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Access to Information Procedures Rules

1. Scope

These rules apply to all meeting of the Council, Policy and Scrutiny Committees, Area Committees, the Planning and Regulatory Committee and its sub-committees, Employment, Licensing and Audit Committees and public meetings of the Cabinet (together called meetings).

2. Additional rights of information

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

3. Rights to attend meetings

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

4. Notice of meetings

The Council will give at least five clear working days' notice of any meetings by posting details of the meeting at the Town Hall, Weston-super-Mare, they designated office.

5. Access to the Agenda and report before the meeting

The council will make copies of the agenda and reports open to the public available for inspection at the designated office at least five clear working days before the meeting. If an item is added to the agenda later, the revised agenda (where the reports have been prepared after the summons has been sent out, the designated officer shall make each report available to the public as soon as the report is completed and sent to the Councillors) will be open to inspection from the time the

item was added to the agenda.

6. Supply of copies

The Council will supply copies of:

- 6.1 Any agenda and report which are open to the public for inspection
- 6.2 Any further statements or particulars necessary to indicate the nature of the items on the agenda, and
- 6.3 If the Proper Officer thinks fit, copies of any other documents supplied to the Councillors in connection with an item

To any person on payment of a charge for postage and any other costs, such as photocopying.

7. Access to minutes etc. after the meeting

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

- 7.1 The minutes of the meeting or records of decisions taken, together with reasons, for all meetings of the Cabinet, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- 7.2 A summary of any proceedings not open to the public where the minutes open to the inspection would not provide a reasonably fair and coherent record;
- 7.3 The agenda for the meeting; and
- 7.4 Reports relating to items when the meeting was open to the public

8. Background papers

- 8.1 List of background papers

The Proper Officer will set out in every report a list of those documents (called background papers) relating to the Subject matter of the report which in his/her opinion:

- 8.2 Disclose any facts or matters on which the report or an important part of the report is based; and

8.3 Which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined in rule 10) and in respect of Cabinet reports the advice of a political advisor.

8.4 Public inspection of background papers

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

9. Exclusion of access by the public to meetings

9.1 Confidential information – requirement to exclude public

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

9.2 Exempt information – discretion to exclude public

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

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

9.3 Meaning of confidential information

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

9.4 Meaning of exempt information

Exempt information means information falling within the following 7 categories
(Subject to any condition):

- 9.4.1. Information relating to any individual.
- 9.4.2. Information which is likely to reveal the identity of an individual.
- 9.4.3. Information relating to the financial or business affairs of any person (including the authority holding that information).
- 9.4.4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations in connection with any labour relations matter arising between the authority, or a minister of the Crown and employees of, or office holders under, the authority.
- 9.4.5. Information in respect of which a claim to legal privilege could be maintained in legal proceedings.
- 9.4.6. Information which reveals the authority proposes
 - to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - to make an order or direction under any enactment

9.5 Information relating to any action taken or to be taken in connection with the prevention, investigation, or prosecution of crime.

10. Exclusion of access by the public to reports

If the Proper Officer thinks fit, the Council may exclude access by the public to reports which in his/her opinion relate to items during which, in accordance with Rule 9 the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

11. Application of rules to the Cabinet

Rules 12-23 apply to the Cabinet and its Committees. If the Cabinet or its Committees meet to take a key decision, then it must also comply with rules 1-10 unless Rule 14 (general exceptions) or Rule 15 (special urgency) apply. A key decision is defined in Article 11.1.8 of this Constitution.

If the Cabinet or its Committees meet to discuss a key decision to be taken

collectively, with an officer other than a political assistant present, within 28 days of the date according to the forward plan by which it is to be decided, then it must be able to comply with Rules 1-10 unless Rule 14 (general exceptions) or Rule 15 (special urgency) apply. A key decision is defined in Article 11.1.8 of this Constitution. This requirement does not include meetings whose sole purpose is for officers to brief Members.

12. Procedure before taking a key decision

12.1 Subject to Rule 14 (general exceptions), a key decision may not be taken unless:

- 12.1.1. A notice (called here a forward plan) has been published in connection with the matter in questions:
- 12.1.2. At least 5 clear working days have elapsed since the publication of the forward plan: and
- 12.1.3. Where the decision is to be taken at a meeting of the Cabinet or its committees, notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

13. The forward planning

13.1 Period of forward plan

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

13.2 Contents of forward plan

The forward plan will contain matters which the Leader has reason to believe will be Subject of a key decision to be taken by the Cabinet, a Committee of the Cabinet, individual Members of the Cabinet, officer or under joint arrangements in the course of discharging an Cabinet function during the period covered by the plan. It will

describe the following particulars in so far as the information is available or might reasonably be obtained:

- 13.2.1. The matter in respect of which a decision is to be made;
- 13.2.2. Where the decision taker is an individual, his/her name and title, if any and where the decision taker is a body, its name and details of membership.
- 13.2.3. The identity of the principal groups whom the decision taker proposes to consult before taking the decision;
- 13.2.4. How any such consultation process is proposed to be undertaken;
- 13.2.5. The steps any person might take who wishes to make representations to the Cabinet or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and
- 13.2.6. A list of documents submitted to the decision taker for consideration in relation to the matter.

The forward plan must be published at least 28 days before the start of the period covered.

13.3 Annual notification of the plan

The Proper Officer will publish once a year a notice in at least one newspaper circulating in the area, stating:

- 13.3.1 That key decisions are to be taken on behalf of the Council;
- 13.3.2 That a forward plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis;
- 13.3.3 That the plan will contain details of the key decisions to be made for the four-month period following its publication;
- 13.3.4 That each plan will be available for inspection at reasonable hours free of charge at the Council's main office at the Town Hall, Weston-super-Mare, and public libraries;
- 13.3.5 That each plan will contain a list of documents submitted to the decision takers for consideration in relation to the key decisions on the plan;
- 13.3.6 The address from which, subject to any prohibition or restriction on their disclosure copies of, or extracts from, any document listed in the forward plan is available;
- 13.3.7 That other documents may be submitted to the decision takers;

- 13.3.8 The procedure for requesting details of document (if any) as they become available; and
- 13.3.9 The dates on each month in the following year on which each forward plan will be published and available to the public at the Council's offices.

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

14. General exceptions

If a matter which is likely to be a key decision has not been included in the forward plan, the Subject to Rule 15 (Special urgency), the decision may still be taken if:

- 14.1 The decision must be taken by such a time that it is impracticable to defer the decision until it has been included in the next forward plan and until the start of the first month to which the next forward plan relates;
- 14.2 The Proper Officer has informed the Chairperson of a relevant Policy and Scrutiny Committee, or if there is no such person, each Member of that Committee in writing, by notice of the matter to which the decision is to be made;
- 14.3 The Proper Officer has made copies of that notice available to the public at the offices of the Council; and
- 14.4 At least 5 clear working days have elapsed since the Proper Officer complied with 14.1 and 14.2

15. Special urgency

If by virtue of the date by which a decision must be taken Rule 14 (general exceptions) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the Chairperson of the body making the decision, obtains the agreement of the Chairperson of the relevant Policy and Scrutiny Committee that the taking of the decision cannot be reasonably deferred. If there is no Chairperson of a relevant Policy and Scrutiny Committee or if the Chairperson of each relevant Policy and Scrutiny Committee is unable to act, then the agreement of the Chairperson of the Council, or in his/her absence the Vice-Chairperson will suffice.

16. Report to Council

16.1 When a Policy and Scrutiny Committee can require a report

If a Policy and Scrutiny Committee thinks that a key decision has been taken which was not;

- 16.1.1 Included in the forward plan or
- 16.1.2 The subject of the general exception procedure or
- 16.1.3 The subject of an agreement with a relevant Policy and Scrutiny Committee Chairperson, or the Chairperson or Vice Chairperson of the Council under Rule 15, the Committee may require the Cabinet to submit a report to the Council within such reasonable time as the Committee specifies. The power to require a report rests with the Committee, but is also delegated to the Proper Officer, who shall require such a report on behalf of the Committee when requested by the Chairperson or any 5 Members. Alternatively, the requirement may be raised by resolution passed at a meeting of the relevant Policy and Scrutiny Committee.

16.2 Cabinet's report to Council

The Cabinet will prepare a report for Submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7 days of receipt of the written notice or the resolution of the Committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual or body making the decision, and if the Leader is of the opinion that it was not a key decision the reasons for the decision.

16.3 Quarterly reports on special urgency decisions.

In any event the Leader will submit quarterly reports to the Council on the Cabinet decisions taken in circumstances set out in Rule 15 (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

17. Record of Decisions

After any meeting of the Cabinet or any of its Committees, whether held in public or private, the Proper Officer or where no officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting as soon as reasonably practicable. The record will include a statement of the reasons for each decision and any alternative option considered and rejected at that meeting,

18. Notice of meetings of the Cabinet

Members of the Cabinet or its Committees will be entitled to receive five clear working days' notice of a meeting to which they are summoned unless the meeting is convened at shorter notice as a matter of urgency.

19. Decisions by individual Members of the Cabinet

19.1 Reports intended to be considered

Where an individual Member of the Cabinet receives a report which he/she intends to consider in making a key decision, then he/she will not make the decision until at least 5 clear working days after receipt of that report.

19.2 Provision of copies of reports to Policy and Scrutiny Committees

On giving such a report to an individual decision maker, the person who prepared the report will give a copy of it to the Chairperson of every relevant Policy and Scrutiny Committee as soon as reasonably practicable and make it publicly available at the same time.

19.3 Record of individual decision

As soon as reasonably practicable after an Cabinet decision has been taken by an individual Member of the Cabinet or a key decision has been taken by an officer, he/she will prepare, or instruct the Proper Officer to prepare a record of the decision, a statement of the reason for it and any alternative options considered and rejected.

The provisions of Rules 7 and 8 (inspection of documents after meetings) will also apply to the making of decisions by individual Members of the Cabinet. This does not require the disclosure of exempt or confidential information or advice from a political assistant.

20. Policy and Scrutiny Committees access to documents

20.1 Rights to copies

Subject to Rule 21.2 below, a Policy and Scrutiny Committee will be entitled to copies of any documents which are in the possession or control of the Cabinet, and which contain material relating to

- 20.1.1 Any business transacted at a public meeting or the Cabinet: or
- 20.1.2 And decision take by an individual Member of the Cabinet.

20.2 Limit on rights

A policy and Scrutiny Committee will not be entitled to:

- 20.2.1 Any document that is in draft form:
- 20.2.2 Any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinizing or intend to scrutinise or
- 20.2.3 The advice of a political advisor.

21. Additional rights of access for Members

21.1 Material relating to previous business

All Members will be entitled to inspect any document which is in the possession or under the control of the Cabinet and contains material relating to any business previously transacted at a meeting unless either a) or b) below applies.

- a) it contains exempt information falling within paragraphs 1, 2, 3, 4, 5 and 7 of Schedule 12A to the local Government Act 1972 but with regard to category 3 only

where the information sought does not relate to any terms proposed or to be proposed by or to an authority in the course of negotiations for a contract.

b) it contains the advice of a political advisor

21.2 Material relating to key decisions

All Members of the Council will be entitled to inspect any documents (except those available only in draft form) in the possession or under the control of the Cabinet which relates to any key decision unless paragraph a) or b) above applies.

21.3 Rights of Access of Members to Other Council information and Access to Land

Members may have access to documents or other recorded information in the possession of or under the control, of the authority access to which is necessary for the proper discharge of the members' functions as a councillor.

21.4 Provided that

- 21.4.1 No Member may be entitled to inspect documents or have access to any information relating to a matter in which the member has a personal and prejudicial interest.
- 21.4.2 A Non- Cabinet Member may be refused the right to inspect any document or recorded information which is not necessary for the to inspect for the purposes of the proper discharge of their function as a councillor or if there is a good reason why such inspection should be refused.
- 21.4.3 Access to information not in the form of a document need not be given to a Non- Cabinet Member where the cost of providing the access is unreasonably high, or during such period as the giving of the access would reasonably disrupt the work of the authority.

21.5 Copies of documents

Where a Non- Cabinet Member inspects a document, the authority may lawfully make a copy of that document to which the councillor is entitled, on request

21.6 Provided that

- 21.6.1 If a copy is given, a reasonable charge shall be made for the copy unless the Chief Executive otherwise directs
- 21.6.2 A copy may also be refused if the Chief Executive considers that it is impracticable to make a copy

21.7 Refusal of Access

If the Chief Executive considers that access to any document or other information by a Member is not necessary for the proper discharge of their functions of there is good reason why access should be refused, then (except in the case where rights under section 100F of the LGA 1972 apply) the Chief Executive Officer may refuse a Member concerned access to the document or information in question.

21.8 Access to Land and refusal of Access

If a Non- Cabinet Member wishes to have access to land or buildings in the occupation of the Authority to which the public do not have access, the Member will apply to the Chief Executive and unless the Chief Executive considers that there is good reason why such access should not be given, permission shall be given subject to any conditions to that permission, including that the Member shall be accompanied by a specified officer.

If any Member is dissatisfied with any determination of the Chief Executive the matter may be referred to the Standards Committee who may after hearing representations from the Member reconsider the Chief Executive's decision.

The rights of a Member are additional to any other rights he/she may have

Budget and Policy Framework Rules

1. The framework for Cabinet decisions

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

2. Process for developing the framework

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

- 2.1 Before a plan/strategy/budget needs to be adopted, the Cabinet or Cabinet member responsible will either draft initial proposals or obtain the relevant Policy and Scrutiny Committee(s) opinion on any alternations or additions that are required to existing plans or their view that a new policy is required. Any representations made to the Cabinet / Cabinet Member shall be considered in formulating the initial proposals and shall be reflected in any report. The Cabinet / Cabinet Member shall set out a reasonable timescale for the views of the Policy and Scrutiny Committee(s).
- 2.2 If the Cabinet / Cabinet Member draft initial proposals before obtaining the views of the relevant Policy and Scrutiny Committee(s) those initial proposals shall then be referred to the relevant Policy and Scrutiny Committees for further consideration. The proposals will be referred by sending a copy to the Proper Officer who will forward them to the Chairperson of the relevant Committee. The Policy and Scrutiny Committee may obtain views from Area Committees, where they consider that this is relevant. The Policy and Scrutiny Committee shall report to the Cabinet / Cabinet Member on the outcome of its deliberations. The Cabinet / Cabinet Member shall set out a reasonable timescale for the views of the Policy and Scrutiny Committee to be reported back to them.
- 2.3 Having considered the report of the Policy and Scrutiny Committee, the Cabinet if it considers it appropriate, may amend its proposals before submitting them to the Council meeting for consideration.
- 2.4 The Council will consider the proposals of the Cabinet and may adopt them, amend them, refer them back to the Cabinet for further consideration, or substitute its own proposals in their place.

- 2.5 The Council's decision will be published in accordance with Article 4 and a copy shall be given to the Leader. The notice of decision shall be dated and shall state either that the decision shall be effective immediately or (if the Cabinet's proposals are not accepted without amendment) that the Council's decision will become effective on the expiry of at least 7 working days after the publication of the notice of decision unless the Leader objects to it within that period.
- 2.6 If the Leader objects to the decision of the Council, he/she shall give written notice to the Proper Officer to that effect prior to the date upon which the decision is to be effective. The written notification must state the reasons for the objection. Where such notification is received, the Proper Officer shall convene a further meeting of the Council to reconsider its decision and the decision shall not be effective pending that meeting.
- 2.7 The Council meeting must take place within 7 working days of the receipt of the written objection. At that meeting the decision of the Council shall be reconsidered in the light of the objection, which shall be available in writing for the Council.
- 2.8 The Council shall at that meeting make its final decision on the matter on the basis of a simple majority. The decision shall be made in public in accordance with Article 4 and shall be implemented immediately.
- 2.9 In approving the budget and policy framework, the Council will also specify the extent of the virement within the budget and the degree of in year changes to the policy framework which may be undertaken by the Cabinet in accordance with paragraphs 5 and 6 of these Rules. Any other changes to the budget and policy framework are reserved to the Council.

3. Decision outside the budget or policy framework

- 3.1 Subject to the provisions of paragraph 5 (virement) the Cabinet, individual Members of the Cabinet and any officers, or joint arrangements discharging Cabinet functions may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework or contrary or not wholly in accordance with the budget approved by full Council, then that decision may only be taken by full Council Subject to 4 below.

- 3.2 If the Cabinet, individual Member of the Cabinet and any officers, or joint arrangements discharging Cabinet functions want to make such a decision, they shall take advice from the Monitoring Officer and the Section 151 Officer as to whether the decision they want to make would be contrary to the policy framework, or contrary or not wholly within the budget. If the advice of the Monitoring Officer is that the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions of paragraph 4 (urgent decisions outside budget and policy framework) shall apply.

4. Urgent decisions outside budget or policy framework

- 4.1 The Cabinet, an individual Members of the Cabinet or officers or joint arrangements discharging Cabinet functions may take decisions which are contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:

- 4.1.1 If the chair of the relevant Policy and Scrutiny Committee agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of full Council and the Chairperson of the relevant Policy and Scrutiny Committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chairperson of the relevant Policy and Scrutiny Committee the consent of the Chairperson of Council and in the absence of both, the Vice-Chairperson will be sufficient.

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

5. Virement

The Council shall annually agree a range of budget heads which appropriately sets out a summary of the budget plans of the Council across the General Fund

Revenue Budget and the Capital Programme.

The term virement refers to transfers of budgets between or within cost centers. Virement may only be used in the very specific circumstances set out in the Financial Regulations elsewhere within this Constitution (Part 1 pp 4.24 to 4.26 (Revenue) and 4.39 to 4.42 (Capital)).

6. In-year changes to policy framework

The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the Cabinet, and individual Cabinet Member or officers or joint arrangements discharging Cabinet functions must be in line with it. No changes to any policy and strategy which make up the policy framework may be made by those bodies or individuals except those changes

- 6.1 Which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;
- 6.2 Necessary to comply with the law, ministerial direction, or government guidance;
- 6.3 In relation to the policy framework in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration; and
- 6.4 Which relates to policy in relation to schools, where the majority of school governing bodies agree with the proposed change.

7. Call-in decisions outside the budget or policy framework

- 7.1 Where a Policy and Scrutiny Committee is of the opinion that an Cabinet decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Monitoring Officer who will seek advice from the Section 151 Officer.

- 7.2 In respect of functions which are the responsibility of the Cabinet, the Monitoring Officers report shall be to the Cabinet, with a copy to every Member of the Council. Regardless of whether the decision is delegated or not, the Cabinet must meet to decide what action to take in respect of the Monitoring Officers report and to prepare a report to Council in the event that the Monitoring Officer conclude that the decision was a departure, and to the Policy and Scrutiny Committee if the Monitoring Officer concludes that the decision was not a departure.
- 7.3 If the decision has yet to be made, or has been made but not implemented, and the advice from the Monitoring Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the Policy and Scrutiny Committee may refer the matter to Council. In such cases no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 7 working days of the request by the Policy and Scrutiny Committee. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer. The Council may either:
- 7.3.1 Endorse the decision or proposal of the Cabinet as falling within the existing budget and policy framework, in this case no further action is required, save that the decision of the Council be minuted and circulated to all Councillors in the normal way
- or
- 7.3.2 Amend the Council's financial regulations or policy concerned to encompass the decision or proposal of the body or individual and agree to the decision with immediate effect. In this case no further action is required save the decision of the Council be minuted and circulated to all Councillors in the normal way
- or
- 7.3.3 Where the Council accepts that the decision or proposal is contrary to the policy framework or contrary or not wholly in accordance with the budget and does not amend the existing framework to accommodate it, require the Cabinet to reconsider the matter in accordance with the advice of the Monitoring Officer.

Cabinet Procedure Rules

1. How does the Cabinet operate?

The arrangements for the discharge of Cabinet functions may be set out in the Cabinet arrangements adopted by the Council. If they are not set out there, then the Leader may decide how they are to be exercised. In either case the arrangements or the Leader may provide for Cabinet functions to be discharged by:

- 1.1 The Cabinet as a whole:
- 1.2 A Committee of the Cabinet:
- 1.3 An Individual Member of the Cabinet:
- 1.4 An officer:
- 1.5 Joint arrangements: or
- 1.6 Another Local Authority.

2. Delegation by the Leader

At the annual meeting of the Council, the Leader will present to the Council a written record of delegations made by him/her for inclusion in the Council's scheme of delegation at part 3 of this Constitution. The document presented by the Leader will contain the following information about Cabinet functions in relation to the coming year:

- 2.1 The names, addresses and wards of the people appointed to the Cabinet by the Leader:
- 2.2 The extent of any authority delegated to Cabinet Members individually, including details of the limitations of their authority:
- 2.3 The terms of reference and constitution of such Cabinet Committees as the Leader appoints, and the names of the Cabinet Members appointed to them:
- 2.4 The nature and extent of any delegation of Cabinet functions to any other authority or joint arrangement and the names of those Cabinet Members appointed to any joint arrangement for the coming year:

- 2.5 The nature and extent of any delegations to officers with the details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

3. Sub-delegation of Cabinet functions

- 3.1 Where the Cabinet, or an individual Member of the Cabinet is responsible for an Cabinet function, they may delegate further to a joint arrangement or an officer.
- 3.2 Unless the Council directs otherwise, if the Leader delegates functions to the Cabinet, the Cabinet may delegate further to a Committee of the Cabinet or an officer.
- 3.3 Unless the Leader directs otherwise, a Committee of the Cabinet to whom functions have been delegated by the Leader may delegate further to an officer.
- 3.4 Even where Cabinet functions have been delegated, that fact does not prevent the discharge of the delegated functions by the person or body who delegated.

4. Conflicts of interest

- 4.1 Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- 4.2 If every Member of the Cabinet has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- 4.3 If the exercise of an Cabinet function has been delegated to a Committee of the Cabinet, an individual Member, or an officer, and should a conflict arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

5. Dismissal of Cabinet Member

The Leader of the Council can dismiss a person nominated by him/her to be an Cabinet Member on giving notice to an Cabinet meeting. Another Member of the Council can then be nominated by the Leader of the Council to fill the vacancy. Such

alterations will be reported to the Council meeting following the alteration.

6. Meetings of the Cabinet

The Cabinet will plan to meet in public at least six times a year at times to be agreed by the Leader. The Cabinet shall meet at the Council's main office at the Town Hall, Weston-super-Mare, or another location to be agreed by the Leader.

7. Management meeting

Before a Cabinet meeting there will be a management meeting where senior officers of the Council meet with the Cabinet, including the Chairperson of the Cabinet to discuss the business of the Council and progress the work plan approved by the Council. This meeting will also discuss policy and the budget situation and whether alterations to policy or budget will be required to be reported to the Council and will normally be held in private.

8. Public Decision of the Cabinet

Key decisions taken by the Cabinet as a whole, have to be taken at a public meeting of the Cabinet and advance notice of the decision is therefore required. A "key decision" is a Cabinet decision which is likely:

- 8.1 To result in the Local Authority incurring expenditure which is, or the making of savings which are, significant having regard to the Local Authority's budget for the service or function to which the decision relates. In most cases this will mean expenditure or savings of £500,00 or over, or
- 8.2 To 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 Local Authority.

With regard to decisions referred to above, they shall not be taken by an individual Cabinet Members unless prior notice that the decision is to be taken has been issued and at least five clear working days have elapsed since the notice had been published.

However, in a case of urgency, if the decision taker or the Chairperson of the Cabinet writes to the Chairperson of the Policy and Scrutiny Committee or if that is not possible, each Member of that Committee of the matter in relation to which a decision

is to be taken to obtain their agreement to the matter being dealt with as urgent and the a copy of the notice is made available at the offices of the Authority for public inspection, a decision can be taken by the Cabinet or decision taker without the usual public notice.

In cases of emergency where there is insufficient time to serve a notice then only if the decision taker or the Chairperson of the Cabinet has obtained from the relevant Chairperson of the relevant Policy and Scrutiny Committee or from the Chairperson of the Authority (Vice Chairperson if absent), if no Chairmen of Policy and Scrutiny Committee are available, that the decision cannot be deferred can the decision be taken.

The following Standing Orders are to control the proceedings of Cabinet meetings:

Standing Orders

1. Cabinet Standing Order 1

- 1.1 The Leader as elected by the Council shall be the Chairperson of the Cabinet.
- 1.2 The Chairperson can cancel a meeting of the Cabinet or alter the time or date of the meeting on giving ten working days' notice to the Members of the Council and the public.
- 1.3 There may be circumstances where the Chairperson wishes to alter or rearrange a meeting and is not able to give the ten working days stipulated above. However, this course of action will only be permissible in exceptional circumstances and Subject to the Chairperson explaining those circumstances to the other Members of the Council.

2. CabSO 2

The Chairperson of the Cabinet shall chair meetings of the Cabinet if he/she is in attendance. If the Chairperson of the Cabinet is unable to attend or is called away during the meeting the Deputy Leader shall chair the meeting.

3. CabSO 3

- 3.1 Formal meetings of the Cabinet where decisions are taken shall take place as and when necessary and, in any event, will take place at least six times per municipal year. All formal meetings of the Cabinet will be held in public except in cases of emergency as detailed under the legislation.
- 3.2 Formal meetings of the Cabinet will be held in public except if there is exempt information to be discussed. The agenda will state whether there is exempt business and will also state the categories of exempt information that apply to them. The public and press will only be excluded after passing the appropriate resolution under the Local Government Act 1972.

4. CabSO 4

No Substitute Cabinet Members are permitted.

5. CabSO 5

- 5.1 The agenda and papers referring to the items to be discussed at an Cabinet meeting will be issued at least five clear working days before the meeting to which it refers. A list of background papers will be available for public inspection.
- 5.2 All papers will be made available to Members of the relevant Policy and Scrutiny Committee and relevant ward Councillors.

6. CabSO 6

- 6.1 Members of the public at the discretion of the Chairperson, will be able to address the Cabinet at the beginning of the meeting of the Cabinet, on matters that affect the area or its residents and over which the Cabinet has powers and duties. The time allocated for members of the public to address the Cabinet Meeting shall be limited to 15 minutes, with any individual being permitted to speak for no longer than three (3) minutes and a maximum of four (4) speakers being permitted to speak at any meeting.

- 6.2 The right to address the Cabinet Meeting shall be limited to those that are resident in North Somerset, business ratepayers or electors of North Somerset but anyone that is, in the opinion of the Chairperson, abusive, offensive, or giving misleading information shall, when asked by the Chairperson to stop, not be permitted to speak further, and may be escorted from the meeting.
- 6.3 Requests from Members of the public to address the Cabinet Meeting must be received in writing at the Town Hall, Weston-super-Mare before 12 noon, the working day before the meeting, and must detail the subject matter to be discussed.
- 6.4 If the Chairperson of the Cabinet considers that a person has abused their ability to participate at Cabinet Meetings they will, at the direction of the Chairperson, not be permitted to address any further meetings of the Cabinet or Council.

7. CabSO 7

Members of the Council who are not Members of the Cabinet as well as being able to attend any Cabinet meeting will also have the opportunity to address the Cabinet meeting at the start of its meeting. The period at the start of the meeting allowed for this will be 15 minutes. Members of the Council who are not Members of the Cabinet may ask questions of the Cabinet during the meeting on matters on the agenda as they are discussed by indicating to the Chairperson their wish to speak. New items of business, however, cannot be raised and questions can only relate to matters which are the subject of discussion on the agenda.

8. CabSO 8

If during the meeting the Members of the Cabinet believe that an item should be referred to Council, then the matter will be referred with or without the views of the Cabinet.

9. CabSO 9

Matters to be discussed and determined by the Cabinet can be referred to the relevant Policy and Scrutiny Committee /Area Committees for their views before a decision is taken by the Cabinet. The request for the Policy and Scrutiny Committee /Area Committee view can state a date by which a response is required but this date

should take into account the designated meeting dates for the Policy and Scrutiny Committees/Area Committees.

10. CabSO 10

Where matters are considered by the Cabinet for discussion and where a decision is required, the decision will be undertaken by a vote on a course of action proposed by a Member of the Cabinet. The Chairperson of the Cabinet meeting will have a casting vote should the voting be equal.

11. CabSO 11

The Cabinet will prepare for publication and for receipt by the Council, a schedule of work covering a four-month period. The Schedule will be issued to the public once it has been received and approved by the Council. The Schedule will be updated and referred to each Council meeting.

12. CabSO 12

The Cabinet shall consider and respond to a formal Councillor Call for Action within two months of receiving the reference and indicate what action (if any) it proposes to take on the matter.

Policy and Scrutiny Committee Procedure Rules

1. Areas of remit

There will be five Policy and Scrutiny Committees of the Council. Each Policy and Scrutiny Committee will consider matters within its terms of reference and placed before them by the Cabinet and will respond with the views of the majority of the Members of the Policy and Scrutiny Committee on the matter which has been referred.

The Policy and Scrutiny Committee will scrutinise decisions taken by the Cabinet and will where there is concern over a decision either report that to the Cabinet or in cases which appear to have been taken by the Cabinet which are outside either the budget or policy of Council, refer the matter to Council. If during its work the Policy and Scrutiny Committee finds that the Council needs to address a particular matter either specifically or by an alteration to the Council's policy, then this shall be reported to the Cabinet. If the Cabinet requests the Policy and Scrutiny Committee to undertake work to consider alteration to the Council's policy, then the Policy and Scrutiny Committee shall undertake this work and then report back to the Cabinet its conclusions. If a Scrutiny Committee refers a matter to them, the Cabinet or individual Cabinet Member as appropriate shall respond formally to the Scrutiny Committee concerned.

2. Constitution and number

Each Policy and Scrutiny Committee will have the number of Members of the Council approved by full Council and will be apportioned to the political groups in accordance with political balance. The Chairperson and Vice Chairperson of each Policy and Scrutiny Committee shall be elected by the Council at its annual meeting. The Chairperson of each of the Policy and Scrutiny Committees will also attend a meeting with the Chairperson of an Cabinet meeting after the Cabinet has met (in accordance with CabSO 11) to discuss those decisions and to discuss individual Cabinet Member decisions which a Policy and Scrutiny Committee Chairperson wishes to discuss.

3. Reporting arrangements

Each of the Policy and Scrutiny Committees shall prepare an annual report for Submission to Council concerning the particular Policy and Scrutiny Committees remit and the work which has been undertaken by the Policy and Scrutiny Committee and bringing to the attention of the Council areas of concern which in the opinion of the Policy and Scrutiny Committee should be addressed by the Cabinet.

Standing Orders

The following rules will apply to proceedings of a Policy and Scrutiny Committee

North Somerset Council Constitution: **Part 4.2: Access to Information Procedure Rules**

Last reviewed: July 2025

Part 4.2: **29**

Meeting:-

1. Policy and Scrutiny Committee Standing Order 1

- 1.1 Council will elect the Chairperson of the Policy and Scrutiny Committee at its annual meeting. The Council will also elect the Vice-Chairperson of each of the Policy and Scrutiny Committees but if this does not happen for any reason the Policy and Scrutiny Committee shall proceed in accordance with Council Standing Order 29 to elect a Chairperson.
- 1.2 The Chairperson of the Policy and Scrutiny Committee if present shall chair the meeting but, in their absence, the Vice-Chairperson shall preside.
- 1.3 The Chairperson of a Policy and Scrutiny Committee can cancel a meeting of the Policy and Scrutiny Committee or alter the time or date of the meeting on giving ten working days' notice of the alteration to the Members of the Council and the public.
- 1.4 In exceptional circumstances the Chairperson may alter or rearrange the date of the meeting without giving the requisite ten working days' notice but in those circumstances the Chairperson shall obtain the agreement of the Leader of the Council before informing other Members of the Council and the public of the altered or rearranged meeting.

2. SSO 2

Any Member of the Council can be appointed to a Policy and Scrutiny Committee except the Leader, Deputy Leader and any other Member of the Council who is an Cabinet Member.

3. SSO 3

Substitutes are permitted Subject to the following exceptions:

- 3.1 The Leader and Deputy Leader of the Council
- 3.2 Any other Member of the Council who is an Cabinet Member

However, no-one shall consider matters as a Member of a Policy and Scrutiny Committee for which they have been directly involved in making the decision being considered.

4. SSO 4

The Policy and Scrutiny Committees shall meet as and when required but shall be programmed to meet formally in public at least three times per municipal year. The Chairperson of a Policy and Scrutiny Committee can call a meeting of that Committee at any time and can cancel and rearrange such a meeting. Informal meetings of Committees or working groups of Committee members (and other invitees) may also be convened to undertake development work or to consider matters not requiring a formal decision. Informal meetings and working groups may be held in public or in private.

5. SSO 5

The quorum of a Policy and Scrutiny Committee shall be one quarter of the Members of that Committee. To determine the number all fractions shall be rounded up to the next number.

6. SSO 6

Formal meetings of the Policy and Scrutiny Committee will be held in public except if there is exempt information to be discussed. The agenda will state whether there is any exempt business to be considered and state the relevant category. The public and press will only be excluded after passing the appropriate resolution under the Local Government Act 1972.

7. SSO 7

Councillors must declare interests. The Council's Code of Conduct and the Local Government Act 1972 determine the interests that must be declared

8. SSO 8

Political Groups will be required to declare formal "whipping" arrangements to the Assistant Director Legal and Governance in writing before such arrangements are implemented at a meeting.

9 SSO 9

- 9.1 Members of the public, at the discretion of the Chairperson of the Policy and Scrutiny Committee, will be entitled to address the Policy and Scrutiny Committee on matters which affect the district or its inhabitants and for which the Policy and Scrutiny Committee has the relevant position of reviewing decisions or commenting on the matter for some other purpose.
- 9.2 Members of the Policy and Scrutiny Committee may ask questions of the Member of the public and a dialogue between the two parties can be undertaken.
- 9.3 Requests from Members of the public to address the Committee must be received in writing at the Town Hall, Weston-super-Mare before 12 noon, the working day before the meeting, and must detail the Subject matter to be discussed.
- 9.4 No question or comment shall be entitled to refer to exempt or confidential information as defined in Schedule 12 to the Local Government Act 1972 and referred to in the Constitution.
- 9.5 That the Chairperson shall ensure that the relevant officer or member provides a written response to a member of the public who poses questions during public participation when a response cannot be dealt with in the time allocated.
- 9.6 Where a public speaker has made defamatory or personally offensive or abusive statements about an individual, the Chairperson shall have power to rule that the person be not heard and that such person be required to provide a written transcript in advance of any future address.

10. SSO 10

- 10.1 The Policy and Scrutiny Committee or the Committee's Chairperson and Vice-Chairperson can require an Cabinet Member to attend a meeting to answer questions or explain matters that the Policy and Scrutiny Committees are considering. If an Cabinet Member is instructed to attend, he/she must do so but if they are unable to do so because of matters outside their control then the Chairperson or Vice Chairperson of the Cabinet will attend in their place.

- 10.2 If the Policy and Scrutiny Committee require an officer to attend one of their meetings, then the Director or Assistant Director or officer of equivalent standing of the Directorate concerned shall attend and can be accompanied by another officer to assist the Director or Assistant Director at the meeting. A Director or Assistant Director will be required to answer questions or otherwise assist the Committee with its business.
- 10.3 The Policy and Scrutiny Committee can invite the attendance of any person outside the authority to attend a Policy and Scrutiny Committee meeting to answer questions or otherwise assist the Committee with its business.

11. SSO 11

- 11.1 Any Councillor may request for any local government, crime and disorder or other matter (other than any function excluded by legislation), within the terms of remit of a Policy and Scrutiny Committee, to be placed as an item on the agenda to be discussed at the next meeting of the Policy and Scrutiny Committee. The matter shall be known as a “Councillor Call for Action” and the Councillor shall have the right to speak at the Committee meeting concerned.
- 11.2 A Councillor Call for Action relating to a crime and disorder matter shall be referred to the Partnerships, Corporate Organisation and Overview/Management Policy and Scrutiny Committee.
- 11.3 A request for a Councillor Call for Action to be placed on the agenda of the Policy and Scrutiny Committee, must be received at the Town Hall, Weston-super-Mare, nine working days before the day of the meeting. The item must be open to discussion at the meeting and the Committee may decide to refer the report or recommendation to either the Cabinet or the full Council on the matter. The Committee must notify the councillor who made the request of its decision and its reasons and must provide that councillor and any relevant partner body with any report of recommendation it makes.
- 11.4 The Cabinet or the Council must consider any Councillor Call for Action referred to it by a Scrutiny Committee and must respond within two months of receiving the reference indicating what (if any) action it is proposed to take on the matter.
- 11.5 A request may also be made verbally at a Committee meeting by a member of the Committee for an item to be considered for inclusion on the Committee’s work plan for a future meeting.

12. SSO 12

A Policy and Scrutiny Committee can refer a matter to Council if it concerns an area of remit of the Policy and Scrutiny Committee and it is concerned about the decision taken by the Cabinet but only if it is of the opinion that the decision taken by the Cabinet is either outside the policy of the Council or not within the budget approved by Council. In all other cases where the Policy and Scrutiny Committee is concerned about a decision of the Cabinet, it can only refer the matter back to the Cabinet and express those concerns and ask the Cabinet to reconsider the decision.

13. SSO 13

- 13.1 Each Policy and Scrutiny Committee will undertake the work requested of it by the Council and the Cabinet but will not make any decisions that could be acted on as decisions of the Council.
- 13.2 Each Policy and Scrutiny Committee will prepare an annual report for Submission to Council on the work it has been undertaking and any steps, which they think should be taken by the Council. This opinion can be arrived at either from the work they have been undertaking or because of matters coming to their attention for scrutiny.

14. SSO 14

- 14.1 Within five working days of the publication of an Cabinet or Cabinet Member decision, any two Members of a policy and scrutiny Committee of the Council, can request a meeting (“a call-in meeting”) of the Policy and Scrutiny Committee concerned to consider the Cabinet or Cabinet Member decision.
- 14.2 The two Members concerned can request a call-in meeting of the Committee by writing to the Chairperson of the Committee and sending a copy to the Proper Officer of the Council stating that a call-in meeting is requested and indicating the decision of the Cabinet which is to be considered at the call-in meeting and stating the reason for the call in and how a matter within the remit of the Committee is affected by the Cabinet decision.

- 14.3 If a call-in meeting request is received by the Proper Officer, the decision of the Cabinet which is to be considered shall not be implemented for at least ten working days during which time the Committee will have considered the decision and the Cabinet will be made aware of the Committee's opinion.
- 14.4 If the Committee, when it considers the decision of the Cabinet, decides that it should be reconsidered it shall make that recommendation to the Cabinet. If in the opinion of the Policy and Scrutiny Committee, and the consideration of the Monitoring Officer, the decision of the Cabinet in question, has not been taken within the policies of the Council or within the budget approved by Council, the Committee shall refer the decision to Council and notify the Cabinet accordingly.
- 14.5 The procedure to be adopted at a call-in meeting shall be determined by the Chairperson of the Committee with the aim of most effectively considering the subject matter but will normally comprise the members calling in the Cabinet decision explaining any concerns and how matters within the remit of the Committee are affected followed by the Cabinet Member responding regarding those concerns and matters and the rationale for promoting the decision followed by deliberation and, if appropriate, agreement of recommendation(s) of the Committee.