budget and Policy Framework Procedure Rules	Insert ‘Overview and’ before each reference to ‘Scrutiny’ and where necessary, amend ‘a’ to read ‘an’.
25.	Part 4, Rules of Procedure, Cabinet Procedure Rules	Insert ‘Overview and’ before each reference to ‘Scrutiny’ and where necessary, amend ‘a’ to read ‘an’.
26.	Part 4, Scrutiny Procedure Rules	Replace existing section with that attached at Annex 2.

No.	Section	Amendment
27.	Part 5, Codes and Protocols, Protocol on Member/Officer Relations	Insert 'Overview and' before each reference to 'Scrutiny'.
28.	Part 5, Codes and Protocols, Expectations of Scrutiny	(a) Insert 'Overview and' before each reference to 'Scrutiny Committee', 'Scrutiny Committees', 'Scrutiny Chairmen' and 'Scrutiny meetings' and amend 'a' to read 'and' where necessary. (b) In 6, delete 'Head of Corporate Development' and replace with 'Scrutiny Officer'.
29.	Part 6, Members' Allowances Scheme	Insert 'Overview and' before each reference to 'Scrutiny' and where necessary, amend 'a' to read 'an'.

<b>Council Meetings</b>		
No.	Section	Amendment
30.	Part 4, Rules of Procedure, Council Procedure Rules	Delete existing section and replace with that attached at Annex 3.
31.	Part 4, Rules of Procedure, Council Procedure Rules, Annex A: County Council Oral Question Time – Guidance	Delete existing section and replace with that attached at Annex 4.

No.	Section	Amendment
32.	Part 4, Rules of Procedure, Council Procedure Rules, Annex B: County Council Written Questions – Guidance	Delete existing section and replace with that attached at Annex 5.

<b>Cabinet</b>		
No.	Section	Amendment
33.	Part 3, Responsibility for Functions, Annex B, scheme of delegation to Cabinet Members	Amend list of delegations in line with Annex 6.

<b>Leader Delegations</b>		
No.	Section	Amendment
30.	Article 11, Advisory Process	<ul style="list-style-type: none"> <li data-bbox="595 1034 2136 1106">(a) In the third from last line of section 11.03, delete ‘in consultation with the other political Group Leaders’.</li> <li data-bbox="595 1121 2136 1193">(b) In the second bullet point under ‘District area based LSPs’ delete ‘following consultation with the other Group Leaders and members of the LSP Board’.</li> <li data-bbox="595 1209 2136 1281">(c) In the second paragraph of section 11.07 delete ‘but only after consultation with the other political Group Leaders’.</li> <li data-bbox="595 1297 2136 1369">(d) In the third paragraph of section 11.07, delete ‘having due regard to the wishes of the other political Group Leaders’.</li> </ul>

**Other [not covered in report to Council]**

31.	Part 2, Article 17 – Suspension, Interpretation and Publication of the Constitution  <u>Note</u> : this reflects current practice and avoids unnecessary printing costs	Amend 17.03 (a) to read as follows:  (a) The Head of Democratic and Members’ Services <del>give a printed copy of this Constitution</del> will send an e-mail link to the electronic version of <del>this</del> the Constitution to each member of the authority upon delivery to him/her of that individual’s declaration of acceptance of office on the member first being elected to the Council, and offer to provide a paper copy on request.
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## **ARTICLE 6 – OVERVIEW AND SCRUTINY COMMITTEES**

### **6.01 Terms of Reference**

The Council will appoint five **Overview and** Scrutiny Committees to discharge the functions conferred by Section 21 of the Local Government Act 2000:

- Adults, Wellbeing and Health
- Children and Young People
- ~~Corporate Issues~~ **Resources and Performance**
- ~~Environment and Sustainability~~, **Enterprise, Growth and Community Infrastructure**
- Safer and Stronger Communities.

In addition:

- The Adults, Wellbeing and Health **Overview and** Scrutiny Committee will discharge functions under Section 7 of the Health and Social Care Act 2001.
- The Safer and Stronger Communities **Overview and** Scrutiny Committee will discharge functions under Sections 19 and 20 of the Police and Justice Act 2006, as amended by Section 126 of the Local Government and Public Involvement in Health Act 2007.
- Full Council shall, at its absolute discretion, has the power to appoint ad hoc ~~Scrutiny~~ Panels to consider particular issues or services. Such Panels shall be time-limited in their task and focus primarily on cross-cutting issues. Ad hoc ~~Scrutiny~~ Panels shall not have the power to call in any decisions.

### **6.02 General Role**

Within their terms of reference, **Overview and** Scrutiny Committees will:

- (i) Review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions.
- (ii) Make reports and/or recommendations to any of the following in connection with the discharge of any functions:
  - The full Council
  - The Cabinet
  - Joint or area committees
  - Partner organisations
  - Thematic Strategic Partnerships underpinning Cambridgeshire Together (the Local Area Agreement Board).

- (iii) Review the **policies and** performance of the Council and the achievement of service targets.
- (iv) Consider any matter affecting the area or its inhabitants.
- (v) Exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Cabinet and/or any area committees.
- (vi) Respond to Councillor Calls for Action raised by individual members in accordance with Section 119 of the Local Government and Public Involvement in Health Act 2007. The Safer and Stronger Communities **Overview and** Scrutiny Committee will respond to Councillor Calls for Action relating to crime and disorder and community safety issues in accordance with the Police and Justice Act 2006.

#### 6.03 **Management of the **Overview and** Scrutiny Arrangements**

An **Overview and** Scrutiny Management Group shall be established comprising the Chairmen of the five standing **Overview and** Scrutiny Committees, the Cabinet **Overview and** Scrutiny Liaison Member and the two Conservative lead members. **Where this does not include a representative from a Political Group represented on the Council, the relevant Group Leader will be invited to appoint a representative to join the Overview and Scrutiny Management Group of the Labour Group.**

They **Overview and Scrutiny Management Group** will propose an annual work plan to the full Council, including recommending the setting up of any ad hoc **Scrutiny Panels**.

#### 6.04 **Specific Functions**

(a) **Policy Development and Review: **Overview and** Scrutiny Committees** may:

- (i) Assist the Council and the Cabinet in the development of the Budget and Policy Framework.
- (ii) Question members of the Cabinet and/or committees and senior officers\* about their views on issues and proposals affecting the area.
- (iii) Liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

(b) **Scrutiny: **Overview and** Scrutiny Committees** may:

- (i) Review and scrutinise the decisions made by and performance of the Cabinet and/or committees and Council officers both in relation to individual decisions and over time.
- (ii) Review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas.

- (iii) Question members of the Cabinet and/or committees and senior officers\* about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects.
  - (iv) Make recommendations to the Cabinet and/or appropriate committee and/or Council arising from the outcome of the scrutiny process.
  - (v) Review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the **Overview and Scrutiny** Committee and local people about their activities and performance. If the scrutiny is of Local Area Agreement targets, Sections 121 and 122 of the Local Government and Public Involvement in Health Act 2007 give **Overview and Scrutiny** Committees the power to require information from partner organisations signed up to these targets, and to require such organisations to have regard to **Overview and Scrutiny** recommendations relating to these targets.
  - (vi) Question and gather evidence from any person (with their consent).
  - (vii) Receive petitions calling officers to account in accordance with the Council's Petitions Scheme.
  - (viii) Review the steps taken to respond to a petition [a Petition Review] in accordance with the Council's Petitions Scheme.
- (c) **Annual Report:** **Overview and Scrutiny** Committees must report annually to full Council on their work and make recommendations for future work programmes and amended working methods if appropriate.

#### 6.05 **Proceedings of **Overview and Scrutiny** Committees**

Scrutiny Committees will conduct their proceedings in accordance with the **Overview and Scrutiny** Procedure Rules set out in Part 4 of this Constitution.

#### 6.06 **Co-options to **Overview and Scrutiny** Committees**

An **Overview and Scrutiny** Committee may appoint up to three people at any one time as non-voting co-opted members, provided the appointments are made in accordance with paragraph 3 of the **Overview and Scrutiny** Procedure Rules set out in Part 4 of this Constitution.

[Note: \*For the purpose of this Article, senior officer means Chief Executive, Executive Director, Corporate or Service Director, as defined in Part 4 ([Officer Employment Procedure Rules](#)) of this Constitution.]

## **OVERVIEW AND SCRUTINY PROCEDURE RULES**

### **1. Arrangements for Overview and Scrutiny Committees**

The Council will have five Overview and Scrutiny Committees as set out in [Article 6](#) and will appoint to them as it considers appropriate from time to time. The Council may also appoint up to 3 ad hoc overview and /or scrutiny panels for a fixed period, on the expiry of which they shall cease to exist. Such ad hoc panels will not have the power of call in but shall have all other powers of Overview and Scrutiny Committees.

The Council will be responsible for:

- (a) Approving the terms of reference, membership, chairman and duration of ad hoc scrutiny panels
- (b) Appointing members to the Overview and Scrutiny Committees and sub-committees, including substitute members.

The terms of reference of the Overview and Scrutiny Committees shall be as set out in Table 1.

### **2. Membership of Overview and Scrutiny Committees**

Overview and Scrutiny Committees will comprise up to 11 members of Council with seats allocated to the political Groups in proportion to the number of seats held by each Group on the Council as a whole.

All Councillors except members of the Cabinet may be members of an Overview and Scrutiny Committee. No member may be involved in scrutinising a decision in which he/she has been directly involved.

### **3. Co-optees**

Each Overview and Scrutiny Committee shall be entitled to appoint up to 3 people at any one time as non-voting co-opted members of the Committee. The Committee shall determine whether the co-options shall be effective for a specified period, for specific meetings or for specific items.

A Committee may not co-opt any person who is an active member of any political party. An active member is defined as any person who engages in political activities which would not be permissible if that person was an officer holding a Politically Restricted Post within the Council.

Co-options may only be made if the person co-opted has particular knowledge or expertise in the functions for which that Overview and Scrutiny Committee is responsible.

#### 4. **Meetings of the **Overview and Scrutiny Committees****

**Overview and Scrutiny** Committee meetings shall be held on dates and times as may be specified in the Council's calendar of meetings. Any variation to the published dates and times for meetings shall be agreed by the Committee Chairman or by the Committee itself.

In addition, extraordinary meetings may be called from time to time as and when appropriate. An **Overview and Scrutiny** Committee meeting may be called by the Chairman of the relevant **Overview and Scrutiny** Committee, by any 3 members of the Committee or by the Proper Officer if he/she considers it necessary or appropriate.

#### 5. **Quorum**

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

#### 6. **Chairmen of **Overview and Scrutiny Committees****

~~At least two of the Council's Scrutiny Committees as determined by the Council at the annual meeting will be chaired by Councillors who are not members of the largest Political Group on the Council. If there is no overall control the chairmanship should reflect the political balance of the Council.~~

The appointment of **Overview and Scrutiny** Committee Chairmen and Vice-Chairman shall be determined by the Council at the annual general meeting, or at any ordinary meeting having regard to recommendations from the Leader of the Council.

#### 7. **Work Programme**

The **Overview and Scrutiny** Committees will be responsible for setting their own work programme and in doing so they shall take into account wishes of members on that Committee who are not members of the largest Political Group on the Council.

The **Overview and Scrutiny** Management Group (see below) will propose an annual work plan to the annual meeting of Council, including recommending the setting up of any ad hoc Panels.

#### 8. **Management and Development of the **Overview and Scrutiny Process****

An **Overview and Scrutiny** Management Group shall be established comprising the Chairmen of the five standing **Overview and Scrutiny** Committees, the Cabinet **Overview and Scrutiny** Liaison Member and the two Conservative lead members. ~~Where this does not include a representative from a Political Group represented on the Council, the relevant Group Leader will be invited to appoint a representative to join the **Overview and Scrutiny** Management Group of the Labour Group.~~

The Group will be responsible for advising on the management and development of the scrutiny process, including making recommendations on:

- The content and co-ordination of work programmes
- The establishment of ad hoc scrutiny panels
- The training and development of members and officers involved in the scrutiny process
- ~~The arrangements for chairing Scrutiny Committees and the membership of Committees~~
- The Council's Constitution and other procedures as they relate to the Scrutiny process
- The use of the **Overview and** Scrutiny budget.

## 9. **Agenda Items**

Any member of the Council shall be entitled to give notice to the Proper Officer that he/she wishes an item relevant to the functions of the Committee to be included on the agenda for the next available meeting of the Committee. On receipt of such a request the Proper Officer will ensure that it is included on the next available agenda.

The **Overview and** Scrutiny Committees shall also respond, as soon as their work programme permits, to requests from the Council and if it considers it appropriate the Cabinet 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 Cabinet and/or Council. The Council and/or the Cabinet shall consider the report of the **Overview and** Scrutiny Committee within two months of receiving it.

## 10. **Policy Review and Development**

- (a) The role of the **Overview and** Scrutiny Committees in relation to the development of the Council's budget and policy framework is set out in detail in the [Budget and Policy Framework Procedure Rules](#).
- (b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, **Overview and** Scrutiny Committees may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.
- (c) **Overview and** Scrutiny Committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

## 11. Reports from **Overview and Scrutiny Committee**

- (a) Once it has formed recommendations on proposals for development, the **Overview and Scrutiny Committee** will prepare a formal report and submit it to the Proper Officer for consideration by the Cabinet (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).
- (b) If an **Overview and Scrutiny Committee** cannot agree on one single final report to the Council or Cabinet, then up to one minority report may be prepared and submitted for consideration by the Council or Cabinet with the majority report.
- (c) The Council or Cabinet shall consider the report of the **Overview and Scrutiny Committee** at its next ordinary meeting after being submitted to the Proper Officer.

## 12. Consideration of **Overview and Scrutiny reports by the Cabinet**

- (a) The agenda for Cabinet meetings shall include an item entitled 'Issues arising from Scrutiny Committees'. The reports of **Overview and Scrutiny Committees** referred to the Cabinet shall be included at this point in the agenda (unless they have been considered in the context of the Cabinet's deliberations on a substantive item on the agenda) within two months of the **Overview and Scrutiny Committee** completing its report/recommendations. The Cabinet shall provide a written response to each of the **Overview and Scrutiny Committee** recommendations, including reasons where ~~scrutiny~~ recommendations are not accepted.
- (b) Once an **Overview and Scrutiny Committee** has completed its deliberations on any matter it will forward a copy of its final report to the Proper Officer who will allocate it to either or both the Cabinet and the Council for consideration, according to whether the contents of the report would have implications for the Council's budget and policy framework. If the Proper Officer refers the matter to Council, he/she will also serve a copy on the Leader with notice that the matter is to be referred to Council. The Cabinet will have 3 weeks in which to respond to the **overview and scrutiny** report, and the Council shall not consider it within that period. When the Council does meet to consider any referral from a **Overview and Scrutiny Committee** on a matter which would impact on the budget and policy framework, it shall also consider the response of the Cabinet to the **overview and scrutiny** proposals.
- (c) **Overview and Scrutiny Committees** will in any event have access to the Cabinet's Forward Plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from an **Overview and Scrutiny Committee** following a consideration of possible policy/service developments, the committee will at least be able to respond in the course of the Cabinet's consultation process in relation to any Key Decision.

13. **Rights of Overview and Scrutiny Committee Members to Documents**

- (a) In addition to their rights as Councillors, members of Overview and Scrutiny Committees have the additional right to documents, and to notice of meetings as set out in the [Access to Information Procedure Rules](#) in Part 4 of this Constitution.
- (b) Nothing in this paragraph prevents more detailed liaison between the Cabinet and Overview and Scrutiny Committees as appropriate depending on the particular matter under consideration.

14. **Members and Officers Giving Account**

- (a) Any Overview and Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the overview and scrutiny role, it may require any member of the Cabinet, the Head of Paid Service and/or any senior officer to attend before it to explain in relation to matters within their remit:
  - (i) any particular decision or series of decisions;
  - (ii) the extent to which the actions taken implement Council policy; and/or
  - (iii) their performanceand it is the duty of those persons to attend if so required.
- (b) Where any member or officer is required to attend an Overview and Scrutiny Committee under this provision, the Chairman of that Committee will inform the Proper Officer. The Proper Officer shall inform the member or officer in writing giving at least 3 working days' notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the committee. Where the account to be given to the committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.
- (c) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Overview and Scrutiny Committee shall in consultation with the member or officer arrange an alternative date for attendance.

15. **Attendance by Others**

An Overview and Scrutiny Committee may invite people other than those people referred to in paragraph 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

- (a) When a decision is made by the Cabinet, an individual member of the Cabinet or a committee of the Cabinet, or a Key Decision is made by an officer with delegated authority from the Cabinet, or an Area Committee 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 2 working days of being made. Chairmen of all **Overview and** Scrutiny Committees will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision. Copies may be sent to other members of the Committees on request.
- (b) That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless an **Overview and** Scrutiny Committee objects to it and calls it in.
- (c) During that period, the Proper Officer shall call in a decision for scrutiny by the Committee if so requested by the Chairman or any 3 members of the Committee or 15 members of Council, and shall then notify the decision-taker of the call-in. Those representatives co-opted to the Children and Young People **Overview and** Scrutiny Committee with voting rights are entitled to call in decisions relating to the Council's education functions. The request for the call-in of a decision shall be conveyed in writing and shall specify the reason(s) why the decision is being called in. The decision called in will be referred by the Proper Officer to the next scheduled meeting of the Committee but if no meeting is scheduled within 18 working days of the decision to call in, he/she shall call a meeting of the Committee on such date as he/she may determine, where possible after consultation with the Chairman of the Committee, and in any case within 18 working days of the decision to call in.
- (d) If, having considered the decision, the **Overview and** Scrutiny Committee is still concerned about it, then it may refer it back to the decision-making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council if considered not to be in accordance with the budget or policy framework. If referred to the decision maker they shall then reconsider within a further 30 working days (or 60 working days in the case of a decision by an area committee) amending the decision or not, before adopting a final decision.
- (e) 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 meeting, or the expiry of that further 5 working day period, whichever is the earlier.

- (f) 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, it has no locus to make decisions in respect of an executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision-making person or body, together with the Council's views on the decision. That decision-making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet as a whole or a committee of it, a meeting will be convened to reconsider within 15 working days of the Council request. Where the decision was made by an individual, the individual will reconsider within 10 working days of the Council request.
- (g) If the Council does not meet, or if 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.
- (h) The call-in procedure set out above shall not apply where the decision being taken by the Cabinet, or the decision-making person or body, is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests. 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. The Chairman of the relevant Committee or in his/her absence the Chairman of the Council must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of both, the Chief Executive or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the relevant **Overview and** Scrutiny Committee, together with the reasons for urgency.
- (i) 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.

## 17. Procedure at **Overview and** Scrutiny Committee meetings

- (a) **Overview and** Scrutiny Committees shall consider the following business:
  - i) minutes of the last meeting;
  - ii) declarations of interests (when each item is under consideration);
  - iii) consideration of any matter referred to the Committee for a decision in relation to call in of a decision;
  - iv) responses of the Cabinet to reports of the **Overview and** Scrutiny Committee;

v) in accordance with the Council's Petitions Scheme:

- Receive petitions calling officers to account
- Review the steps taken to respond to a petition [a Petition Review]; and

vi) the business otherwise set out on the agenda for the meeting.

(b) Where the **Overview and** Scrutiny Committee conducts investigations (e.g. to review the Council's performance with a view to policy development), the Committee may also ask people to attend to give evidence at Committee meetings which are to be conducted in accordance with the following principles:

- i) that the investigation be conducted fairly and all members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
- ii) that those assisting the Committee by giving evidence be treated with respect and courtesy; and
- iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

(c) Following any investigation or review, the Committee shall prepare a report for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.

(d) **Overview and** Scrutiny Committees will conduct their business and act in accordance with the [Expectations of Scrutiny](#) set out in Part 5 of the Constitution.

## 18. **Matters within the remit of more than one **Overview and** Scrutiny Committee**

(a) Where a matter for consideration by an **Overview and** Scrutiny Committee also falls within the remit of one or more other **Overview and** Scrutiny Committees, the decision as to which **Overview and** Scrutiny Committee will consider it will be resolved by the **Overview and** Scrutiny Management **Panel Group** established in accordance with [Article 6.03](#).

(b) Where an **Overview and** Scrutiny Committee conducts a review or scrutinises a matter which also falls (whether in whole or in part) within the remit of another **Overview and** Scrutiny Committee, then the Committee conducting the review shall invite the Chairman of the other Committee (or his/her nominee) to attend its meetings when the matter is being reviewed.

## TERMS OF REFERENCE FOR **OVERVIEW AND SCRUTINY COMMITTEES**

### 1. INTRODUCTION

- 1.1 The role of Scrutiny is a powerful one: to scrutinise the Council and its partners to ensure that services are delivered as effectively as possible for the residents of Cambridgeshire. Increasingly the emphasis is on services delivered in partnership, with Cambridgeshire Together (the Local Area Agreement Board) and its underpinning Thematic Strategic Partnerships leading on this.
- 1.2 The County Council's **Overview and** Scrutiny Committees are well placed to fulfil the Scrutiny role. The **Overview and** Scrutiny Committees set out below will hold to account not only the Council's Cabinet members and officers, but also a range of external partners and partnerships, and will make recommendations to all of these as appropriate.
- 1.3 These terms of reference describe the **Overview and** Scrutiny Committees' primary relationships. However, depending on the nature of the issue under review, it may on occasion be appropriate for an **Overview and** Scrutiny Committee to scrutinise or make recommendations to people or partnerships other than those listed in its terms of reference. Any queries relating to this will be resolved in accordance with paragraph 18 (a) above.

### 2. ADULTS, WELLBEING AND HEALTH **OVERVIEW AND SCRUTINY COMMITTEE**

#### 2.1 Membership

- Up to 11 County Councillors, as appointed annually by the Council in accordance with paragraph 2 of these **Overview and** Scrutiny Procedure Rules
- Five co-opted District Councillors, one from each District Council in Cambridgeshire. District Councils will be invited to nominate one member and one substitute. The usual rules for substitution as set out in the Council Procedure Rules will apply. District Councils will be asked to nominate members who belong to a Scrutiny Committee at District level, enabling these members to be co-opted with voting rights as specified in paragraph 9 (1) of the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002
- Up to 3 non-voting co-optees.

#### 2.2 Terms of reference

- 1) To exercise the powers conferred by Section 21 of the Local Government Act 2000 and Section 7 of the Health and Social Care Act 2001 by co-ordinating the effective scrutiny of adult social care, health services and other related services and making reports to relevant local NHS bodies and local authorities.
- 2) To perform the **overview and** scrutiny role in relation to:
  - a) Functions that are the responsibility of the Community Wellbeing Partnership

b) Functions that are the responsibility of the following officers:

- Executive Director: Community and Adult Services [as responsible for the two Directors listed below]
- Service Director: Strategy and Commissioning (Adult Social Care)
- Service Director: Operations (Adult Social Care)
- Director of Public Health.

### 2.3 Operating conventions

Councillors must take care to avoid any conflicts of interest that may arise from their involvement in the bodies or decisions that they are scrutinising, either as a member of a local authority executive or an NHS executive or as an employee. Councillors who are non-executive directors of NHS Trusts or Primary Care Trusts are not excluded from membership of the Adults, Wellbeing and Health **Overview and Scrutiny Committee**, but must follow the usual guidance regarding participation where there is a risk of conflict of interest or prejudicial interest.

The Chairman of the Adults, Wellbeing and Health **Overview and Scrutiny Committee** will be a County Councillor.

Only County Council members of the Adults, Wellbeing and Health **Overview and Scrutiny Committee** may exercise the power of call-in as described in paragraph 16 of the **Overview and Scrutiny Procedure Rules** for decisions taken by the County Council's Cabinet.

## 3. CHILDREN AND YOUNG PEOPLE **OVERVIEW AND SCRUTINY COMMITTEE**

### 3.1 Membership

- Up to 11 County Councillors, as appointed annually by the Council in accordance with paragraph 2 of these **Overview and Scrutiny Procedure Rules**
- Up to 3 non-voting co-optees
- The follow representatives, who will be co-opted with voting rights:
  - 1 Church of England diocese representative
  - 1 Roman Catholic diocese representative
  - 3 parent governor representatives.

These representatives are entitled to vote (where eligible) only on those matters relating to the Council's education functions. They may speak but not vote on other matters. The Committee will also include a representative of the Free Church as a non-voting member. The representatives of the Church of England diocese, the Roman Catholic diocese and the Free Church shall each be entitled to appoint a substitute to fulfil their functions in their absence.

### 3.2 Terms of reference

1) To perform the **overview and** scrutiny role in relation to:

- a) Functions that are the responsibility of the Children's Trust

b) Functions that are the responsibility of the following officers:

- Executive Director: Children and Young People's Services
- Service Director: Children's Enhanced and Preventative Services
- Service Director: Children's Social Care
- Service Director: Learning
- Service Director: Strategy and Commissioning.

#### **4. CORPORATE ISSUES OVERVIEW AND SCRUTINY COMMITTEE**

##### **4.1 Membership**

- Up to 11 County Councillors, as appointed annually by the Council in accordance with paragraph 2 of these **Overview and** Scrutiny Procedure Rules
- Up to 3 non-voting co-optees.

##### **4.2 Terms of reference**

1) To perform the **overview and** scrutiny role in relation to functions that are the responsibility of the following:

- Corporate Director: Customer Service and Transformation
- ~~Corporate Director: People, Policy and Law~~
- Services provided through Local Government Shared Services arrangements [see LGSS Joint Committee terms of reference and Shared Services Delegated Functions (part 3.1)].

#### **5. ENVIRONMENT AND SUSTAINABILITY ENTERPRISE, GROWTH AND COMMUNITY INFRASTRUCTURE OVERVIEW AND SCRUTINY COMMITTEE**

##### **5.1 Membership**

- Up to 11 County Councillors, as appointed annually by the Council in accordance with paragraph 2 of these **Overview and** Scrutiny Procedure Rules
- Up to 3 non-voting co-optees.

##### **5.2 Terms of reference**

1) To perform the **overview and** scrutiny role in relation to:

a) Functions that are the responsibility of the following Thematic Strategic Partnerships:

- Cambridgeshire Horizons (leading on the Local Area Agreement 'Managing Growth' theme)
- The Environmental Sustainability Partnership
- The Greater Cambridge Partnership (leading on the Local Area Agreement 'Economic Prosperity' theme)

b) Functions that are the responsibility of the following officers:

- Executive Director: Environment Services
- Service Director: Environment and Regulation
- Service Director: Growth and Infrastructure
- Service Director: Highways and Access.

## 6. SAFER AND STRONGER COMMUNITIES **OVERVIEW AND SCRUTINY COMMITTEE**

### 6.1 Membership

- Up to 11 County Councillors, as appointed annually by the Council in accordance with paragraph 2 of these **Overview and** Scrutiny Procedure Rules
- Up to 3 non-voting co-optees
- 1 non-voting Police Authority member, nominated by the Police Authority, for 'crime and disorder' **overview and** scrutiny items only.

### 6.2 Terms of reference

- 1) To be the Council's designated 'crime and disorder committee', as required by Sections 19 and 20 of the Police and Justice Act 2006, as amended by section 126 of the Local Government and Public Involvement in Health Act 2007. In accordance with the Crime and Disorder (Overview and Scrutiny) Regulations 2009, the Committee will consider crime and disorder issues at least once a year and when so doing, will be able to require information and attendance by the relevant responsible authority or co-operating authority. This Committee will also receive Councillor Calls for action relating to crime and disorder and community safety issues in accordance with the Police and Justice Act 2006.
- 2) To perform the **overview and** scrutiny role in relation to
  - a) Functions that are the responsibility of the Safer and Stronger Strategic Board
  - b) Functions that are the responsibility of the following officers:
    - Executive Director: Community and Adult Services [as responsible for the two Service Directors listed below]
    - Service Director: Community Engagement (Fenland)
    - Service Director: Libraries, Learning and Culture.

**COUNCIL PROCEDURE RULES****1. ANNUAL MEETING OF THE COUNCIL****1.1 Timing and Business**

In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. This meeting will:

- (i) Elect the Leader of the Council.
- (ii) Be notified by the Leader of the Council of the number of members he/she is appointing to the Cabinet, their names and their portfolios.

In addition, this meeting will carry out the tasks listed below. These tasks will also be carried out at the annual meeting held in any other year, which will take place in May.

- (i) Elect a person to preside if the Chairman of Council is not present.
- (ii) Elect the Chairman of Council.
- (iii) Elect the Vice-Chairman of Council.
- (iv) Approve the minutes of the last meeting.
- (v) Receive any announcements from the Chairman and/or Head of Paid Service.
- (vi) Make appointments to the Council's **Overview and Scrutiny Committees**, Committees, Standards Committee and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in [Part 3](#), Table 2 of this Constitution).
- (vii) Agree the scheme of delegation or such part of it as the Constitution determines it is for the Council to agree (as set out in [Part 3](#) of this Constitution).
- (viii) Approve a programme of ordinary meetings of the Council for the year.
- (ix) Consider any business set out in the notice convening the meeting.

**1.2 Selection of Councillors on Committees and Outside Bodies**

At the annual meeting, the Council will:

- (i) Decide which committees to establish for the municipal year.
- (ii) Decide the size and terms of reference for those committees.



- (iii) Decide the allocation of seats and substitutes to political groups in accordance with the political balance rules.
- (iv) Appoint to those committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Cabinet.

## 2. ORDINARY MEETINGS

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. Ordinary meetings will:

- (i) Elect a person to preside if the Chairman and Vice-Chairman are not present.
- (ii) Approve the minutes of the last meeting.
- (iii) Receive any announcements from the Chairman, Leader, members of the Cabinet or the Chief Executive.
- (iv) Subject to the consent of the person presiding at the meeting:
  - (a) receive questions from, and provide answers to, the public [\[see Annexe D\]](#); and
  - (b) receive petitions in accordance with the Council's petitions scheme.
- (v) Deal with any business from the last Council meeting.
- (vi) ~~Receive reports~~ **Consider recommendations** from the Cabinet and appropriate Council committees ~~and receive questions and answers on any of these reports~~ **on matters requiring a Council decision**. When Council considers reports from the Standards Committee, the independent Chairman of the Committee will be invited to present the report and to answer any questions from Councillors.
- (vii) Receive reports about and receive questions and answers on the business of joint arrangements and external organisations.
- (viii) Consider motions.
- (ix) Consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's budget and policy framework and reports of **Overview and Scrutiny Committees** for debate.
- (x) **Questions to the Leader of the Council, Cabinet Member, Committee Chairman and representatives on the Fire and Police Authorities.**

### **3. EXTRAORDINARY MEETINGS**

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

Those listed below may request the Proper Officer to call Council meetings in addition to ordinary meetings:

- (i) The Council by resolution.
- (ii) The Chairman of the Council.
- (iii) The Monitoring Officer.
- (iv) Any five members of the Council if they have signed a requisition presented to the Chairman of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

Any requisition received for an extraordinary meeting must specify the business to be transacted at the meeting.

#### **3.2 Business**

The business to be transacted at an extraordinary meeting of the Council shall be restricted to those items set out in the summons.

### **4. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES**

#### **4.1 Allocation**

As well as allocating seats on committees and sub-committees, the Council will allocate seats in the same manner for substitute members.

In very exceptional circumstances, such as the long-term absence of members, the Chairman of the Council may authorise a change in the membership of a Committee (including changes to the named substitute members); retrospectively all such changes shall be reported to the next meeting of the Council for ratification.

#### **4.2 Number**

For each committee, the Council will appoint up to four named substitutes from each political group.

#### **4.3 Powers and Duties**

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

#### 4.4 **Substitution**

Substitute members may attend meetings in that capacity only:

- (i) To take the place of the ordinary member for whom they are the designated substitute.
- (ii) After notifying the relevant Democratic Services Officer of the intended substitution before the start of the meeting.

In the event of the ordinary member of the committee being present at the start of the meeting, the ordinary member may advise that the substitution shall not take effect. The membership of the committee shall be as constituted at the start of the meeting and substitution will not be permitted during the course of the meeting.

Substitute members are eligible for travelling, subsistence and carer's allowances as if they were appointed members of that committee.

#### 5. **TIME AND PLACE OF MEETINGS**

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

#### 6. **NOTICE OF AND SUMMONS TO MEETINGS**

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

#### 7. **CHAIRMAN OF MEETING**

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

#### 8. **QUORUM**

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

## 9. QUESTIONS BY MEMBERS

### 9.1 Oral Questions

~~At each ordinary Council meeting (excluding the first annual meeting of a new Council) there shall be a 60-minute members' oral question time. A member of the Council may ask the Leader, a portfolio holder, a Chairman of a Scrutiny Committee or the Chairman of the Audit and Accounts or Pensions Committees any question without notice on any matter relevant to the Council's powers or duties. The conduct of oral question time shall be regulated by the Chairman having regard to any written guidelines agreed by the Group Leaders ([see Annex A](#)).~~

### 9.1 Oral Questions on Reports of the Cabinet or Committees

~~A member of the Council may ask the Leader or the Chairman of a committee any question without notice upon an item of the report of the Cabinet or a committee when that item is being received or under consideration by the Council.~~

A member of the Council may ask the Leader of the Council, Cabinet Member, the Chairman of any Committee or representative on the Police and Fire Authorities a question on any matter discussed at a Cabinet or committee meeting; relevant to the business of the Council, or matter which affects the County of Cambridgeshire. The maximum time allowed for these questions and answers will be 60 minutes.

### 9.2 Response

An answer to an oral question may take the form of:

- (i) A direct oral answer of up to a maximum of two minutes.
- (ii) Where the desired information is in a publication of the Council or other published work, a reference to that publication.
- (iii) Where the reply cannot conveniently be given orally, a written answer circulated later to the questioner and made available to all members of Council and to the public.

A member asking an oral question under Rule 9.1 ~~or 9.2~~ may ask one supplementary question without notice of the member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply and shall be limited to a maximum of one minute. An oral response will be limited to two minutes.

Guidance on oral questions is set out in [Annex A](#).

### 9.2 Written Questions at Full Council

Subject to the provisions set out below, a member of the Council may ask:

- the Chairman;
- a member of the Cabinet; or
- the Chairman of any committee

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

#### 9.4.5 **Notice of Questions**

A member may only ask a written question under Rule 9.2.4 if either:

- (a) they have given notice in writing of the question to the Proper Officer no later than 12.00 noon five working days before the date of the meeting, excluding extraordinary or special meetings of the Council and the first annual meeting of a new Council, where no written questions may be asked unless they are agreed as an urgent item by the Chairman under paragraph (b) below; or
- (b) the question relates to urgent matters, they have the consent of the Chairman to whom the question is to be put and the content of the question is given to the Proper Officer at least one hour before the scheduled start of the meeting.
- (c) the maximum number of written questions submitted to any one meeting will be 13, allocated across the Political Groups taking account of proportionality.

Guidance on written questions is set out at [Annexe B](#).

#### 9.5.6 **Supplementary Question**

~~A member asking a question under Rule 9.1 or 9.2.3 may ask one supplementary question without notice of the member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply and shall be limited to a maximum of one minute. An oral response will be limited to two minutes.~~

## 10. **MOTIONS ON NOTICE**

### 10.1 **Notice**

Except for motions which can be moved without notice under Rule 11, written notice of motions for discussion at Council meetings, excluding extraordinary or special meetings of the Council or the first annual meeting of a new Council, must be delivered to the Proper Officer not later than 12.00 noon 14 days before the date of the meeting. The Proper Officer will maintain a public record of all motions submitted.

## 10.2 **Motion set out in Agenda**

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

## 10.3 **Scope**

Motions must be about matters for which the Council has a responsibility or which affect the County. They may propose an addition or change to a policy framework provided that the addition or change could not reasonably have been raised when the policy framework was originally approved.

Guidance on the submission and consideration of written motions is set out at [Annexe C](#).

## 11. **MOTIONS WITHOUT NOTICE**

The following motions may be moved without notice:

- (a) To appoint a Chairman of the meeting at which the motion is moved.
- (b) In relation to the accuracy of the minutes.
- (c) To change the order of business in the agenda.
- (d) To refer something to an appropriate body or individual.
- (e) To appoint a committee or member arising from an item on the summons for the meeting.
- (f) To receive reports or adoption of recommendations of committees or officers and any resolutions following from them.
- (g) To withdraw a motion.
- (h) To amend a motion.
- (i) To proceed to the next business.
- (j) That the question be now put.
- (k) To adjourn a debate.
- (l) To adjourn a meeting.
- (m) To suspend a particular Council Procedure Rule.
- (n) To exclude the public and press in accordance with the [Access to Information Rules](#).
- (o) To not hear further a member named under Rule 19.3 or to exclude them from the meeting under Rule 19.4.
- (p) To give the consent of the Council where its consent is required by this Constitution.

## 12. **RULES OF DEBATE**

### 12.1 **No Speeches Until Motion Seconded**

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

## 12.2 **Right to Require Motion or Amendment In Writing**

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

## 12.3 **Secunder's Speech**

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

## 12.4 **Content and Length of Speeches**

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed 5 minutes without the consent of the Chairman.

## 12.5 **When a Member may Speak Again**

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

- (a) To speak once on an amendment moved by another member.
- (b) To move a further amendment if the motion has been amended since he/she last spoke.
- (c) If his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried).
- (d) In exercise of a right of reply.
- (e) On a point of order.
- (f) By way of personal explanation.
- (g) To speak in a personal capacity as an ordinary member where the member has already spoken in moving a **an Overview and** Scrutiny Committee report.

## 12.6 **Amendments to Motions**

- (a) An amendment to a motion must be relevant to the motion and will either be:
  - (i) To refer the matter to an appropriate body or individual for consideration or reconsideration.
  - (ii) To leave out words.
  - (iii) To leave out words and insert or add others.
  - (iv) To insert or add words.
  - (v) As long as the effect of (ii) to (iv) is not to negate the motion.
- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.

- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the Chairman will advise the meeting of the content of the amended motion before accepting any further amendments, or if there are none, put it to the vote.

#### 12.7 **Alteration of Motion**

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

#### 12.8 **Withdrawal of Motion**

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

#### 12.9 **Right of Reply**

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

#### 12.10 **Motions which may be Moved During Debate**

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

- (a) To withdraw a motion.
- (b) To amend a motion.
- (c) To proceed to the next business.
- (d) That the question be now put.
- (e) To adjourn a debate.
- (f) To adjourn a meeting.
- (g) To exclude the public and press in accordance with the [Access to Information Rules](#).



- (h) To not hear further a member named under Rule 19.3 or to exclude them from the meeting under Rule 19.4.

#### 12.11 **Closure Motions**

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

#### 12.12 **Point of Order**

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

#### 12.13 **Personal Explanation**

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

### 13. **STATE OF COUNTY DEBATE**

- 13.1 The Chairman, in consultation with the Leader, may convene meetings of the Council to discuss matters relating to the state of the County. The application of these Rules to such meetings may be varied in accordance with a detailed protocol agreed by the Council.

## 14. **PREVIOUS DECISIONS AND MOTIONS**

### 14.1 **Motion to Rescind a Previous Decision**

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 14 members.

### 14.2 **Motion Similar to One Previously Rejected**

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 14 members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

## 15. **VOTING**

### 15.1 **Majority**

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

### 15.2 **Chairman's Casting Vote**

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

### 15.3 **Method of Voting**

Unless a recorded vote is demanded under Rule 15.5 or the Chairman determines that the vote will be by means of the electronic voting system under Rule 15.4, or by ballots under Rule 15.8, the Chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

### 15.4 **Electronic Voting**

Where indicated by the Chairman presiding at the meeting, voting may be by means of the electronic voting system. The result of the vote shall be as indicated by the electronic voting system announced by the person presiding at the meeting.

### 15.5 **Recorded Vote**

If 14 members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be recorded and entered into the minutes. A demand for a recorded vote will override a demand for a ballot.

## 15.6 **Right to Require Individual Vote to be Recorded**

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

## 15.7 **Voting by Political Groups**

The pattern of voting by the Political Groups will be recorded for all decisions taken at Council meetings.

## 15.8 **Voting on Appointments**

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person. Alternatively, the Chairman may determine that voting on appointment be by means of a ballot.

## 16. **MINUTES**

### 16.1 **Signing the Minutes**

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

### 16.2 **No Requirement to Sign Minutes of Previous Meeting at Extraordinary Meeting**

The minutes of any meeting shall be signed at the next ordinary meeting (but not at an extraordinary meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972).

## 17. **RECORD OF ATTENDANCE**

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

## 18. **EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded either in accordance with the [Access to Information Rules](#) in Part 4 of this Constitution or Rule 20 (Disturbance by Public).

## 19. **MEMBERS' CONDUCT**

### 19.1 **Standing to Speak**

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

### 19.2 **Chairman Standing**

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

### 19.3 **Member not to be Heard Further**

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

### 19.4 **Member to Leave the Meeting**

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

### 19.5 **General Disturbance**

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

## 20. **DISTURBANCE BY PUBLIC**

### 20.1 **Removal of Member of the Public**

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

### 20.2 **Clearance of Part of Meeting Room**

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

21. **PHOTOGRAPHY AND AUDIO RECORDINGS OF MEETINGS**

The filming, videoing, photographing or audio recording of a meeting shall not be permitted by any person without the explicit consent of the Chairman of the meeting concerned. The necessary consent shall have been obtained and the Proper Officer notified by no later than one hour before the meeting.

22. **ELECTRONIC COMMUNICATION**

Where these Rules require that written notice is given to the Proper Officer, such notice will also be deemed to have been given if received by the Proper Officer by email or fax within the specified deadline.

23. **SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

23.1 **Suspension**

All of these Council Rules of Procedure except Rules 15.6 and 16.2 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

23.2 **Amendment**

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

24. **APPLICATION TO COMMITTEES**

All of the Council Rules of Procedure apply to meetings of full Council. None of the rules apply to meetings of the executive. The following Rules apply to meetings of committees: 5, 7, 8, 11, 15, 16, 17, 18, 19, 20 and 21.

**COUNTY COUNCIL ORAL QUESTION TIME: GUIDELINES****1. INTRODUCTION**

- 1.1 Question time will occupy up to 60 minutes at each ordinary meeting of the County Council (excluding the annual meeting of a new Council and extraordinary meetings). Section 9 of the Council Procedure Rules in the Council's Constitution sets out the constitutional framework for oral questions. The conduct of oral question time will be regulated by the Chairman of Council having regard to the following guidelines.

**2. CONTENT OF ORAL QUESTIONS****2.1 All questions:**

- must be relevant to matters for which the Council has powers or duties
- must not relate to an item which is included elsewhere on the County Council agenda (e.g. in a matter for decision or report from Cabinet or Committee or relating to a motion on the agenda) as they can be raised at that point in the meeting
- should be limited to obtaining information or pressing for action.

**2.2 Questions should not:**

- be incapable of being adequately answered in two minutes
- contain offensive expressions
- divulge, or require the answer to divulge, confidential or exempt information.

- 2.3 Any facts on which a question is based should be identified briefly when the question is asked. Members may be asked to verify authenticity of any factual statement.

**3. RECIPIENTS OF QUESTIONS****3.1 Questions may only be asked of the following:**

- The Leader of Council
- A portfolio holder (Cabinet member)
- The Chairman of an Overview and Scrutiny Committee
- The Chairman of the Audit and Accounts Committee
- The Chairman of the Pensions Committee.
- The Council's representatives on the Police and Fire Authorities.

Members are encouraged to submit their question to the recipient in advance of the meeting to enable a full response to be prepared. Where this has not happened, the recipient of the question may decide not to answer the question at the meeting and provide a written response at a later date.

#### 4. **PROCEDURE AT THE COUNTY COUNCIL MEETING**

4.1 The Chairman of the Council will invite members wishing to speak to indicate their put his/her question from the floor of the Chamber. The maximum time spent on Oral Question Time shall be 60 minutes.

4.2 The conduct of Oral Question time will be governed by a protocol agreed by the Chairman of the Council and Political Group Leaders, in consultation with the Monitoring Officer.

4.3 The following process will apply:

- **Questions must be put to a named post holder or member.**
- **Members shall have up to two minutes in which to ask the question.** In putting the question, the member may elaborate on the content but not put additional questions.
- **The response to an oral question may take the form of:**
  - (a) a direct oral response of up to a maximum of two minutes;
  - (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
  - (c) where the reply cannot conveniently be given orally, a written response circulated later to the questioner and made available to all members of Council and to the public.
- After the response has been given **the questioner has up to a further minute in which to put one supplementary question or seek clarification** of the response to the original question. The supplementary question must arise directly out of the original question or the reply and must not introduce new material.
- **The recipient of the original question then has up to a further two minutes in which to reply to the supplementary question** and no further supplementary question on this issue from any other member will be allowed.
- The Chairman of the Council may, in exceptional circumstances, extend the time either for a question or its response. The timing of questions and responses is controlled by the system of lights in the Council Chamber

#### 5. **RECORD OF PROCEEDINGS**

A record is taken of Question Time and is made available to all members of the Council and to the public.

**COUNTY COUNCIL WRITTEN QUESTIONS – GUIDANCE**

**2. INTRODUCTION**

- 1.1 Section 9 of the Council Procedure Rules in the Council's Constitution includes provision for members to ask questions in writing on any matter in relation to which the Council has powers or duties or which affects the County.

**3. RECIPIENT OF QUESTIONS**

- 2.1 Questions may be asked of the following members :

- The Chairman of Council.
- The Leader of Council.
- A member of the Cabinet.
- The Chairman of any Committee.

**4. NOTICE OF QUESTIONS**

- 3.1 Excluding extraordinary or special meetings of the Council and the first annual meeting of a new Council, when no written questions may be asked unless they are agreed as an urgent item by the Chairman, a member wishing to submit a written question must give notice in writing of the question to the proper officer no later than 12.00 noon five working days before the date of the Council meeting. The question must be in writing but may be submitted by letter, fax or email.
- 3.2 Where a question relates to urgent matters, a member should seek the agreement of the person to whom the question is to be put that they are prepared to accept the question as urgent. If agreement is forthcoming the content of the question must be given in writing to the proper officer at least one hour before the scheduled start of the meeting.

**4. LIMIT ON QUESTIONS**

- 4.1 The maximum number of written questions submitted to any one meeting will be 13, allocated across the Political Groups taking account of proportionality.
- 4.2 For the purposes of allocating questions, Groups with less than 3 Members and independent Members will be treated as one group which will be given a proportionate allocation of the total number of available questions. It will be for these Members to agree amongst themselves how to share the opportunity to ask these questions.
- 4.3 Group Leaders will be advised in advance of each meeting how many questions are available to their Group. If any one Group submits more than its allocated number of questions, it will be for the Group Leader to determine which question(s) to withdraw.



5. **RESPONSE TO QUESTIONS**

- 5.1 A response to a written question shall take the form of a written reply from the member concerned which shall be made available to members of Council and to the public by 9.00 am on the day of the meeting.
- 5.2 Where an urgent written question has been submitted under paragraph 3.2 above, a written response shall be made available to members of Council and to the public as soon as practicable.
- 5.3 Members will seek to respond to questions as fully as possible but shall not be required to divulge confidential or exempt information.

## Environment Services

Trading Standards	Delegated to:
To approve the Food Plan, in consultation with the Executive Director: Environment Services.	Cabinet Member for <del>Enterprise the Economy and the Environment</del>
To approve minor changes to the overarching Enforcement Policy and the Enforcement Policy specifically covering age restricted goods, in consultation with the Executive Director: Environment Services, following an annual review of these policies by the Head of Trading Standards.	Cabinet Member for <del>Enterprise the Economy and the Environment</del>
Highways and Access	Delegated to:
To oversee the allocation of any surplus from the Local Authority Parking Enforcement Account.	Cabinet Member for <del>Community Infrastructure</del> Highways and Access
Environment and Regulation	Delegated to:
To approve amendments to the Safety of Sports Grounds Policy, in consultation with the Executive Director: Environment Services.	Cabinet Member for <del>Community Infrastructure the Economy and the Environment</del>

## Children and Young People's Services and Community and Adult Services

Grants	Delegated to:
Decision-making authority in respect of the allocation of small grants (£3,000 or less).	Cabinet Member for <del>Community Infrastructure or Cabinet Member for Children and Young People's Services</del> Communities in consultation with the <del>Adult and Communities Policy Development Group</del>