

East Suffolk Council Constitution

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FUNCTIONS AND RESPONSIBILITIES

1. General Principles

- 1.1 Members and Officers must understand how decisions are made, whether they are working alone or in a group or committee.
- 1.2 When making a decision as an individual, due regard should be had as to whether that decision should be made in consultation with another Member and or an Officer. In making any decision the following should apply:
 - Acting in the best interests of the Council
 - Ensuring legislative compliance
 - Ensuring all decisions are made in accordance with the Council's budget and policy framework
 - Basing decisions on all available evidence
- 1.3 Decision making should always be made as transparently as possible. Whilst certain decisions should be recorded and published, decision makers should always assume that any decision may be made available to the public.

2. Decision Making Bodies

- 2.1 Under the Constitution, decisions may be taken by:
 - the full Council
 - the Cabinet collectively
 - individual Cabinet Members
 - Committees and Sub Committees
 - Officers
- 2.2 Under the Constitution the bodies below can only make recommendations or referrals (as appropriate) to the decision-making bodies listed above:
 - Advisory Committees, Panels and Working Groups
 - Appointments Committee
 - and some recommendations of the Overview and Scrutiny Committee
- 2.3 Whichever body or individual is responsible for taking a decision, the decision will be formally minuted and recorded. Unless a decision contains confidential or exempt information, it will be open to public inspection in accordance with the Access to Information Procedure Rules.
- 2.4 Decisions relating to the Statutory Functions of the Council will be made by the Council and not delegated.

3. Key Decisions

3.1 A Key Decision is an executive decision which is likely to:

- result in the Council incurring expenditure, making savings, or receiving income which is significant to the Council's budget for the service or function to which the decision relates; or
- be significant in terms of its effects on communities living or working in an area comprising two or more wards in the area of the Council's District.

3.2 By the term "significant" the Council means a decision which:

- results in expenditure, savings, income, additional funding or virement of over £250,000 being incurred or achieved; or
- results in an outcome which will have a marked effect on communities living or working in an area comprising two or more wards.

3.3 A decision maker may only make a Key Decision in accordance with the requirements of the Access to Information Procedure Rules.

COMMITTEES

There are various Committees that exist within this Council's Constitutional framework, this section provides an overview of each Committee in alphabetical order, with more detailed terms of reference available in Appendix A.

4. Appointments Committee

4.1 Introduction

4.1.1 The purpose of the Appointments Committee is to oversee the appointment and dismissal of the Council's statutory officers and Strategic Directors.

4.2 Main Functions

- Recommends to Council that it confirms the appointment of the Head of Paid Service, the Chief Finance Officer (also known as the Section 151 Officer) and the Monitoring Officer.
- Appointing Strategic Directors

5. Audit and Governance Committee

5.1 Introduction

5.1.1 The purpose of the Audit and Governance (A and G) Committee is to provide an independent and high-level focus on audit, assurance and reporting arrangements that underpin good governance and financial standards.

5.2 Main Functions

- Provides independent assurance of the adequacy of the risk management framework and the internal control environment.
- Provides independent review of the Council's governance, risk management and control frameworks.
- Oversees the financial reporting and annual governance processes.
- Oversees internal audit and external audit, helping to ensure effective relationships exist and efficient and effective assurance arrangements are in place.

6. Licensing Committee

6.1 Introduction

6.1.1 The purpose of the Licensing Committee is to consider policy issues on licensing matters alongside the hearing and determination of licensing applications in accordance with statutory requirements.

6.2 Main Functions

- Determines policy in relation to licensing matters.
- Delegates to a Licensing Sub Committee comprising of three Members drawn from the wider Committee to determine licenses (for example individual applications made under the Licensing Act 2023 and Gambling Act 2005).

7. Overview and Scrutiny Committee

7.1 Introduction

7.1.1 The purpose of the Overview and Scrutiny Committee is to hold public service decision-makers and providers to account and facilitate the improvement of public services in East Suffolk. Effective scrutiny enhances accountability, ensures transparency of decision-making, contributes to service improvement, and acts as a 'check and balance' on decision-makers.

7.2 Main Functions

- Reviews and/or scrutinises decisions made, or actions taken in connection with the

discharge of any of the Cabinet functions.

- Makes reports and/or recommendations to the Full Council or the Cabinet in connection with the discharge of any functions.
- Makes reports or recommendations to the Full Council or the Cabinet with respect to matters affecting the area or its inhabitants.

8. Planning Committee

8.1 Introduction

8.1.1 East Suffolk Council has two area Planning Committees known as Planning Committee North and Planning Committee South. The purpose of each area Planning Committee is to make decisions as the local planning authority on planning applications, development control and similar regulatory matters.

8.2 Main Functions

- Determine planning applications and/or delegate to Officers in terms of who considers an application.

8.3 Strategic Planning Committee

- There is also a Strategic Planning Committee which covers the whole District.
- The purpose of the Strategic Planning Committee is to consider, advise or determine applications on matters which impact the whole of the district and monitor the work of the area Planning Committees and the Council's planning service.
- The Strategic Planning Committee comprises the nine members from Planning Committee North and Planning Committee South plus the Cabinet Member for Planning and Coastal Management. Quorum is seven.

COUNCIL

9. Introduction

9.1 Full Council is a meeting of all 55 elected Members (apologies can be tabled) where decisions regarding the Council's Budget and Policy Framework are made.

9.2 Full Council has several statutory functions which are laid down within the Local Government Act 2000, the Local Authorities Function and Responsibility Regulations 2000 and the amendment regulation 2008. In addition to these statutory requirements, other functions have also been reserved for Full Council.

9.3 Further information in relation to all Council functions can be found at Appendix B.

9.4 The Chair can set up Task Groups which can make recommendations, but which cannot take decisions.

CABINET

10. Introduction

- 10.1 This Council operates a Leader and Cabinet form of governance. Cabinet is a group of Members collectively responsible for the executive functions of the Council.
- 10.2 The Council will elect its Leader. The Leader will then appoint a Deputy Leader and up to eight other Members to form the Council's Cabinet.
- 10.3 In appointing the Deputy Leader and Cabinet Members the Leader of the Council will delegate a range of services to the Deputy Leader and each Cabinet Member, also known as a portfolio. The Cabinet Member will then be responsible for overseeing the Cabinet's responsibilities in relation to their individual portfolios.
- 10.4 The Leader (on advice from the appropriate Chief Officer) shall resolve any ambiguity as to which Portfolio includes a particular matter or decision.
- 10.5 The Leader may appoint Cabinet Support Members to advise and assist Cabinet Members and cover for them in their absence, although a Cabinet Support Member is not a Member of the Cabinet and may not vote at Cabinet or exercise any function given to a Cabinet Member.
- 10.6 The Leader of the Council will have overall responsibility for the operation of the Cabinet and its decisions.
- 10.7 The Chair and Vice Chair of the Council along with any Members of the Overview and Scrutiny Committee and the Audit and Governance Committee cannot be appointed to the Cabinet.

11. Cabinet Responsibilities

- 11.1 The Cabinet is responsible for any functions that are not functions of the Council and in summary it is responsible for deciding how to implement Council budgets and policies, for monitoring and reviewing the effectiveness of all budgets and policies, joint working, area working and localism arrangements, corporate governance arrangements and all services provided to and by the Council.
- 11.2 The Cabinet is empowered to do anything that it considers necessary or appropriate to deliver the Council's priorities if it does not take any action or adopt any policy which is contrary to the Council's budget and policy framework.
- 11.3 The Cabinet can make recommendations to the relevant body in respect of any matters which are not within its remit, which include any suggested alteration to the Council's budget and policy framework.

11.4 Under the Local Authorities Functions and Responsibility Regulations 2000 there are a number of Cabinet functions that have been agreed in terms of local choice. The details of these local choice functions can be found in Appendix C

11.5 There are also several Outside Bodies the Cabinet can collectively appoint to. Details of which can be found in Appendix E.

12. Discharging of Cabinet Responsibilities

12.1 Whilst Cabinet holds a collective responsibility for the functions outlined above, some functions of Cabinet have been discharged to both Individual Cabinet Members and Officers to ensure that decisions of the Council are taken at the most appropriate level and in a timely manner.

13. Responsibilities Delegated to Individual Cabinet Members

13.1 Each Cabinet Member will be responsible for all types of decisions which sit within their Portfolio unless the decision:

- Relates to a proposal to alter the Council's budget and policy framework.
- Is authorising expenditure more than £250,000.
- Is likely to have significant impact on the operation of the Council.
- Is likely to have significant impact on the Portfolio of another Cabinet Member.

13.2 Cabinet Members should consult with other Cabinet Members if a decision is likely to have an impact on their responsibilities. They should also consult with the relevant Officers, Monitoring Officer, and the Chief Financial Officer.

13.3 The Leader, or Cabinet Member in respect of decisions within their Portfolio, may, prior to the decision being taken, give notice to the Monitoring Officer to the effect that the decision will no longer be taken by an individual Cabinet Member.

14. Responsibilities Delegated to Officers

14.1 Officer delegations are outlined within the Scheme of Delegation to Officers, and in the Finance Procedure Rules and Contract Procedural Rules in terms of limits on the amount of expenditure which Officers of the Council may authorise.

14.2 The Leader, or Cabinet Member in respect of Officer decisions within their portfolio, may, prior to the decision being taken, give notice to the Monitoring Officer to the effect that the decision will no longer be taken by an Officer.

15. Other Arrangements

15.1 The Cabinet may arrange for any decision that it is collectively responsible for to be taken by an individual Cabinet Member, a Committee of the Cabinet or under joint arrangements with or by another Authority.

16. Councillor Roles

16.1 Several role descriptions have been prepared to further assist Members. These include:

- Generic Elected Member role description
- Leader/Deputy Leader
- Cabinet Member
- Assistant Cabinet Member
- Chair/Vice Chair of the Council
- Chair/Vice Chair of Committee
- Leader/Deputy Leader of an Opposition Party

16.2 These role descriptions can be found in Appendix C.

17. Outside Bodies

- Persons appointed by the Council or the Cabinet to serve on Outside Bodies shall be appointed for such time as may be specified or otherwise shall serve until they resign, are dismissed, or their successor is appointed.
- Such persons may continue to serve, subject to any rules of the body on which they serve, notwithstanding that they may or may not have ceased to be Members of the Council.

SCHEME OF DELEGATION TO OFFICERS

18. Introduction

18.1 “Officers” is the term used to refer to people employed, retained or appointed by the Council to advise and support Members and implement their decisions. This may include contractors, consultants, and agency staff.

18.2 The Council also appoints “Statutory” and “Proper” officers that are required to discharge certain legal duties of the Council.

18.3 Several Council functions are delegated to Officers, for example Officers may enter into contracts and incur expenditure but must do so within the financial limits and procedures set out in the Finance Procedure Rules and Contract Procedural Rules.

- 18.4 The Council's approach to decision making is to ensure that its system of delegation enables decisions to be taken at the most appropriate level closest to those who will be affected by the decision in question. Under this system of delegation, most of the Council's decisions and actions will fall into this category of operational day to day decisions taken by its Officers.
- 18.5 Officer's powers have been delegated by means of a standing cascade. That means that there are no long lists in this Constitution of specific powers and who they have been delegated to, except for specific delegations which can be found in Appendix F.
- 18.6 When Officers act under delegated powers, they do so in the name of their Head of Service or Strategic Director who will retain the ultimate responsibility for ensuring the powers are exercised at the appropriate level by suitably competent and qualified Officers.
- 18.7 Officers are not empowered to make decisions in respect of matters that are specifically reserved to Members or which amount to the adoption or implementation of new policy.
- 18.8 Before taking decisions, Officers must be satisfied that they can demonstrate, through appropriate records, that they are duly authorised to act and that they have undertaken all appropriate consultation.
- 18.9 The relationship between Officers and Members is governed by a Protocol for Member/Officer relations, and Members and Officers are also bound by the applicable codes of conduct.

19. Officer Structure

- 19.1 The Chief Executive Officer is the Council's Head of Paid Service and is responsible for the operational management of the Council and works with a Corporate Leadership Team to deliver the Council's services within the budget and policy framework set by Members.
- 19.2 A copy of the current senior management and Council service areas can be found at Appendix G.

20. Statutory Officers

- 20.1 The Council is required to confirm the appointment of certain Officers to undertake Statutory Officer roles, which requires them to discharge specific legal duties to ensure the Council acts within the law and uses its resources wisely. These roles are the Head of Paid Service, The Chief Finance Officer (also known as the section 151 officer) and the Monitoring Officer.

21. Head of Paid Service

- 21.1 The Chief Executive Officer is the Council's Head of Paid Service. The Head of Paid Service reports to Council on how the discharge of Council functions is coordinated, the number and grade of Officers required for the discharge of functions and the organisation of Officers, including Strategic Director and Head of Service positions.
- 21.2 The Head of Paid Service may not be the Monitoring Officer but may hold the post of Section 151 if a qualified accountant.
- 21.3 Where the Chief Executive is going to be absent for a significant period then responsibility for the Chief Executive functions may be allocated to the appropriate Strategic Director.

22. The Chief Finance Officer (Section 151 Officer)

- 22.1 The Chief Finance Officer is the Council's Section 151 Officer and is responsible for the proper administration of the Council's affairs. Their responsibilities include:
- Ensuring lawfulness and financial prudence of decision making.
 - Administration of financial affairs.
 - Contributing to the Corporate Leadership Team.
 - Providing advice.
 - Giving financial information.
- 22.2 The Chief Finance Officer shall, where necessary, and in consultation with the Head of Paid Service and Monitoring Officer, report any compliance issues to the Council, the Cabinet, or the external auditor.

23. The Monitoring Officer

- 23.1 The Monitoring Officer is responsible for ensuring lawfulness and fairness in decision making and matters relating to the conduct of the elected Members. The Monitoring Officer may not hold any other Statutory Officer post.
- 23.2 Their responsibilities include:
- Providing advice to ensure decisions are taken on proper authority, by due process, and in accordance with the Budget and Policy Framework.
 - May report to Council or Cabinet any proposal, decision or omission considered to be unlawful or to amount to maladministration. Such a report will have the effect of stopping the proposal or decision being made until the end of the day after the report has been considered. This can only be done in consultation with the Head of Paid Service and Chief Finance Officer.
 - Carrying out the obligations laid down in the Localism Act 2011 in relation to Member conduct and standards and will deal with breaches of the Members Code of Conduct.

- Determining questions as to the interpretation of the Constitution and will be responsible for ensuring the Constitution is kept up to date and is authorised to make minor or consequential amendments to the Constitution.
- Giving advice on the scope of the Council’s powers and authority to take decisions alongside advice on maladministration, financial impropriety, probity and the Budget and Policy Framework.

23.3 All matters in respect to the conduct of legal (or quasi legal) proceedings (including the authentication or execution of documents) are reserved to the Monitoring Officer (also the Head of Legal and Democratic Services), and their duly authorised Officers, who shall be authorised to institute, defend, settle, discontinue or otherwise participate in any such proceedings or take any other action considered necessary to give effect to decisions or protect the interests of the Council.

24. Proper Officers

24.1 There are various laws which require certain functions to be undertaken by the “Proper Officer” of the Council. A list of Proper Officer designations can be found at Appendix H. If a Proper Officer is not listed, then the Proper Officer shall be the Strategic Director with responsibility for the subject matter in question or in the alternative the Head of Paid Service.

24.2 There are also specific delegations that relate to the Head of Planning and Coastal Management, which are also specified in the above list of designations.

25. Conflicts of Interest

25.1 Every Officer is responsible for identifying whether they have a conflict of interest, actual or perceived, in any matter which is under consideration within the Council and notifying the Council (including under section 117 of the Local Government Act 1972) as necessary.

WORKING GROUPS

26. Constitution Review Working Group

26.1 Introduction

26.1.1 The purpose of the Constitution Review Working Group is to monitor and review the Council’s Constitution to ensure that it is complete, accurate, up to date, clear, lawful, fit for purpose and democratically sound.

26.2 Main Functions

- The CRWG can make recommendations but cannot take decisions.

- The CRWG's recommendations as to substantive changes to the Constitution are reported to Full Council. Any changes need to be approved by the Council prior to implementation.

PROCEDURE RULES

2.7 Council Procedure Rules

27.1 Meetings of the Council

- Council will meet at least seven times a year.
- It will meet alternately at East Suffolk House, Melton and Riverside, Lowestoft, or at such other place as the Chair of the Council may agree.
- The Chief Executive will give public notice of the time and place of Council meetings at least five clear working days before the date of the meeting.
- An agenda and accompanying reports as are available, will be sent to every Member.
- The quorum of all Council meetings will be one third of the 55 elected Members rounded up, equating to 19 Councillors.
- If the Chair declares the meeting is not quorate, then the meeting will be adjourned immediately.
- Council meetings last for a maximum of three hours unless a motion to extend the meeting is passed.

27.2 Cancelling a Council Meeting

27.2.1 The Chief Executive may cancel any meeting of the Council following consultation with the Chair and Vice Chair if they are of the opinion that:

- The number of members able to attend due to inclement weather, sickness or an emergency resulting in the meeting likely to be inquorate; or
- There is insufficient business to be transacted to warrant the holding of the meeting.

27.2.2 If a meeting is cancelled the Chair in consultation with the relevant Proper Officer, can fix an alternative date and time for an additional Council meeting if one is required.

27.3 Chair of Meeting

- The Chair presides over the meeting.
- If the Chair is not available, the Vice Chair will preside.
- If both are unavailable, then a temporary Chair will need to be elected.

27.4 Minutes of the Meeting

- Minutes of the meeting should be signed by the Chair at the next suitable meeting.

- The Chair will move that the minutes be signed as a correct record.
- The only part of the minutes that can be discussed are their accuracy.
- Minutes must contain all motions and amendments in the exact form and order they were discussed.

27.5 Exclusion of the Public

27.5.1 Members of the Public and press may be excluded from Council meetings in accordance with the Access to Information Procedure Rules. If the public is excluded under this rule, then any Member for the relevant discussion or Member that has access to the relevant documentation shall not disclose either publicly or to a third party any information of a confidential nature other than the actual decision relating to that confidential matter.

27.6 Disturbance by the Public

27.6.1 If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting and may adjourn the meeting for as long as they think it is necessary and may reconvene the meeting in another room.

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

27.7 Members Interests

- Members must register and declare interests at meetings pursuant to the Members' Code of Conduct.
- Where a Member has a Disclosable Pecuniary Interest, Other Registerable Interest or Non-Registerable Interest in a matter to be discussed they shall orally declare that interest at the meeting where the interest is engaged.
- Any such declaration shall be recorded in the minutes of the meeting.

27.7.1 Where a matter to be discussed relates to a Member's Disclosable Pecuniary Interest, they shall not take part in any discussion of the matter and shall withdraw from the room in which the meeting is being held while the matter is being discussed unless:

- A dispensation has been granted to the Member; or
- The matter before the meeting is only as part of the minutes or report and is not in itself the subject of debate.

27.8 Members Conduct

- Members may stand when addressing the Council.
- Only one Member should be standing at any time.
- If the Chair stands, all other Members must sit and remain silent.

- No Member shall use offensive language or expressions.
- The Chair can bring attention to continued irrelevance, repetition, unbecoming language and any breach of order.
- If a Member persistently disagrees with the ruling of the Chair any Member may move a motion for that Member to not be heard further.
- If any issues continue a Member may move a motion for that Member to leave the meeting or adjourn the meeting.
- The Council is committed to the ethos of Debate, not Hate.

28. Council Meetings

28.1 Annual General Council Meetings - Order of Business

28.1.1 Where there is an 'ordinary' election of Councillors, the Annual General Council Meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the Annual Meeting will take place on such Wednesday in May as the Council determines.

- The outgoing Chair will oversee the start of the meeting and lead the election of the new Chair of the Council, who will then preside over the meeting.
- Election of the Vice Chair of the Council. There will then be an opportunity to receive any communications and announcements firstly from the outgoing Chair of the Council, then the new Chair and or Chief Executive.
- Approve the minutes from the last ordinary meeting of the Council.
- Elect the Leader of the Council for a period of four years from the first Annual Meeting after an election to the next post-election Annual Meeting, unless on an earlier date the Leader resigns, is disqualified as a Councillor, or is removed from office by a resolution on notice of the Council.
- Make appointments to all Committees and Sub Committees, including the Chair and Vice Chair as appropriate. This may include reviewing the various Committees and associated terms of reference.
- Make annual appointments to working parties and outside bodies. This may include reviewing the various working groups and outside bodies.
- Approve the date of the next Annual General Meeting and annual schedule of meetings.
- Consider any business required by the Council to determine in addition to the order of business outlined above.

28.2 Ordinary Council Meetings – Order of Business

- Approve the Minutes of the last meeting.
- Deal with any business expressly required by statute.
- Receive declarations of interest from Councillors.
- Receive any announcements from the Chair, Leader of the Council, Members of the Cabinet and or Chief Executive.
- Answer written questions asked.

- Deal with any business from the last Council meeting.
- Receive and consider any reports and recommendations including answering any questions and dealing with any subsequent motions in relation to a report and or recommendation.
- Consider motions of which notice has been given.
- Deal with any other business specified in the agenda for the meeting.

28.3 Extraordinary Council Meetings

28.3.1 Those listed below may request a Chief Executive to call a Council meeting in addition to an ordinary Council meeting:

- The Council, by resolution.
- The Chair of the Council.
- The Monitoring Officer.
- The Section 151 Officer.
- Any five Members of the Council if they have signed a requisition presented to the Chair of the Council and the Chair has refused to ask for a meeting or within seven days of the presentation of the requisition.

28.3.2 No notices on motions or questions from Councillors or members of the public will be taken at an Extraordinary Meeting.

29. Questions for Council

29.1 Questions from the Public

29.1.1 A local government elector may ask the Chair of the Council, Leader of the Council, Members of the Council or Chair of any Committee or Sub Committee a question at Ordinary meetings of the Council.

29.1.2 A local government elector is defined as a person who is:

- An elector on the Electoral Register in East Suffolk.
- A Council taxpayer in East Suffolk.
- A Parish or Town Councillor in East Suffolk.
- A payer of non-domestic rates in East Suffolk.
- A person living in the district.
- The child of any person satisfying the above criteria, where the child is 12 years of age or older (with the permission of, and accompanied to Council by, their parent/guardian for persons aged under 18 years of age).

29.2 Submitting a Question

- A question may only be asked if it has been received in writing or by electronic mail no later than five working days before the publication of the agenda (i.e., midday ten working days before the date of the meeting).
- Each question must give the name and the address of the questioner and must name the Member of the Council to whom it should be put.
- Questions must be addressed to the Council's Monitoring Officer.

29.2.1 The Monitoring Officer and Chair will determine if a question appears on the Council's agenda. A question may be rejected if it:

- Is not about a matter for which the local authority has a responsibility, or which affects the district.
- Is not a topic of general interest and relates to a personal issue or an individual case.
- Is defamatory, frivolous, or offensive.
- Is substantially the same as a question which has been put at a meeting of the Council in the last six months; or
- Requires the disclosure of confidential or exempt information.

29.2.2 The Monitoring Officer may also in consultation with the Chair edit the question as necessary to delete any irrelevant or repetitive matter.

- All questions on notice will be considered by the Chair and Monitoring Officer together.
- Should the Chair and Monitoring Officer agree, the joint decision will be taken.
- Should the Chair disagree with the Monitoring Officer's positive opinion, the Monitoring Officer's opinion will stand unless the Chair is willing to put his/her reasons in writing for the proponent (copied to all Group Leaders), and to invite an edited re-submission.
- Should the Monitoring Officer disagree with the Chair's positive opinion, the Chair's opinion will stand in principle, but the proponent will be required to edit the question with the help of the Monitoring Officer to the satisfaction of the Monitoring Officer and Chair.

29.2.3 The Monitoring Officer will keep a record of questions open for public inspection and send a copy of the question to the Member to whom it is to be put.

29.3 Answering a Question in Council

- Approved questions will appear on the agenda for the Ordinary Council Meeting.
- Questions will be read out at the meeting by the member of public submitting the question or by the Chair at the Chair's discretion.
- There is no provision for any member of the public to ask any supplementary questions.
- A maximum of three minutes shall be allowed for any question that is read out.

29.3.1 The question will be answered by the Member who the question was directed to. This Member may:

- Give a direct oral answer.
- Undertake to provide a written reply within seven days.
- Where a reply cannot be conveniently be given orally, circulate a written answer to the questioner and all Members of the Council.
- Decline to answer, giving reasons why they are unable to answer.

29.3.2 A public question session will be held for a maximum of thirty minutes and any questions that cannot be dealt with within this time limit will be dealt with by way of a written answer. The Chair may decide to extend this time.

29.3.3 Unless the Chair decides otherwise, no discussion will take place on any question, but any Member may move a motion that a matter raised by a question be referred to Cabinet, Committee, or Sub Committee. Once seconded, such a motion will be voted on with no discussion.

29.4 Questions on Notice by Members

29.4.1 A Member may ask the Chair of the Council, Leader of the Council, Member of the Cabinet or Chair of any Committee or Sub Committee a question on any matter in relation to which the Council has powers or duties or which affects East Suffolk Council.

29.4.2 Any such question must be given on notice by delivering the question in writing or by electronic mail to the Monitoring Officer no later than five working days before the publication of the agenda (i.e., midday ten working days before the date of the meeting).

29.4.3 The Monitoring Officer and Chair will determine if a question appears on the Council's agenda and in doing so have regard to the following:

- The matter must not be unlawful, defamatory, or otherwise inappropriate to good governance as determined by the Monitoring Officer.
- The matter must not be about a subject matter on which the public already has common knowledge as determined by the Chair or the Council in consultation with the Monitoring Officer.
- The question must not be written as a motion or require the Council to vote on the issue as determined by the Monitoring Officer.

29.4.4 Questions relating to urgent matters may be submitted to the Monitoring Officer up to 9.30am on the morning of the Ordinary Council meeting if they Member has gained consent from the Chair. In giving any such consent the Chair will have regards to:

- If the issue is of critical importance to the Council and/or East Suffolk area for which an explanation or response is required and not just a public topic of interest and discussion which could be raised at the next meeting, via the Formal Committee process or with the relevant Strategic Director.
- Any decision to allow or not allow a question shall not be the subject of any comment or objection at a Council meeting.
- The member submitting the question will be informed directly as to the reasons why the question was rejected.
- Where any Member's question appears on the agenda, they are required to read the question aloud or in agreement with the Chair, the Chair may read the question on behalf of a Member.
- The Member must be present at the Council meeting for their question to be answered.
- The Monitoring Officer will keep a record of Member Questions for public inspection.

29.4.5 The question will be answered by the Member who the question was directed to. This Member may:

- Provide a direct oral answer.
- Where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- Where the reply cannot be conveniently be given orally, a written answer will be circulated to all Members of the Council.
- The Member asking the question may ask one related supplementary question without notice to the Member to whom the first question is asked.
- A Member cannot ask a supplementary question if they did not themselves ask the original question.
- The supplementary question must arise directly out of the original question or the reply.
- A Member question session will be held for a maximum of thirty minutes and any questions that cannot be dealt with within this time limit will be dealt with by way of a written answer.
- The Chair may decide to extend this time.

30. Petitions

30.1 The Council may receive a petition if it is received by the Chief Executive and or Monitoring Officer in writing or by electronic mail no later than five working days before the publication of the agenda (i.e., midday ten working days before the date of the meeting). The petition must have a least 1200 signatures and comply with the requirements of the Council's Petitions Scheme which can be found in Appendix **XXX**.

31. Motions for Council

31.1 Motion on Notice

31.1.1 A Motion on Notice must be given on notice by delivering the question in writing or by electronic mail to the Monitoring Officer no later than five working days before the publication of the agenda (i.e., midday ten working days before the date of the meeting).

- Any Motion on Notice should be succinct.
- Any Motion on Notice will be available for public inspection upon request.
- Motions must be about matters for which the Council has responsibility, or which affect the East Suffolk District.
- A similar motion must not have been submitted within the previous six months.

31.1.2 The Monitoring Officer and Chair will determine if a motion on notice appears on the Council's agenda. Should the Chair and Monitoring Officer agree, the joint decision will be taken.

31.1.3 Should the Chair disagree with the Monitoring Officer's positive opinion, the Monitoring Officer's opinion will stand unless the Chair is willing to put his/her reasons in writing for the proponent (copied to all Group Leaders), and to invite an edited re-submission to the satisfaction of the Monitoring Officer and Chair.

31.1.4 Should the Monitoring Officer disagree with the Chair's positive opinion, the Chair's opinion will stand in principle, but the proponent will be required to edit the question with the help of the Monitoring Officer to the satisfaction of the Monitoring Officer and Chair.

31.1.5 Any motion (other than a motion to refer a matter to an appropriate body or individual) which would affect the income or expenditure of any Committee to the extent that a summary estimate would be required in terms of the Council's Financial Procedure Rules, shall not be considered until that body or individual shall have had an opportunity to consider the matter in the manner determined by the Financial Procedural Rules.

- Where any Member's motion appears on the agenda, they are required to read the motion aloud or in agreement with the Chair, the Chair may read the motion on behalf of a Member.
- The Member must be present at the Council meeting for their motion is to be answered.
- The Chair may accept clarificatory questions on motions as a Point of Information.
- To facilitate free-flowing debate, Members may ask a question, or debate, during the debate of the motion.
- A member may only speak once.
- After a motion has been proposed and seconded, the Chair will invite each group leader to speak on the motion before recognising other Members.

- The mover of the motion can reply to questions raised during the debate in their right of reply at the end of the debate on the motion, immediately before it is put to the vote.
- There will be a 45 minute maximum time limit allocated per motion with a total of 90 minutes allocated for motions.
- If there are motion received from all political groups a motion would be considered first from the administration then the second largest group, then the third largest group and so forth until the time allocated for motions is reached.
- The Chair may decide to extend this time.

31.2 Rescinding or Amending a Council Decision

31.2.1 To rescind or amend a decision made by Council, a motion on notice must be signed by at least one third of Members of the Council. The same applies if a motion on notice is considering a subject that has previously been considered within the six-month timeframe, noting this does not apply to any policy decision made by Council, which cannot be re-visited, changed, or reaffirmed within six months of the decision being taken, unless required by legislation or other substantial circumstances.

31.3 Motions without Notice

31.3.1 The following motions may be moved without notice:

- To appoint a Chair of the meeting if the nominated Chair or Vice Chair is not present.
- Motions relating to the approval or accuracy of minutes, closure, adjournment of a debate or meeting.
- To refer something to an appropriate body or individual.
- To appoint a Committee or Member to a Committee or other body arising from an item on the agenda for the meeting.
- To receive reports or adoption of recommendations of the Cabinet, Committees or Officers and any resolutions following from them.
- To change the order of business, that an item of business takes precedence, or to proceed to the next business.
- To withdraw or amend a motion.
- That the allocated time periods laid down in the Constitution are extended or that the overall length of a Council meeting be extended past the allocated three hours.
- To suspend a particular Council Procedure Rule.
- To exclude the public and press in accordance with the Access to Information Rules.
- To not hear further from a Member or to exclude them from the meeting if a Member persistently disregards the ruling of the Chair or if a Member continues to behave improperly.
- To give consent of the Council where its consent is required by this Constitution.
- That voting on a question should be by ballot.
- Motions which may be moved while a motion is under discussion.
- Motions to carry out a statutory duty of the Council, which in the opinion of the Chair, is of an urgent nature.

32.4 Rules of Debate

- No speeches may be made after the mover has moved a motion and explained the purpose of it and until the motion has been seconded.
- When seconding a motion or amendment, a Member may reserve their speech until later in the debate.
- No speech may exceed five minutes without the consent of the Council.

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

- To speak once on an amendment moved by another Member.
- To move a further amendment if the motion has been amended since they last spoke.
- If their first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which they spoke was carried).
- In exercise of a right of reply.
- On a Point of Order.
- On a Point of Information.
- By way of a personal explanation.
- If they have reserved their speech to later in the debate.
- To move to close a motion.

32.4.2 The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

32.5 Amendments to Motions

- An amendment to a motion must be relevant to the motion and will either refer the matter to an appropriate body or individual, leave out words and or insert or add others if the effect is not to negate the motion.
- 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.
- The mover of the amendment has a right of reply to the debate on their amendment, immediately before the amendment is put to vote.
- 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.
- If an amendment is not carried, other amendments to the original motion may be moved.
- 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.
- After an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments, or if there are none, will put the substantive motion to vote.

32.5.1 The Chair may, if they think fit, sum up the debate before putting a motion or amendment to the vote and if such debate involves questions of a legal, technical, or administrative nature, they may request the appropriate Officer to draw the attention of the Council to any relevant factors.

32.6 Closing a Motion

- A Member may move to close a motion by requesting to move to the next business, to adjourn the debate or adjourn the meeting.
- It will be for the Chair to decide if a motion has been sufficiently discussed and put the procedural motion to the vote, and in doing so the mover of the motion will have a right to reply before the motion is voted on.
- If the Chair agrees that a debate requires adjournment, he will put the procedural motion to vote, noting the mover of the motion will not be able to speak.

32.7 Withdrawing a Motion

- A Member may withdraw a motion that they have moved with the consent of both the Council and seconder.
- The Council's consent will be signified without discussion.
- No Member may speak on the motion after the mover has asked for permission to withdraw it unless the permission is refused.

32.8 Point of Order

- A Member may raise a Point of Order at any time.
- The Chair will hear the Point of Order 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 of law and the way in which he/she considers it has been broken.
- The ruling of the Chair on the matter will be final.

32.9 Point of Information

- A Member may raise a Point of Information at any time.
- A Point of Information may be a clarificatory question on a motion or relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate.
- The Point of Information may be given whilst another Member is speaking but only if that Member is willing to give way.
- The ruling of the Chair on the admissibility of a Point of Information will be final.

32.10 Voting

- Unless provided for otherwise in this Constitution, any matter will be decided on by a simple majority.
- If there are equal numbers of votes for and against, the Chair will have the casting vote.
- Voting can take place by a show of hands or via an electronic voting system.

32.10.1A recorded vote will be used if seven Members request it at a Council meeting. The names of each Member present will be read out for a recorded vote and asked if they are for or against the motion or if they abstain.

- The details of the recorded vote will be recorded in the minutes of the meeting.
- A recorded vote will always be required for a budget decision making meeting.
- Any Member can request that their individual vote is recorded in the minutes.

32.11 Voting on Appointments

32.11.1 When voting on appointments, if there are more than two people nominated for any position and there is not a clear majority of votes in favour of one person, then the name of the person with the least votes will be taken off the list and a new vote taken. This process will continue until a decision is made.

32.12 Voting at a Quasi-Judicial Body

32.12.1 To be able to vote at a meeting of a quasi-judicial body (Appointments Committee, Planning Committee and Licensing Committee) a Member shall not be able to vote on an item unless they have been present from the start of that debate and for the totality of that debate.

32.13 Ballots

- Ballots will be used if seven Members request it at a Council meeting.
- Two Officers of the Council will act as tellers.
- The Chair will announce the numerical result of the ballot as soon as it is known.

32.14 Suspension of the Council Procedure Rules

32.14.1 Any suspension of the Council Procedure Rules, except for recorded voting at a budget decision meeting and in accepting minutes from a previous Council meeting, can be agreed by way of a motion. However, the extent and duration of any suspension must be proportionate and cannot have the effect of the Council acting unlawfully.

32.15 Interpretation of Council Procedure Rules

32.15.1 The ruling of the Chair as to the interpretation of these Procedure Rules, or as to any proceedings of the Council, shall be final and no debate shall be permitted upon such decisions.

33. Cabinet Procedure Rules

33.1 Cabinet Meetings

- The Cabinet will meet at least eight times per year, at a time agreed by the Leader.
- It will meet alternatively at East Suffolk House, Melton and Riverside, Lowestoft, or at such other place as the Leader agrees.
- The Leader of the Council will preside over the Cabinet meeting.
- If the Leader of the Council is unavailable to do so, the Deputy Leader will preside.
- If neither the Leader of the Council nor the Deputy Leader are present, then a person appointed to do so by those present shall preside.
- Cabinet Members must attend the meeting venue in person to participate and vote.
- All Members of the Council may attend public meetings of the Cabinet.
- Members of Council who are not members of Cabinet can ask one question or make one contribution to the debate on an agenda item with the permission of the person presiding, before the Cabinet members proceed to debate an agenda item.
- Members of the public may attend all public meetings of the Cabinet, subject to the exceptions in contained in the Access to Information Procedure Rules.
- The Head of Paid Service, the Section 151 Officer and the Monitoring Officer, and their nominees, are entitled to attend any meeting of the Cabinet where a decision is to be made.

33.2 Quorum

- Quorum is five Cabinet Members.
- Substitution of Members may not take place on the Cabinet.

33.3 Public or Private Meetings of the Cabinet

33.3.1 Meetings of the Cabinet at which decisions are made will be held in public unless the meeting is likely to consider exempt or contain confidential information as defined in the Access to Information Procedure Rules and consideration of the information is likely to result in the disclosure of that exempt or confidential information.

33.4 Decisions Taken by the Cabinet

- Executive decisions which have been delegated to the Cabinet will be taken at Cabinet, in accordance with the Access to Information Procedure Rules and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

- Where executive decisions are delegated to a Committee of the Cabinet, the rules applying to executive decisions taken by Committee shall be the same as those applying to those taken by the Cabinet.
- Where Cabinet decisions are taken by Cabinet Members exercising delegated powers the rules applying shall be as set out in the Scheme of Delegation.

33.5 Voting

- Any matter will be decided on by a simple majority.
- If there are equal numbers of votes for and against, the Chair will have the casting vote.
- Voting can take place by a show of hands or via an electronic voting system.

33.6 Cabinet Business

33.6.1 At each meeting of the Cabinet the following business will be conducted:

- Consideration of the minutes of the last meeting;
- Declarations of interest, if any;
- Matters referred to the Cabinet (whether by the Overview and Scrutiny Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules;
- Consideration of reports from the Overview and Scrutiny Committee; and
- Matters set out in the agenda for the meeting, and which shall indicate which are Key Decisions and which are not in accordance with the Access to Information Procedure Rules.
- No other business shall be considered at the meeting unless it is included on the agenda.

33.7 Consultation

33.7.1 All reports to the Cabinet from any Member of the Cabinet or an Officer on proposals relating to the Budget and Policy Framework must contain details of the nature and extent of consultation with stakeholders and the Overview and Scrutiny Committee, and the outcome of that consultation.

33.7.2 Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

33.8 Who can put items on the Cabinet agenda

- The Leader.
- Any Member of the Cabinet.
- The Chief Executive will make sure that an item is placed on the agenda of the next available meeting of the Cabinet where the Overview and Scrutiny Committee, the

Audit and Governance Committee, or the Council has resolved that an item be considered by the Cabinet.

- Any Member of the Council may ask the Leader to put an item on the agenda of a Cabinet meeting for consideration, and if the Leader agrees the item will be considered at the next available meeting of the Cabinet.
- The Monitoring Officer and/or the Chief Financial Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the Chief Executive to call such a meeting in pursuance of their statutory duties.
- In other circumstances, where any two of the Head of Paid Service, Chief Financial Officer and Monitoring Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of a Cabinet meeting.
- If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

33.9 Task Groups

- Cabinet can create time limited task groups (also referred to as working groups) which can make recommendations back to Cabinet.
- Task Groups cannot take decisions or extend beyond the life of an administration.
- Task Groups will set their own Terms of Reference for approval by Cabinet.

34. Committee Procedure Rules

34.1 Appointments to Committees

- Membership of the Committees of East Suffolk Council is determined under the terms of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990.
- Seats on Committees are allocated by Group Leaders in proportion to the political groups' membership of the Council.

34.2 Appointment of Sub-Committees

- Every Committee may appoint Sub-Committees for such purposes as they think fit and may arrange for a Sub-Committee to discharge any of the functions of the Council which the Committee may discharge.

34.3 Appointment of Substitute Members of Committees

- A Member of a Committee or Sub-Committee who is unable to attend a meeting may arrange for a substitute Member to take their place at the meeting.
- Members must have undertaken any appropriate training relevant to the Committee on which they are substituting.

- Substitute Members will have all the powers and duties of any ordinary Member of the Committee or Sub-Committee.
- Substitute Members may attend meetings only where the ordinary Member will be absent for the whole of the meeting.

34.4 Meetings of Committees and Sub-Committees

- The Council may fix the date of ordinary meetings of Committees and Sub-Committees.
- Committees and Sub-Committees may fix the time or place of their ordinary meetings.
- Evening meetings of Committees and Sub-Committees shall last no longer than three hours or as near as possible thereto unless the chair and a majority of other Members of the Committee or Sub-Committee so agree to conclude the business.

34.5 Quorum

34.5.1 Unless authorised by statute or ordered by the Council, business shall not be transacted at a meeting unless:

- At a meeting of any Committee, there is a quorum of at least five Members present; and
- At a meeting of any Sub-Committee, there is a quorum of at least three Members present.

34.5.2 If during any meeting of a Committee a quorum is not achieved, the meeting shall stand adjourned, and the consideration of any business not then transacted shall be adjourned to the next ordinary meeting of the Committee or to such other time as may be fixed by the Chair of the Committee.

34.5.3 In the case of any Committee where there is a co-opted Member or Members who have voting rights, that co-optee counts towards the total number of Members for the purpose of establishing a quorum.

34.6 Cancellation of Meetings

- For any meeting of a Committee or Sub-Committee, the Chair of the Council or the Chair of the Committee or Sub-Committee may cancel the meeting, other than one requisitioned as an extraordinary meeting.

34.7 Extraordinary Meetings

- The person appointed to preside at meetings of a Committee or Sub-Committee, his/her deputy, or the Chair of the Council may call an extraordinary meeting of the Committee or Sub-Committee at any time.
- If a extraordinary meeting of a Committee or Sub-Committee is convened, notice must be given to the Chief Executive, specifying the business proposed to be

transacted. The Chief Executive shall forthwith give notice to all Members of the Committee or Sub-Committee and all persons entitled to receive their papers.

34.8 Order of Business

- The agenda shall set out the business to be considered at a meeting of a Committee and no business other than that set out in the agenda paper or arising in consequence thereof shall be considered.
- The order of business shall be as set out in the agenda paper – provided that, at any time after the minutes have been approved and after an item of business has been disposed of, the chair, or in their absence the person chosen to preside, or the Committee may vary the order of any remaining business where this is considered necessary or desirable.

34.9 Chair of Committees/Sub-Committees

- The Chair and Vice-Chair of all Committees of Council shall be appointed by Full Council at the Annual Council Meeting.
- The Chair or Vice Chair of a Committee shall hold office until their successor is appointed unless they resign or cease to be a Member of the Committee

34.10 Rules of Debate

- The general provisions of the Council Procedure Rules as to rules of debate shall, with all necessary changes having been made, apply to all meetings of Committees and Sub-Committees except those parts of such procedure rule which relate to standing and to speaking more than once.

34.11 Who Can Ask a Question at Committee?

- A Member of a Committee may ask the Chair of that Committee a question on any matter in relation to which the Council has powers or duties or which affect the East Suffolk Council, and which falls within the terms of reference of that Committee.

34.12 Voting

- Except as provided in the Council Procedure Rules, all matters shall be determined by a show of hands or via an electronic voting system, except where, by motion moved, seconded and duly carried before the matter is voted upon, the Committee decide that voting shall be by ballot.
- Any matter will be decided on by a simple majority.
- If there are equal numbers of votes for and against, the Chair will have a casting vote.

34.13 Recorded Vote

- Before a vote is taken, if half of quorum (rounded up) request that the voting on the matter be recorded, there will be a recorded vote to show how each Member present and voting gave their vote.
- The record shall be entered in the minutes of the meeting together with a record of any Member present but not voting.

34.14 Task Groups

- Committees can create time limited task groups (also referred to as working groups) which can make recommendations back to the Committee.
- Task Groups cannot take decisions or extend beyond the life of an administration.
- Task Groups will set their own Terms of Reference for approval by the Committee.

35. Overview and Scrutiny Committee Procedure Rules

35.1 Arrangements for the Overview and Scrutiny Committee

- The Overview and Scrutiny Committee has priority of esteem with Cabinet.
- Its membership shall be politically balanced.
- The Overview and Scrutiny Committee can convene their meetings at the Council's offices or any other venue within the district.

35.2 Who May Sit on an Overview and Scrutiny Committee?

- All Councillors, except Members of the Cabinet, may be a Member of the Overview and Scrutiny Committee. However, no Member may be involved in scrutinising a decision which they have been directly involved in. Assistant Cabinet Members are precluded from examining matters related to their Cabinet Member's portfolio.

35.3 Who Chairs the Overview and Scrutiny Committee Meetings?

- The Chair of the Overview and Scrutiny Committee must be a member of the opposition.
- The Chair and the Vice-Chair of the Overview and Scrutiny Committee shall be elected by the Full Council at its Annual Meeting.

35.4 Work Programme

- The Overview and Scrutiny Committee will, subject to any requests from the Council or Cabinet or as a result of a 'call-in', be responsible for setting its own work programme.
- If the Council or the Cabinet require the Overview and Scrutiny Committee to undertake a piece of work then the Committee shall accommodate that request.

- The Overview and Scrutiny Committee will report at least annually to Council on its workings.

35.5 Who May Give Notice to the Chair of Overview and Scrutiny Committee for an Item to be Included on the Agenda?

- Any Member of the Overview and Scrutiny Committee.
- Any three Members of the Council who are not Members of the Overview and Scrutiny Committee.

35.6 Reports and Recommendations of the Overview and Scrutiny Committee

- Where the Overview and Scrutiny Committee makes a report or recommendation to the Council or the Cabinet, except in relation to a crime and disorder matter, they may publish the report or recommendations, and must by notice in writing require the Council or Cabinet:
 - a. To consider the report or recommendation.
 - b. To respond to the Committee indicating what (if any) action the Council or Cabinet proposes to take.
 - c. If the Committee has published the report or recommendation to publish the response.
 - d. If the Committee provided a copy of the report or recommendation to a Member to provide the Member with the response.
 - e. To do all of the above within two months of receiving the report or recommendations
- It is the duty of the Council or Cabinet to which a notice is given to comply with the requirements specified in the notice.

35.7 Reports and Recommendations – Other Public Bodies

- The Overview and Scrutiny Committee may review and scrutinise the performance of other public bodies in the area.
- The Overview and Scrutiny Committee may by notice in writing to the relevant public body (accompanied by the report/recommendations) request that the public body has regard to the report or recommendations in the exercising of their functions.

35.8 Recommendations to Cabinet

- Once it has formed recommendations the Overview and Scrutiny Committee will prepare a formal report and submit it to the Monitoring Officer for consideration by the Cabinet.
- If the proposals are consistent with the existing budgetary and/or Policy Framework, the Cabinet may make a decision on any recommendations. If any recommendation would require a departure from or a change to the existing Budget and Policy Framework then that recommendation must be referred by the Cabinet to the Council with or without a further recommendation from the Cabinet.

- The agenda for each Cabinet meeting shall include an item entitled “Reports from the Overview and Scrutiny Committee”.
- Any report of the Overview and Scrutiny Committee so referred to Cabinet shall be considered (and if possible, a decision made thereon) within 2 months of the Overview and Scrutiny Committee completing that report and making any relevant recommendations applicable to that report.
- The Chair of the Overview and Scrutiny Committee (or their nominated representative) will be entitled to attend any meeting of the Cabinet and speak (but not vote) on any report from the Committee that is being considered by the Cabinet.
- If following careful and proper consideration by the Cabinet of any report (or reports) from the Overview and Scrutiny Committee:
 - a. The Cabinet is unable to agree in whole or in part with any recommendations in the report (or majority report if there be also a minority report) and proposes a decision at variance in whole or in part with any recommendations; or
 - b. The Cabinet in agreeing with any recommendations in the report (or majority report) is thereby supporting proposals that would require in whole or in part a departure from or change to the Council’s existing Budgetary and/or Policy Framework. The recommendations in the report (or majority report) of the Overview and Scrutiny Committee and the recommendations of the Cabinet, shall stand referred to the next available meeting of the Council for further consideration.
- The Monitoring Officer shall ensure that the item is placed in the agenda for the next Council meeting. After due consideration of the Council the decision of the Council shall be final.

35.9 Call-In

- When a decision is made by the Cabinet, a Committee of the Cabinet, an individual Cabinet Member exercising delegated powers, under joint arrangements, or a Key Decision is made by an Officer, 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.
- All 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.
- 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 date of publication of the decision, unless it is ‘called in’ by the Overview and Scrutiny Committee.
- Within five working days of the date of publication of a decision any two (2) Members of the Overview and Scrutiny Committee or any five (5) Members of the Council may ‘call-in’ the matter for review of the decision by the Overview and Scrutiny Committee.
- On receipt of a ‘call-in’ request, the Chair of the Overview and Scrutiny Committee will determine the most appropriate arrangements for consideration of the matter. The relevant Cabinet Member(s), all the signatories to the ‘call-in’, the relevant

Strategic Director(s), Head(s) of Service and report author of the 'call-in' will immediately be notified of the 'call-in' arrangements. All action to implement the decision which is the subject of the 'call-in' shall be suspended.

- Following the meeting of the Overview and Scrutiny Committee to consider the call-in, all Members of the Council, relevant Officers and stakeholders will be notified as soon as possible of the outcome of the meeting (including any recommendations from the Committee).
- Having considered the 'call in' the Overview and Scrutiny Committee may refer the decision back to the Cabinet for reconsideration, setting out in writing the nature of its concerns.
- If so referred the Cabinet shall then reconsider the decision within 10 working days, amending the decision or not, before proposing a final decision.
- The Chair or any other Member of the Overview and Scrutiny Committee shall be entitled to attend the Cabinet meeting and speak to the matter, but not vote.
- If the Cabinet's proposed final decision is consistent with the views of the Overview and Scrutiny Committee then that decision, once taken, is released for immediate implementation and cannot be subject to further 'call-in'.
- If the Cabinet is unable to agree in whole or in part with the conclusions of any recommendations of the Overview and Scrutiny Committee, the original Overview and Scrutiny report and the Cabinet report shall stand referred to the next available meeting of the Council for further consideration and decision.
- In reaching a decision the Council shall pay careful regard to the extent to which in whole or in part the proposed decision accords with the Council's existing budgetary and/or Policy Framework. The decision of the Council shall be final.

35.10 Call-in and Urgency

- The call-in procedure set out above shall not apply where the decision being taken by the Cabinet 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 interest.
- 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 Chair of the Council and the Chair of Overview and Scrutiny Committee must both agree 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(s), the Vice-Chair(s) consent shall be required. In the absence of both, the Head of Paid Service or their nominee's consent shall be required.
- Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency. (This procedure shall not prevent the principle of the decision being subject to review even though, because of urgency it may have been implemented.)
- 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.

35.11 The Party Whip in Relation to the Overview and Scrutiny Committee

- The Council will adopt the convention that there will be no application of any party whip on any Member of the Overview and Scrutiny Committee when sitting on this Committee.