

AGENDA
SCRUTINY BOARD

Date: Thursday, 21 November 2013

Time: 6:00 pm

Venue: Collingwood Room - Civic Offices, Fareham

Members:

Councillor D C S Swanbrow (Chairman)

Councillor Mrs K Mandry (Vice-Chairman)

Councillors Miss S M Bell
J V Bryant
Mrs M E Ellerton
M J Ford, JP
J S Forrest
Miss T G Harper
P W Whittle, JP

Deputies: T J Howard
T G Knight
D J Norris
Mrs S Pankhurst
R H Price, JP
D L Steadman



1. Apologies for Absence

2. Minutes (Pages 1 - 4)

To confirm as a correct record the minutes of the Scrutiny Board meeting held on 26 September 2013.

3. Chairman's Announcements

4. Declarations of Interest and Disclosures of Advice or Directions

To receive any declarations of interest from members in accordance with Standing Orders and the Council's Code of Conduct and disclosures of advice or directions received from Group Leaders or Political Groups, in accordance with the Council's Constitution.

5. Deputations

To receive any deputations of which notice has been lodged.

6. Presentation by, and Questioning of, the Executive Member for Health and Housing

To receive a presentation by the Executive member for Health and Housing on the performance of services within the Health and Housing portfolio over the last year and on future plans.

7. Review of the Board's Work Programme (Pages 5 - 14)

To consider a report by the Director of Finance and Resources, which invites members to review the Board's work programme for 2013/14.

8. Costs Associated with the Preparation Work for the Welborne Development (Pages 15 - 26)

To consider a report by the Director of Planning and Environment on costs associated with the preparation work for the Welborne development.

9. Council Tax Support Year 2 (Pages 27 - 42)

To consider a report by the Director of Finance and Resources on the Local Council Tax Support Scheme.

10. Updates to the Constitution (Pages 43 - 86)

To consider a report by the Director of Regulatory and Democratic Services on an update to the Constitution.

11. Executive Business

If requested by a member, to consider any item of business dealt with by the Executive, since the last meeting of the Board. The relevant Executive meetings are 7 October 2013 and 4 November 2013. (This will also include any decisions taken by individual Executive members during the same time period.)

P GRIMWOOD
Chief Executive Officer

Civic Offices
www.fareham.gov.uk
13 November 2013

**For further information please contact:
Democratic Services, Civic Offices, Fareham, PO16 7AZ
Tel:01329 236100
democraticservices@fareham.gov.uk**

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FAREHAM

BOROUGH COUNCIL

Minutes of the Scrutiny Board

(to be confirmed at the next meeting)

Date: Thursday, 26 September 2013

Venue: Collingwood Room - Civic Offices, Fareham

PRESENT:

Councillor D C S Swanbrow (Chairman)

Councillor Mrs K Mandry (Vice-Chairman)

Councillors: Miss S M Bell, J V Bryant, Mrs M E Ellerton, J S Forrest,
Miss T G Harper and R H Price, JP (deputising for P W Whittle,
JP)



1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors N R Gregory and P W Whittle, JP.

2. MINUTES

It was AGREED that the minutes of the meeting of the Scrutiny Board held on 4 July 2013 be confirmed and signed as a correct record.

3. CHAIRMAN'S ANNOUNCEMENTS

There were no Chairman's announcements.

4. DECLARATIONS OF INTEREST AND DISCLOSURES OF ADVICE OR DIRECTIONS

There were no declarations of interest or disclosures of advice or directions made at this meeting.

5. DEPUTATIONS

There were no deputations made at this meeting.

6. MEDIUM TERM FINANCE STRATEGY 2013/14

The Board considered a report by the Director of Finance and Resources on the Medium Term Finance Strategy 2013/14. Members were invited to consider the review of the Finance Strategy and to note that any comments would be reported to the Executive when the strategy document was submitted for approval at the Executive meeting on 7 October 2013.

It was AGREED that:-

- (a) the Executive be advised that the Board had requested that the table in paragraph 40 on page 7 of the Draft Strategy be amended to clarify references to member approval by indicating whether the decisions would be made by Council, the Executive or non-executive committees;
- (b) the Executive be advised that the Board had requested that paragraph 70 on page 11 of the Draft Strategy be deleted;
- (c) it be recommended to the Executive that it looks at ways of identifying possible funding from the European Union and other organisations, in partnership with other local authorities in the area;
- (d) the Executive be advised that the Board has requested that paragraph 99 on page 15 of the Draft Strategy be amended to clarify that the reference to costs associated with "Welborne planning and supporting delivery" refer to potential expenditure in addition to those incurred in the preparation of the Welborne Local Plan and supporting strategic masterplan;

- (e) the Executive be advised that the Board noted the significance and uncertainties surrounding the areas identified, and suggested that further work should be undertaken to broadly quantify the financial risk to support the Finance Strategy; and
- (f) the Executive be advised that the Board suggested that the following wording in paragraph 99 on page 15 of the Draft Strategy, "but have yet to be costed", be replaced with "but because of the high level of uncertainty, these costs have yet to be included in the financial projections" to more accurately reflect the position.

7. SCRUTINY BOARD WORK PROGRAMME 2013/14

The Board considered a report by the Director of Finance and Resources, which invited members to review the Board's work programme for 2013/14.

It was AGREED that:-

- (a) the programme of items as set out in Appendix A to the report be noted; and
- (b) the progress on actions since the last meeting, as set out in Appendix B to the report, be noted.

8. PROJECT INTEGRA STRATEGIC BOARD MINUTES 4/7/13

It was reported that, as part of the review of Project Integra, the Policy Review and Scrutiny Committee was disbanded and the scrutiny function delegated to the partner authorities. It was decided that the minutes of the meetings of the Project Integra Strategic Board would be circulated to the Chairman of each partner authority's Scrutiny Committee for review.

Members were therefore invited to consider the minutes of the meeting of the Project Integra Strategic Board held on 4 July 2013.

It was AGREED that:-

- (a) the Director of Streetscene be requested to convey members' views on the excessive use of acronyms in the minutes, particularly as the minutes were now being more widely circulated; and
- (b) the Director of Streetscene be requested to convey members' comments on the need for additional information about confidential items in the minutes.

9. EXECUTIVE BUSINESS

The Chairman invited members to indicate if they wished to consider any other item of business dealt with by the Executive, since the last meeting of the Board. There were no other items of Executive business considered.

(The meeting started at 6.00pm
and ended at 7.23pm).

FAREHAM

BOROUGH COUNCIL

Report to Scrutiny Board

Date **21 November 2013**

Report of: **Director of Finance and Resources**

Subject: **SCRUTINY BOARD WORK PROGRAMME 2013/14**

SUMMARY

Items for the draft work programme of the Board for the year were agreed by the Board at its meeting on 21 March 2013 and confirmed by the Council at its meeting on 25 April 2013. The Board reviewed the work programme at its meetings on 30 May 2013, 4 July 2013 and 26 September 2013.

RECOMMENDATION

The Board is now invited to further review the work programme for 2013/14.

INTRODUCTION

1. At the meeting of the Board on 21 March 2013, members agreed items for the draft work programme of the Board for the current year, 2013/14. The work programme was subsequently confirmed by the Council at its meeting on 25 April 2013. The Board's work programme is set out in Appendix A to this report.

RISK ASSESSMENT

2. There are no significant risk considerations in relation to this report.

CONCLUSION

3. The Board is now invited to endorse the decision to include Council Tax Support – year 2 and Updates to the Constitution on the work programme for 21 November 2013 and to further review its work programme for 2013/14.

Background Papers:

None.

Reference Papers:

None.

Enquiries:

For further information on this report please contact Andrew Wannell (Ext 4620).

SCRUTINY BOARD –WORK PROGRAMME 2013/14

DATE	SCRUTINY BOARD ITEM
30 May 2013	Review of the work programme 2013/14 Question and answer session with representatives of the Environment Agency
4 July 2013	Presentation by, and Questioning of, the Executive Member for Streetscene The Disclosure and Barring System Annual Report on the Performance of the Community Safety Partnership Review of the work programme 2013/14
26 September 2013	Medium Term Finance Strategy 2013/14 Review of the work programme 2013/14
21 November 2013	Review of the work programme 2013/14 Presentation by, and Questioning of, an Executive Member Costs associated with the preparation work for the Welborne development Council Tax Support – Year 2 Updates to the Constitution
23 January 2014	Preliminary overall review of work programme 2013/14 and draft programme for 20413/15 Finance Strategy, Capital Programme, Revenue Budget and Council Tax 2014/15 Housing Revenue Account Budget and Capital Plans 2014/15
20 March 2014	Final review of work programme for 2013/14 and draft for 2014/15 Presentation by, and Questioning of, an Executive Member

Items to be assigned:

- Question and answer session with Solent Local Enterprise Partnership
- Review of the implementation of the universal credit system and its impact on the residents of Fareham (for 2014/15)

SCRUTINY BOARD WORK PROGRAMME - PROGRESS SINCE LAST MEETING

APPENDIX B

Date of Meeting	Subject	Type of Item	Action by Board	Outcome	Link Officer
26 September 2013	Medium Term Finance Strategy	Consultation	<p>The Board considered a report by the Director of Finance and Resources on the Medium Term Finance Strategy 2013/14. Members were invited to consider the review of the Finance Strategy and to note that any comments would be reported to the Executive when the strategy document was submitted for approval at the Executive meeting on 7 October 2013.</p> <p>It was AGREED that:-</p> <p>(a) the Executive be advised that the Board had requested that the table in paragraph 40 on page 7 of the Draft Strategy be amended to clarify references to member approval by indicating whether the decisions would be made by Council, the Executive or non-executive committees;</p> <p>(b) the Executive be advised that the Board had requested that paragraph 70 on page 11 of the Draft Strategy be deleted;</p> <p>(c) it be recommended to the Executive that it looks at ways of identifying possible funding from the European Union and other organisations, in partnership with other local</p>	<p>(a)-(f) as shown reported to the meeting of the Executive on 7 October 2013.</p> <p>The Executive considered the matter as follows: (1) Annual Review of the Council's Finance Strategy</p> <p>The Executive Leader introduced the item by explaining that analysis of financial projections has identified the need to make significant savings over the next five years.</p> <p>The Executive Leader confirmed that estimates of income and expenditure over the five year period highlight a budget</p>	Andrew Wannell/Neil Wood

			<p>authorities in the area;</p> <p>(d) the Executive be advised that the Board has requested that paragraph 99 on page 15 of the Draft Strategy be amended to clarify that the reference to costs associated with “Welborne planning and supporting delivery” refer to potential expenditure in addition to those incurred in the preparation of the Welborne Local Plan and supporting strategic masterplan;</p> <p>(e) the Executive be advised that the Board noted the significance and uncertainties surrounding the areas identified, and suggested that further work should be undertaken to broadly quantify the financial risk to support the Finance Strategy; and</p> <p>(f) the Executive be advised that the Board suggested that the following wording in paragraph 99 on page 15 of the Draft Strategy, “but have yet to be costed”, be replaced with “but because of the high level of uncertainty, these costs have yet to be included in the financial projections” to more accurately reflect the position.</p>	<p>shortfall of £800,000 which has been caused by factors such as the ongoing reduction in Government funding, inflation and low interest rates on investments.</p> <p>In anticipation of this substantial shortfall, the Executive Leader advised that he has asked the Chief Executive Officer to prepare and bring forward a range of options for the budget gap to be closed by using the four elements of the Council’s Efficiency plan (Priorities, Proceeds, People/Process and Procurement) as a basis, with a view to finding £800,000 of savings by 2015.</p> <p>The comments of the Scrutiny Board were taken into account for this item (see minute 7 above).</p>	
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				<p>RESOLVED that the Executive agrees:</p> <p>(a) the Council's finance strategy and the budget guidelines for 2014/15, as set out in the finance strategy document attached to this report;</p> <p>(b) to note that the Chief Executive Officer must carry out a review of the Council's budgets with the aim of reducing costs by £800,000 before April 2015; and</p> <p>(c) to submit the updated Pay Policy, annexed to the Medium Term Finance Strategy, to the Council for approval.</p> <p>(2) Award of Tender: Resurfacing Contract - Approach to Fareham Shopping Centre</p> <p>RESOLVED that the Executive agrees:</p> <p>(a) to approve an additional £35,000</p>	
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				budget provision from reserves; and (b) that the tender submitted by the contractor ranked 1 (as set out in the confidential appendix A), being the most advantageous tender received, be accepted and the contract awarded to the company.	
	Scrutiny Board Work Programme 2013/14	Programmin g	The Board considered a report by the Director of Finance and Resources, which invited members to review the Board's work programme for 2013/14. It was AGREED that:- (a) the programme of items as set out in Appendix A to the report be noted; and (b) the progress on actions since the last meeting, as set out in Appendix B to the report, be noted.	Complete.	Andrew Wannell
	Project Integra Strategic Board Minutes	Scrutiny	It was reported that, as part of the review of Project Integra, the Policy Review and Scrutiny Committee was disbanded and the scrutiny function delegated to the partner authorities. It was decided that the minutes of the meetings of the Project Integra Strategic Board would be	The next meeting of the Project Integra Strategic Board will be held on 26 November 2013.	Paul Doran

			<p>circulated to the Chairman of each partner authority's Scrutiny Committee for review.</p> <p>Members were therefore invited to consider the minutes of the meeting of the Project Integra Strategic Board held on 4 July 2013.</p> <p>It was AGREED that:-</p> <p>(a) the Director of Streetscene be requested to convey members' views on the excessive use of acronyms in the minutes, particularly as the minutes were now being more widely circulated; and</p> <p>(b) the Director of Streetscene be requested to convey members' comments on the need for additional information about confidential items in the minutes.</p>		
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FAREHAM

BOROUGH COUNCIL

Report to Scrutiny Board

Date **21 November 2013**

Report of: **Director of Planning and Environment**

Subject: **COSTS ASSOCIATED WITH THE PREPARATION WORK FOR
THE WELBORNE PLAN**

SUMMARY

This report sets out the position on the development of the planning policy framework for Welborne and the reasons why the preparation of the Welborne Plan is important. It explains the approach taken to carry out the required technical work and the procurement process followed. The financial implications of preparing the Welborne Plan are set out in the quarterly report to the Executive and this is attached as Appendix B. The additional external funding secured to date to support the development of planning policy relating to Welborne is also included in this report minimising impact for Council tax payers in the Borough.

RECOMMENDATION

The Panel is requested to note the approach taken in respect of the production of the Welborne Plan, together with the cost implications and the external funding attracted to offset these.

INTRODUCTION

1. The Fareham Core Strategy was adopted by the Council in August 2011. Policy CS13 (Appendix A) sets out the planning policy guidance for the development of a new settlement to the north of Fareham (known as Welborne). The policy allows for a development of between 6,500 and 7,500 dwellings, plus accompanying employment and facilities and services to support the new population. The policy is high level in nature and requires a more detailed framework to be developed through an Area Action Plan (The Welborne Plan) plus a masterplan to be produced taking account of the development interests.

BACKGROUND

2. The Council is currently in the process of preparing the more detailed planning policy guidance in the form of the Welborne Plan, important in setting out the Council and community aspirations for the development to help guide any future planning applications. The development of both the Welborne Plan and strategic masterplan are vital in setting this clear framework. If a sound document is not produced and formally adopted by the Council, no guidance beyond what is in the Core Strategy will be available to guide developers in their preparation of planning applications. With no detailed planning policy covering the whole site, there is a risk that the developers will not work together to provide the necessary infrastructure in a co-ordinated and fair manner and that the Council will not achieve its aspirations for the development. However, to produce a sound plan, a strong evidence base has to be assembled to underpin the Welborne Plan policies. The current evidence in preparation include Infrastructure and Viability work, transport modelling, Economic study, Transport Strategy and development of a Strategic Masterplan.
3. Planning a new community of this size is a complex project that does not involve an off the shelf approach; it requires unique technical work. The view was taken that this could not be resourced using internal resources but to buy in the technical advice. This approach does have the advantage that the technical work is independent of the Council which strengthens that evidence in presenting the case at public examination.
4. Procurement of the necessary technical work has followed Financial Regulation 15 on Contracts and Procurement Procedures and the Contract Procedure rules for purchases over £20,000. In the cases where Contract Procedure Rules have been necessary the Council has procured the technical services through the use of the HCA Framework. This framework consists of technical panels, which consist of consultancies which have been procured through a fully compliant OJEU procurement process. In short, this method of procurement invites consultancies on the technical panel to submit quotations for the work specified in a Request for Quotation (RFQ) following which a competitive process is followed.
5. The resource implications of producing the Welborne Plan were set out in a report to the Executive on 5 November 2012. This was subsequently updated in a report to the Executive on 2 September 2013. A quarterly financial update will now be produced during the period of preparing the Welborne Plan. The latest report (2 September 2013) is set out in Appendix B.
6. The Council is currently awaiting the outcome of a bid to the Department of Communities and Local Government (DCLG) for Capacity Funding to assist with the planning and delivery of Welborne.

FINANCIAL IMPLICATIONS

7. The costs of the Welborne project have been predominantly funded from the Housing and Planning Delivery Grant reserve which has been set aside to be used for studies relating to the project and other Action Plan Projects. Since 2004/05 the Council has received over £2.637 million of funding through Planning Delivery Grant and Housing and Planning Delivery Grant.
8. During 2013/14 money has been secured from DCLG as detailed in paragraph 6. The outcome of the Capacity Funding bid submitted to DCLG (as referred to in paragraph 6) will determine the amount of Housing and Planning Delivery Grant that will need to be used in 2013/14 and 2014/15, and also the need to call on funding from the New Homes Bonus.
9. The Council has previously been successful in securing additional funding from a variety of sources to undertake the evidence work required to support the development of the Local Plan. Further funding may yet become available, however, to date, £280,000 has been received from the sources listed below.
 - Eco Town Finding £100,000 (2010/11)
 - Home and Communities Agency £150,000 (2010/12)
 - Partnership for Urban South Hampshire £30,000 (2011/12)
10. As a result of the use of external funding there has been no impact on the council tax payers in the borough.

RISK ASSESSMENT

11. There are no significant risk considerations in relation to this report.

CONCLUSION

12. The Scrutiny Board notes the approach the Council has adopted in relation to the Welborne project and supports the planning policy to guide the development of the project along with the continued funding from external resources.

Background Papers:

None.

Reference Papers:

None.

Enquiries:

For further information on this report please contact Richard Jolley (Ext 4388).

Appendix A

CS13 North of Fareham Strategic Development Area

Permission will be granted for the development of a Strategic Development Area to the north of Fareham following the adoption of an Area Action Plan and the preparation of a comprehensive masterplan for the development. The development will include provision for between 6,500- 7,500 dwellings, unless it is found that this level of housing cannot be delivered without adversely affecting the integrity of protected European conservation sites. If any potential adverse effects cannot be avoided or adequately mitigated, the level and scale of development would need to be reduced accordingly to ensure that there are no adverse effects on the integrity of any European sites. The development will also provide supporting environmental, social and physical infrastructure, retail and employment floorspace to both support the development and to contribute towards meeting the development objectives of the South Hampshire Sub-Region. The new community will aim to be as self-contained as possible, whilst complementing and supporting the established town centre of Fareham and adjoining settlements.

The high level development principles are:

- the new development will create an inclusive and cohesive community, built upon the principles of sustainability;
- the development will be an exemplar of sustainable design, and resource efficiency, and will minimise water consumption and carbon emissions arising from operational energy use in new and existing buildings and infrastructure within the SDA;
- the development will provide up to 90,750 sq.m of employment floorspace, in a range of employment opportunities which contribute to sub-regional economic development objectives and contribute towards creating a high level of self containment and accessibility to reduce the need for commuting;
- the layout will create a connected network of Strategic Green Infrastructure, open spaces and recreational facilities that respects and enhances the landscape qualities of the area and meets the needs of the new community; and avoids or mitigates the potential ecological impacts of the development, and provides a net gain in biodiversity in the area. The basis for developing a Green Infrastructure Strategy will be to conserve and enhance the existing landscape, historic and ecological features on the site and adjacent areas, whilst linking new and established green spaces within the built environment and connecting the urban area to its wider rural hinterland;
- the provision of Green Infrastructure to meet the recreational needs of additional residents, to contribute to the access networks to the natural environment and BAP targets to achieve a net gain for biodiversity, to make a positive contribution towards implementing the Partnership for Urban South Hampshire Sub-Regional Green Infrastructure Strategy, and to ensure that any potential adverse effects on nationally and internationally protected sites identified through the SA/ HRA work are avoided. Where adequate mitigation or avoidance measures cannot be achieved on site through the provision of Green Infrastructure a financial contribution will be sought to provide off-site

mitigation measures such as managing access to nationally or internationally important sites or the provision of off-site Green Infrastructure;

- green buffers will be incorporated into the layout to prevent coalescence with Knowle, Wickham, Funtley and Fareham;
- the AAP and masterplan will be developed in accordance with the Emerging Transport Strategy, which is based on the following key principles;
 - The SDA will have high levels of self containment;
 - The SDA will address a significant proportion of trips through the development of robust reduce and manage policies;
 - Bus Rapid Transit (BRT) will form a key component of the access strategy;
 - Access will initially be via the A32 and junction 10 of the M27;

At a later stage a link road may be required from the A32 to junction 11 of the M27;

A phasing plan will be agreed, setting out how the rate of development will be linked to the funding and provision of the necessary transport infrastructure.

- the longer term transport interventions will need to be carefully designed to minimise the impacts on the strategic road network and fully mitigate any environmental or traffic impacts. It will also need to help facilitate an effective Bus Rapid Transit system;
- a balanced package of measures will be introduced to encourage smarter transport choices to meet the needs of the new development, and maximise the opportunities for sustainable travel; including the provision of a network of footpaths, cycleways and bridleways to enhance permeability within the site and to access the adjoining area; connection to the Bus Rapid Transit system; and effective measures to mitigate the transport impacts of the proposed development on the strategic and local road network;
- the development will provide supporting social and physical infrastructure; including a range of convenience and comparison shopping, local employment, health, community and leisure facilities centred around a new district centre, together with provision for pre-school, primary and secondary education. Up to three local centres will be provided to act as neighbourhood hubs for the provision of social infrastructure and local employment opportunities;
- the layout will provide for a range of housing types, sizes and tenures to meet the needs of the new community and aim to provide between 30-40% affordable housing;
- a Sustainable Drainage System will be fully integrated into the network of open spaces, to mitigate potential flood risk, allowing the SDA to adapt to climate change whilst providing biodiversity benefits and enhanced recreational opportunities. The development must also provide sewerage infrastructure.

The detailed framework setting the nature, form and boundary of the new community will be set out in an Area Action Plan. Other locations in the Borough will not be developed in lieu of development at the Strategic Development Area regardless of the eventual capacity or the phasing of the development.

An infrastructure phasing plan will be prepared and agreed by the Council, setting out how the rate of development will be linked to the funding and provision of the necessary social and physical infrastructure to ensure that the respective phases of the development do not come forward until the necessary infrastructure has been secured.

The masterplan will be produced in partnership with the development interests and will provide an indicative layout showing the disposition and quantity of future land-uses, and give a three dimensional indication of the urban design parameters which will be incorporated into any future planning application; together with a phasing and implementation strategy.

The masterplan will be accompanied by or incorporate a sustainability strategy which clearly demonstrates how the principles of sustainable development will be incorporated into the proposals and implemented to achieve the aim of an exemplar of a sustainable community.

A management plan will be produced as part of the masterplanning process to demonstrate how infrastructure and community assets will be maintained and managed.

All the above documents will need to be clear on the expected outcomes, and be sufficiently flexible to respond to changing opportunities and circumstances. They will also need to demonstrate how the National Air Quality Standards will be met.

FAREHAM

BOROUGH COUNCIL

Report to the Executive for Decision

2 September 2013

Portfolio: Strategic Planning and Environment
Subject: Preparation of Welborne Plan: Quarterly Financial Update
Report of: Director of Planning and Environment
Strategy/Policy: Fareham Local Development Framework

Corporate Objective: To protect and enhance the environment
Maintain and extend prosperity
Leisure for Health and Fun
A balanced housing market
Strong and Inclusive Communities
Dynamic, prudent and progressive Council

Purpose:
To advise the Executive on the updated costs for the preparation of the Welborne Plan.

Executive summary:
This report sets out the latest projected and incurred expenditure relating to the development of the Welborne Plan, and will be followed by quarterly financial updates during the period of preparation of the Welborne Plan. The report updates the Executive on the position reported to the Executive at their meeting on 5 November 2012. Since the previous report, additional consultancy work has been required in order to take account of on-going discussions with key parties including the principal landowners and statutory agencies and to address issues raised in the recent public consultation on the draft Welborne Plan.

Recommendation:
That the Executive notes the quarterly update on the financial costs of producing the Welborne Plan.

Reason:
To set out the updated expenditure and funding involved in the preparation of the Welborne Plan.

Cost of proposals:

To be met within existing resources and predominately funded from the Housing and Planning Delivery Grant reserve and the New Homes Bonus Grant.

Appendices: None.

Background paper: Report to the Executive on 5 November 2012 - New Community North of Fareham Area Action Plan - Revised Timetable Plan Preparation by the Director of Planning and Environment.

FAREHAM

BOROUGH COUNCIL

Executive Briefing Paper

Date: 2 September 2013

Subject: Preparation of Welborne Plan: Quarterly Financial Update

Briefing by: Director of Planning and Environment

Portfolio: Strategic Planning and Environment

BACKGROUND

1. A report to the Executive on 5 November 2012 set out the projected and incurred expenditure relating to the development of a Local Plan for Welborne. These figures are shown in the table below.

WELBORNE PROJECT COSTS					
	2010/11	2011/12	2012/13	2013/14	2014/15
	£	£	£	£	£
Staff and running costs	30,100	142,000	184,700	264,950	258,700
Evidence base and supporting costs	29,200	191,300	334,000	251,900	78,600
Total Costs	59,300	333,300	518,700	516,850	337,300
Project Based External Funding received	-100,000	-180,000	-	-	-
Costs Less Income	-40,700	153,300	518,700	516,850	337,300
Total Overall Net Project costs at end of 2014/15					1,485,450

PROGRESSION OF PLAN AND ASSOCIATED REVISED COSTS

2. Subsequent to these figures being prepared, a draft of the Welborne Plan was prepared and underwent public consultation. It is now moving towards the formal Pre Submission Plan stage and will be subject to public examination during the summer 2014.
3. The projected expenditure for 2013/14 has been now been revised to reflect additional consultancy work which has been necessary to support the evidence base for the Welborne Plan. This technical work was previously identified as potentially being

needed to be undertaken. However, both the scope and depth of the work required have remained uncertain due to on-going discussions with a number of key parties including the statutory agencies and the main landowners. The scope of technical work is also being informed by the success or otherwise of other Local Plans going through the same process as the experience of operating under the new planning context of the National Planning Policy Framework is becoming apparent.

4. The final phase of technical work taking the Plan up to the Pre- Submission stage includes finalising the Masterplan, plus associated updates on transport strategy, green infrastructure, economy and sports provision. Other technical work required includes a study on noise levels adjacent to the M27 motorway and investigation into the feasibility of Combined Heat and Power and Code for Sustainable Homes. This programme of technical work will enable the Council to address many of the issues arising from the review of consultation responses to the Draft Welborne Plan. Additionally, a Design Review of the draft masterplan has also been undertaken by the South East Design Panel to independently assess the proposals. The total cost is estimated at £168,000.
5. Although not part of the evidence base for the Welborne Plan, a Design Code for development at Welborne is being prepared. This was subject of a separate Executive Decision in January 2013, and the projected cost of preparing the Design Code of £25,000 has been included in the figures.

UPDATED WELBORNE PROJECT COSTS					
	2010/11	2011/12	2012/13	2013/14	2014/15
	£	£	£	£	£
Staff and running costs	27,402	128,526	199,683	284,100	287,100
Evidence base and supporting costs	82,034	194,611	319,649	464,300	78,600
Total Costs	109,436	323,137	519,332	748,400	365,700
Total Overall Project costs at end of 2014/15					2,066,005

WELBORNE PROJECT FUNDING STREAMS					
	2010/11	2011/12	2012/13	2013/14	2014/15
	£	£	£	£	£
Eco Town Funding	100,000	-	-	-	-
Planning/Housing Delivery Grant	9,436	143,137	519,332	496,800	-
Homes and Communities Association (HCA)	-	150,000	-	-	-
Partnership for Urban South Hampshire (PUSH)	-	30,000	-	-	-
New Homes Bonus	-	-	-	240,100	365,700
Total Costs	109,436	323,137	519,332	748,400	365,700
Total Overall Project funding at end of 2014/15					2,066,005

RISK ASSESSMENT

6. The adoption of planning policy to guide the development of Welborne is integral to achieving Council and community aspirations. Providing this certainty through the planning process will assist in providing a basis for the long term on which to ensure and achieve timely infrastructure provision.

FINANCIAL IMPLICATIONS

7. The costs of preparing the Welborne Plan will be predominantly funded from the Housing and Planning Delivery Grant reserve. Additional funding from the New Homes Bonus has been added for 2013/14. Other funding has been received from the Homes and Communities Agency and PUSH during 2011/12.

CONCLUSION

8. That the Executive notes the proposed expenditure relating to the production of the Welborne Plan providing planning policy to guide the development of the new settlement. The adoption of the Welborne Plan will provide the means of ensuring that the Council achieves its ambitions for Welborne including the timely provision of infrastructure and provision of suitable housing to meet local housing needs.

Reference Papers: None

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FAREHAM

BOROUGH COUNCIL

Report to Scrutiny Board

Date **21 November 2013**

Report of: **Director of Finance and Resources**

Subject: **COUNCIL TAX SUPPORT - YEAR 2**

SUMMARY

Following the abolition of the national Council Tax Benefit arrangements from 31 March 2013 and successful introduction of Fareham's local Council Tax Support scheme from 1 April 2013, the Council is now preparing to agree the scheme which will take effect from 1 April 2014. A period of public consultation has now been undertaken and the Board is asked to consider the proposals for the new local support scheme, and to refer any comments to the Executive, when the report is submitted for approval at its meeting on 2 December 2013.

RECOMMENDATION

The Board is asked to review the Local Council Tax Support report and consider whether it wishes to submit comments for consideration by the Executive.

INTRODUCTION

1. Council Tax Support helps those people who are on low or no income to pay their council tax. If the claimant meets certain criteria, they will receive a contribution towards their council tax which is paid directly into their council tax account reducing the amount they have to pay.
2. Under the now abolished national scheme, central government fully reimbursed local councils for all correctly paid Council Tax Benefit. However, as announced in the 2010 Spending Review, from April 2013 support schemes would be localised and funding would be reduced by 10%.
3. Localised support schemes are only applicable to working age claimants. The Government introduced a 'prescribed' scheme for those of pensionable age that billing authorities are required to administer to ensure that the current levels of financial assistance to pensioners is preserved.
4. Approximately 55% of the people in Fareham who receive Council Tax Support are of pension age therefore to contain the costs within the government funding, people of working age on low incomes will see a reduction of around 20% in the help they receive with council tax so that the current level of assistance for people of pension age can be maintained.
5. Fareham Borough Council successfully implemented a local scheme of support for the financial year 2013/14 and in order to comply with the Local Government Finance Act 2012 we must now design and approve a scheme for the forthcoming financial year before 31 January 2014.

PROPOSALS

6. The Council's Executive has previously agreed the options for the 2014/15 scheme at its meeting on 2 September 2013 which enabled a period of public consultation to commence.
7. This consultation has now ended and 162 responses were received which have now been analysed. A detailed Equalities Impact Assessment has been concluded and a draft scheme has now been prepared for the Executive to consider at its meeting on 2 December 2013.
8. The purpose of this report is to seek the views of the Scrutiny Board on the draft Local Council Tax Support scheme. Those views will be submitted to the Executive to inform its consideration of the draft scheme in December.

RISK ASSESSMENT

9. The risks and implications are included in the body of the attached report.

CONCLUSION

10. The Board is asked to review the Local Council Tax Support report and consider whether it wishes to submit comments for consideration by the Executive.

Attachment A [Copy of report to the Executive on 2 December 2013](#)

Background Papers:

None.

Reference Papers: [Report to Executive 2 September 2013](#)

Enquiries:

For further information on this report please contact Caroline Holmes (Ext 4645).

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FAREHAM

BOROUGH COUNCIL

Report to the Executive for Decision 2 December 2013

Portfolio: Policy and Resources
Subject: Council Tax Support Scheme 2014/15
Report of: Director of Finance and Resources
Strategy/Policy:

Corporate Objective: To be a dynamic, prudent and progressive Council

Purpose:
To provide the Executive with the results of the public consultation and seek approval of the Fareham Local Council Tax Support scheme to be effective from 1st April 2014.

Executive summary:
In September 2013, the Executive agreed a draft Local Council Tax Support scheme for the purposes of a public consultation exercise. Formal consultation was carried out from 9 September to 4 October 2013 and 162 responses were received.

Having analysed the responses from the consultation, a detailed Equalities Impact Assessment has been concluded, and a final scheme has now been prepared for the Executive to consider. This will enable a scheme to be recommended to Full Council later in the month and prior to the deadline of 31st January 2014.

Recommendation:

- The Executive approve the final Council Tax Support scheme as set out in the report
- The Executive recommend the final scheme to Full Council for final adoption
- The Director of Finance and Resources be given delegated authority to make any necessary minor amendments, and to publish the final scheme prior to 1st April 2014.

Reason:
To enable a Council Tax Support scheme to be agreed in advance of the 31st January 2014 deadline.

Cost of proposals:

The proposals within this report are estimated to cost £3.8m, and it is anticipated that this can be contained within devolved funding from central Government.

- Appendices A:** [Results of the consultation exercise](#)
B: [Equality Impact Assessment Summary](#)

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FAREHAM

BOROUGH COUNCIL

Executive Briefing Paper

Date: 2 December 2013

Subject: Council Tax Support Scheme 2014/15

Briefing by: Director of Finance and Resources

Portfolio: Policy and Resources

INTRODUCTION

1. The Local Government Finance Act 2012 requires Council's to agree and adopt a scheme which reduces the amounts of council tax payable by persons whom it considers to be in financial need. It specifies that for each financial year, each billing authority must consider whether to revise its existing scheme or replace it with another scheme no later than 31 January in the financial year preceding that for which the revised or replacement scheme is to have effect.
2. At its meeting on 2 September 2013, the Executive agreed to consult upon a draft 2014/15 Council Tax Support (CTS) scheme. The draft scheme contained the key principles as set out in our 2013/14 scheme prior to the decision by Members to make the necessary amendments in order to qualify for the transitional grant.
3. This report sets out the results of the consultation exercise and proposes a final scheme for council tax support.

RESULTS OF CONSULTATION

4. At their meeting of 14 May 2012, the Executive agreed a set of guiding principles upon which a draft CTS scheme for Fareham was designed. The features of the draft scheme were :-
 - **Principle 1:** Every Working Age claimant should pay something towards their Council Tax
 - **Principle 2:** The scheme should protect the most vulnerable claimants
 - **Principle 3:** The scheme should incentivise work
 - **Principle 4:** Everyone in the household who can contribute, should contribute
 - **Principle 5:** Benefit should not be paid to those with large capital or savings

5. These principles were widely supported by responders to the 2012/13 consultation exercise where over 600 responses were received. Following the announcement by Central Government to grant additional funding to Local Authorities, the Council were able to delay the introduction of some of the proposals from April 2013 thereby creating a more generous scheme of support. This funding will not be available for 2014/15 therefore, at their meeting of 2 September 2013, the Executive agreed to retain the original principles within the proposed 2014/15 scheme, and those that were suspended for the 2013/14 scheme have formed the basis of the consultation exercise carried out.
6. A consultation exercise ran from 9 September 2013 to 4 October 2013 and sought views on the following proposals:
 - Every working age claimant should pay the first 20 or 25% of their Council Tax bill
 - Capping the Council Tax Support to a Band C for those in larger properties
 - All non-dependants should pay something towards the household's Council Tax bill
 - Continue to protect certain vulnerable groups
 - Extra financial support should be available for those suffering genuine hardship as a result of any changes introduced from April 2014
7. The following methods were used to ensure views were gathered from as wide a range of customers, residents and other interested parties as possible:
 - On-line survey, available for all to access
 - Paper copies available for all, upon request
 - Targeted request for feedback to residents, via the e-Panel
 - Proactive, "face to face" engagement with claimants visiting the civic offices
 - Information leaflets accompanying all benefit correspondence, encouraging feedback
 - Targeted publication of consultation to those organisations listed on the Community Groups database
 - Regular reminders via press release and social media (Facebook and Twitter).
8. In total, 162 responses to the consultation exercise were received, and the results are shown at [Appendix A](#).
9. The results of the consultation indicate that the draft scheme is supported by the majority of the respondents. This mirrors the results seen in the 2012/13 consultation exercise where 630 responses were received.

PROPOSED LOCAL COUNCIL TAX SUPPORT SCHEME

10. The results of the consultation exercise have been taken into account when designing the final scheme for CTS as seen below.

Key Principle	Draft Scheme
Every working age claimant should pay something towards their Council Tax	Working age claimants will receive a maximum of 80% of the means-tested financial support award, capped at a Band C
The scheme should protect the most vulnerable claimants	<p>The current means-test, comprising disregards, premiums and allowances will be retained in full.</p> <p>Those claimants in receipt of the Enhanced Disability Premium and Severe Disability Premium will continue to be protected from the changes</p> <p>Those claimants in receipt of a war pension or war widow/ers pension will continue to be protected from the changes</p>
The scheme should incentivise work	The current scheme of extended payments, child care costs and earned-income disregards will be retained.
Everyone in the household who can contribute, should contribute	All working age non-dependants will be expected to contribute a minimum of £3.30 per week
Benefit should not be paid to those with large capital or savings	The capital thresholds will remain in place, with no support paid to claimants where their capital exceeds the upper threshold of £16,000. (The lower threshold, £6,000, also remains unchanged).

11. The Local Government Finance Act (LGFA) states *“if any revision to a scheme or any replacement scheme has the effect of reducing or removing a reduction to which any class of persons is entitled, the revision or replacement must include such transitional provision relating to that reduction or removal as the authority thinks fit”*. As the proposed scheme will result in lower levels of support from April 2014, the local Hardship Fund arrangements as approved by the Executive at their meeting of 15 April 2013 will remain in place.
12. In order to comply with the LGFA, it is necessary for the Council to publish the full details of the scheme. Once agreed, this will be made available to the public, and be submitted to the Tribunals Service, who will be responsible for considering any appeals against the decisions taken in administering the CTS scheme. The detailed scheme is currently being prepared and will be submitted to Full Council when the scope of the scheme is finally determined.

EQUALITIES IMPACT ASSESSMENT

13. A full and detailed equalities impact assessment has been carried out on the proposals contained within the report. In summary, it is felt that the scheme complies with the requirements upon the Council.

Contact: Caroline Holmes, Head of Revenues and Benefits
E-mail – cholmes@fareham.gov.uk (Tel: 01329 824645)

xps-131202-r07-cho

14. A summary of the findings from the impact assessment is attached as Appendix B.

FINANCIAL IMPLICATIONS

15. It is anticipated that the proposals for the Fareham CTS scheme will cost in the region of £3.8m.
16. A sum of £112,000 was allocated in the 2013/14 budget to cover the costs to Fareham of the local scheme. £30,000 will be paid to the Citizen's Advice Bureau to help fund a Debt Adviser with the rest being used for the hardship fund.
17. When the funding was approved by the Executive for the 2013/14 budgets it was envisaged that this would be on going funding and subsequently has been incorporated in the Council's Medium Term Finance Strategy that was approved by the Executive in October.

CONCLUSION

18. The proposed scheme within the report should enable the Council to contain the cost within the available resources, and fully take account of the feedback from the consultation. The proposals include the continuing provision of additional financial support for those suffering exceptional hardship.
19. Members are asked to consider the final proposals contained within the report, and make a recommendation to the meeting of Full Council, scheduled later this month.

Reference Papers:

Council Tax Support Exceptional Hardship Fund Policy

Analysis of Consultation Responses

QUESTION	RESPONSE	RESPONSES (%)	RESPONSES (no.)
Do you think that 20% is a fair amount for people who have a low income to pay towards their Council Tax bill?	People should pay less	22%	34
	20% is a fair amount to pay	49%	78
	People should pay more	29%	46
Do you agree that people who receive Council Tax Support who are in properties with a higher Council Tax charge be asked to pay more?	Yes	54%	86
	No	33%	53
	Don't know	13%	20
Do you agree that other adults living in a household where the Council Tax payer claims Council Tax Support be asked to pay something towards the Council Tax bill?	Yes	84%	133
	No	11%	18
	Don't know	5%	8
Do you think that the severely disabled and war pensioners should still be protected from any cuts to the level of support available to them?	Yes	91%	145
	No	5%	8
	Don't know	4%	7
Do you think there are any other groups of people in the community who should be protected?	Yes	61%	97
	No	25%	40
	Don't know	14%	22
If answered yes to question above, please tick which groups you think should be protected from any cuts to the support they receive .	Families with children		22
	Lone parents		39
	Carers		61
	Part time and full time workers		7
	People who are disabled		82
	People without children		10
Should some people suffering genuine hardship receive extra support to help them move onto the new Council Tax Support scheme?	Yes	77%	122
	No	10%	16
	Don't know	13%	23
Do you currently claim Council Tax Support?	Yes	17%	28
	No	83%	133

QUESTION	RESPONSE	RESPONSES (%)	RESPONSES (no.)
If you represent a group or organisation please tell us its name	No responses		
Your age	16-24	1%	1
	25-34	8%	12
	34-44	18%	29
	45-54	21%	34
	55-64	28%	44
	65+	22%	36
	Prefer not to say	2%	3
Your gender	Male	49%	78
	Female	49%	77
	Prefer not to say	2%	3
Do you consider yourself to have a disability, or long-term illness, physical or mental health condition?	Yes	16%	25
	No	78%	125
	Prefer not to say	6%	10
Your ethnic origin	White British	90%	141
	Prefer not to say	5%	8
	White – other	2%	3
	Asian Bangladeshi	1%	1
	Black African	1%	1
	Chinese	1%	1
	Asian Indian		
	Asian Pakinstani		
	Asian – other		
	Black Caribbean		
	Black – other		
	Mixed race		

Your religion	No religion	40%	
	Buddhist		
	Christian	53%	
	Hindu		
	Jewish		
	Muslim	1%	
	Sikh		
	Prefer not to say	6%	

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Equality Impact Assessment

Executive Summary Report

Name of function, policy or strategy being assessed:	Council Tax Support Scheme
Service:	Revenues and Benefits
Department:	Finance and Resources
Name and job titles of officers completing this assessment:	Caroline Holmes – Head of Revenues and Benefits Jenny Moses – Corporate Policy Officer
Date of Assessment:	25 th October 2013

Summary of findings of detailed assessment:

An EIA has been undertaken in response to the Governments' requirement that each billing authority must consider whether to revise its existing Council Tax Support scheme or replace it with another scheme no later than 31 January in the financial year preceding that for which the revised or replacement scheme is to have effect. It has looked at the potential impact for each of the proposals for the second year of the scheme.

The Council Tax Reduction scheme proposed has been found to be legal and justified as it meets Governments requirement to reduce the countries welfare bill and DCLG guidance that:

1. Every working age claimant should pay something towards their Council Tax.
2. The scheme should protect the most vulnerable claimants.
3. The scheme should incentivise work.
4. Everyone in the household, who can contribute, should contribute.

It is fair as it spreads the burden of financial cuts across all claimants taking into account those that cannot pay.

The revised proposals continue to protect the most vulnerable claimants, and the work incentives of the current scheme will remain.

The numbers of claimants in houses of band D or above are very low being less than 300.

However, to mitigate the negative impact there will be a Hardship Fund to provide help in extreme cases of financial hardship. Additionally, the Council will continue to invest into the provision of a Money Advice service through the existing arrangements with CAB.

Once the Council has decided on the final scheme to be implemented it will give full details of its decisions as feedback to all those who have taken part in the consultation process.

Monitoring of the impact of the scheme and particularly the application of the hardship fund will continue to be undertaken to ensure the scheme is administered fairly and does not negatively impact or discriminate against any particular groups of people.

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FAREHAM

BOROUGH COUNCIL

Report to Scrutiny Board

Date **21 November 2013**

Report of: **Director of Regulatory and Democratic Services**

Subject: **UPDATES TO THE CONSTITUTION**

SUMMARY

This report proposes changes to Part Four of the Constitution - Standing Orders with Respect to Meetings, following a review undertaken by the Head of Democratic Services.

RECOMMENDATION

That the Scrutiny Board considers the updated Standing Orders with Respect to Meetings and recommends any comments or further amendments for consideration by the Executive and adoption by the Council.

INTRODUCTION

1. The Head of Democratic Services has undertaken a review of the Council's Standing Orders with Respect to Meetings and is now consulting the Scrutiny Board on the suggested updates before making final recommendations to the Executive.
2. The Council may then make changes to the Constitution and the Standing Orders with Respect to Meetings after consultation with the Scrutiny Board and the Executive as per Standing Order 62.1 – Variations and Revocations of Standing Orders.
3. The views of the Audit and Governance Committee are also being sought at its meeting of 25 November 2013, as part of a wider consultation.

BACKGROUND

4. Following the implementation work after the enactment of the Localism Act 2011, the Head of Democratic Services has undertaken a complete review of the Council's Constitution and will be recommending updates for each chapter and section of the Constitution which has been affected by recent legislative changes. The first section to be considered for update is the Standing Orders with Respect to Meetings, as it has an effect on all of the Council's committee and panel meetings.
5. The current Standing Orders with Respect to Meetings were adopted in April 2007 and have subsequently been amended on four separate occasions (December 2008, April 2009, May 2010 and August 2011).

PROPOSED CHANGES

6. This review provides an opportunity for the Standing Orders to be updated in full and a copy of the proposed updated document is attached at Appendix A.
7. The following key changes have been incorporated into the document:
 - (a) all references to the Standards Committee have been removed;
 - (b) additional and amended wording is highlighted in bold text and underlined (for ease of reference);
 - (c) where applicable, cross-references to other parts of the Council's Constitution have been entered;
 - (d) spelling, typing and formatting errors have been corrected; and
 - (e) wording amended throughout to ensure the use of plain English.

RISK ASSESSMENT

8. There are no significant risk considerations in relation to this report.

CONCLUSION

9. The proposed changes contained in the document at Appendix A are put to the Scrutiny Board for comment. The changes will also be reviewed by the Audit and Governance Committee on 25 November and the Executive on 2 December before being submitted for approval by the Council on 12 December 2013.

Appendix A: Revised Standing Orders with Respect to Meetings

Background Papers: None

Reference Papers: Constitution; Standing Orders with Respect to Meetings
Localism Act 2011

Enquiries:

For further information on this report please contact Leigh Usher (Ext 4553).

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FAREHAM

BOROUGH COUNCIL

STANDING ORDERS

WITH RESPECT

TO

MEETINGS



5 April 2007
Amended : Dec 2008
Further amended: April 2009
Further amended wef 13 May 2010
Revised October 2013

STANDING ORDERS WITH RESPECT TO MEETINGS

CONTENTS

	Page No.
Introduction	5
PART I	6
Annual Meeting	
So No.	
1. Date and Time	6
2. Election of Mayor	6
3. Appointment of Executive Leader	6
4. Appointment of Executive Members	6
5. Determination of Areas of Executive Responsibility	6
6. Appointment of Scrutiny Board and Policy Development and Review Panels	7
7. Appointment of Other Committees	7
8. Allocation of Seats	8
9. Policy framework	8
10. Other Business	8
 PART II	
Meetings of the Council	9
11. Time of Meetings	9
12. Chairman	9
13. Quorum	9
14. Order of Business	9
15. Motions	10
16. Notice not required	11
17. Questions	12
18. Minutes	13
19. Rules of Debate for Council Meetings	14
Motions and Amendments	14
Seconder's Speech	14
Only One Member to Stand at a Time	14
Content and Length of Speeches	14
When a Member may speak again	14
Amendments to Motions	15
Alterations to Motions	15
Withdrawal of Motion	15
Right of Reply	16
Motions which may be moved during Debate	16

	Closure Motions	17
	Points of Order and Personal Explanation	17
	Respect for Chair	18
20.	Motions affecting Persons employed by the Council	18
21.	Disorderly Conduct	18
22.	Disturbance by Members of the Public	19
23.	Rescission of Preceding Resolution	19
24.	Voting	19
25.	Voting on Appointments	20
26.	Motions on Expenditure	20
27.	Duration of Council Meetings	20
28.	Interests of Members in Contracts and Other Matters	20
29.	Budget and Policy Framework	21

PART III

Meetings and Proceedings of the Executive

30.	Statutory Requirements	22
31.	Areas of Responsibility	22
32.	Delegation by the Executive	22
33.	Conduct of Executive Meetings	22
	Meetings	22
	Business to be Conducted	23
	Confidentiality of Proceedings	24
	Right to Attend Meetings	24

PART IV

Committees and Sub-Committees

34.	General Procedure	25
35.	Terms of Reference	25
36.	Chairman of Committee	25
37.	Right to attend Meetings	25
38.	Standing Deputies	26
39.	Confidentiality of Proceedings	26
40.	Limitation on Exercise of Delegated Powers	27
41.	Urgent Business	27
42.	Special Meetings of Committees	27
43.	Sub-Committees	28
44.	Quorum of Committees and Sub-Committees	28
45.	Voting in Committees and Sub-Committees	28
46.	Standing Orders to apply to Committees and Sub-Committees	29

47.	Mover of Motion may attend Committee or Sub-Committee	29
48.	Submission of Estimates	29

Overview and Scrutiny

49.	Meetings	30
50.	Review Panels	30
51.	Work Programme	30
52.	Procedure	30
53.	Submission of Items for Agenda	30
54.	Attendance by others	31

PART V

General Matters and Effect of Standing Orders

55.	Allegations of Misconduct	32
56.	Deputations	32
57.	Interests of Officers in Contracts	32
58.	Inspection of Documents by Members	33
59.	Recording of Proceedings by Media	33
60.	Inspection of Land, Premises, etc.	34
61.	Financial Regulations, etc	34
62.	Variations and Revocations of Standing Orders	34
63.	Standing Orders to be given to Members	34
64.	Each Member to give an address for Notices	34
65.	Interpretation of Standing Orders	34
66.	Suspension of Standing Orders	35

APPENDIX ONE

Scheme of Deputations to Council, Executive, Scrutiny Board, Policy Development and Review Panel, Committee and Sub-committee meetings	36
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APPENDIX TWO

Scheme of Deputations to meetings of the Planning Committee	38
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FAREHAM BOROUGH COUNCIL

STANDING ORDERS WITH RESPECT TO MEETINGS

INTRODUCTION

- i. A local authority is permitted, but not required, by the Local Government Acts 1972 **and 2000**, to make Standing Orders for the regulation of its proceedings and business.
- ii. Such Standing Orders are for the purpose of establishing and maintaining the orderly conduct of meetings. The form and operation of the Standing Orders are under the control of the Council and may be worded to regulate meetings in the manner that the Council wishes. Apart from matters referred to in paragraph 4 below, there is no statutory requirement to provide Standing Orders in any particular form or for them to contain specific provisions. However, the Council is required by law to include its Standing Orders in its written Constitution.
- iii. Once Standing Orders have been established, however, failure to comply with them could, in some circumstances, render a decision void or subject to legal challenge. Further, it could be maladministration to do so. Except for those requirements mentioned at paragraph 4 below, the Council may rescind, suspend, waive, or vary Standing Orders in accordance with the procedures contained in them.
- iv. The Council is required by law to include in its Standing Orders the following:
 - (a) Provisions as to the Appointment of Chief Officers and other Statutory Officers;
 - (b) Provisions with regard to Disciplinary Action in respect of the Head of the Paid Service and other Statutory Officers.

These matters are contained in separate Standing Orders with respect to the Appointment, Dismissal and Discipline of Employees. (ref Part 4: Ch 2 of Constitution)

- v. The Appendix to these Standing Orders is for information only and does not form part of the Standing Orders themselves. Certain procedures of the Council are, however, prescribed by Statute (Local Government Acts 1972 and 2000).
- vi. These Standing Orders have been approved by the Council and are written in a form to enable members to identify the procedures to be followed in relation to any point or matter.

NOTE: This introduction does not form part of Standing Orders and is explanatory only.

PART I

ANNUAL MEETING OF THE COUNCIL

1. DATE AND TIME OF MEETING

- 1.1. The Annual Meeting of the Council will be held on the second Thursday of May, subject to any statutory provisions to the contrary. If it cannot be held on that date, it must be held as soon as possible after the second Thursday of May as decided by the Council, or, failing decision by the Council, by the Mayor.
- 1.2. The Annual Meeting of the Council shall be held at 10:30 in the morning or such other time as the Mayor shall decide.

2. ELECTION OF MAYOR

- 2.1. The first formal business shall be the election of a Mayor.
- 2.2. In addition to electing the Mayor at the Annual Meeting, the Council shall elect a Deputy Mayor.

3. APPOINTMENT OF EXECUTIVE LEADER

- 3.1 The Council shall elect or confirm in office a member to act as Executive Leader in accordance with **section 9C(3) Local Government Act 2000**.
- 3.2 The Executive Leader shall be appointed for a term of office as provided for in the Council's Constitution (ref Part 1: Ch 6). The Executive Leader may hold office for more than one term.
- 3.3 The appointment of the Executive Leader may be terminated as provided for in the Council's Constitution (ref Part 3: Ch 7).

4. APPOINTMENT OF EXECUTIVE MEMBERS

- 4.1 **The Executive Leader** shall **announce** the number of members to be appointed as Executive Members to act with the Executive Leader as the Executive under section **9C** of the Local Government Act 2000.
- 4.2 The **Executive Leader** shall **appoint** members to act as Executive Members under Standing Order 4.1.
- 4.3 The Executive Members shall each be appointed for such term of office as is provided for in the Council's Constitution (ref Part 1: Ch 6). The Executive Members may hold office for more than one term.
- 4.4 The appointment of any Executive Member may be terminated as provided for in the Council's Constitution (ref Part 3: Ch 7).

5. DETERMINATION OF AREAS OF EXECUTIVE RESPONSIBILITY

- 5.1 The Executive Leader shall determine the separate areas of responsibility to be

allocated to individual Executive Members in accordance with the Council's constitution.

- 5.2 A decision of the Executive Leader under 5.1 above shall be made in accordance with the Council's procedures for the taking of decisions by individual members of the Executive and a written record provided.

6. APPOINTMENT OF SCRUTINY BOARD AND POLICY DEVELOPMENT & REVIEW PANELS

- 6.1 The Council shall appoint a Scrutiny Board and such Policy Development & Review Panels as are provided for in the Council's Constitution to undertake the functions of overview and scrutiny under **sections 9F and 21** of the Local Government Act 2000 (ref Part1: Ch 7 of Constitution).
- 6.2 The Scrutiny Board and Policy Development & Review Panels shall have the terms of reference and areas of responsibility as the Council approves from time to time in accordance with executive arrangements and the Constitution of the Council.
- 6.3 The Scrutiny Board and the Policy Development & Review Panels shall have such number of members and standing deputies as the Council from time to time appoints. Subject to any statutory provision providing otherwise, no member may be appointed to hold office later than the next Annual Meeting of the Council. This shall not prevent re-appointment to office.
- 6.4 The Council shall appoint the Chairmen and Vice-Chairmen of the Scrutiny Board and of the Panels. **Members of the panel shall be appointed in accordance with the calculations for political balance.**

7. APPOINTMENT OF OTHER COMMITTEES

- 7.1 The Council shall appoint such committees as it is required to appoint under statute **and as it considers necessary to carry out its functions.**
- 7.2 Each Committee appointed under Standing Order 7.1 shall have such number of members and standing deputies as the Council from time to time appoints, subject to any applicable statutory requirements. Subject to any statutory provision providing otherwise, no member of a committee may be appointed to hold office later than the next Annual Meeting. This shall not prevent re-appointment to office.
- 7.3 The Council shall appoint the Chairman and Vice-Chairman of each of the Committees it appoints under Standing Order 7.1. **Members of the panel shall be appointed in accordance with the calculations for political balance.**
- 7.4 Each Committee appointed under Standing Order 7.1 shall have the terms of reference and delegated powers that the Council approves from time to time.

8. ALLOCATION OF SEATS

- 8.1 Whenever the Council is either required to review the allocation of seats on committees between political groups or the Council resolves to carry out such a review, the Council must determine the allocation of seats to political groups in a way which best meets the requirements of Section 15 of the Local Government and Housing Act 1989 or other statutory provision.

9. POLICY FRAMEWORK

- 9.1 The Council must establish or confirm the plans and strategies that are to comprise the Council's overall policy framework within which the Executive shall operate during the coming year.

10. OTHER BUSINESS

- 10.1 The Council shall make appointments to outside bodies other than those appointments which are required by law to be made by the Executive.
- 10.2 Other business shall be conducted, where relevant, in accordance with Part II of these Standing Orders.

PART II

MEETINGS OF THE COUNCIL

11. TIME OF MEETINGS

- 11.1 Meetings of the Council for the transaction of general business shall be held during each year on dates set by the Council. Meetings shall be held at 6:00 p.m. unless the Mayor determines otherwise.
- 11.2 Any additional meeting called by the Mayor or by five members of the Council under paragraph 3 of Schedule 12 of the Local Government Act 1972 shall be on the date and at the time the Mayor decides.

12. CHAIRMAN

- 12.1 The Mayor must act as Chairman of the Council and, if present, must preside at meetings of the Council.
- 12.2 If the Mayor is absent, the Deputy Mayor must act as Chairman and shall preside.
- 12.3 If both Mayor and Deputy Mayor are absent from a meeting of the Council, the Council must elect a member to preside.

13. QUORUM

- 13.1 A quorum of the Council is at least one third of the members.
- 13.2 If, after counting the number of members present during any meeting of the Council, the Mayor declares that there is not a quorum present, the meeting must stand adjourned.
- 13.3 The consideration of any business not transacted must be adjourned to a time fixed by the Mayor/Chairman at the time the meeting is adjourned, or, if he/she does not fix a time, to the next ordinary meeting of the Council.

14. ORDER OF BUSINESS

- 14.1 Except for variations allowed under Standing Order 65, the order of business at ordinary meetings of the Council shall be:
- (a) Prayers;
 - (b) To choose a person to preside in the absence of both the Mayor and Deputy Mayor;
 - (c) To approve as a correct record and sign the minutes of the last meeting of the Council;
 - (e) To deal with any business expressly required by statute to be done;
 - (f) Mayor's announcements;

- (g) Executive Leader's announcements;
- (h) Executive Members' announcements;
- (i) Declaration of Interests;
- (j) Presentation of Petitions;
- (k) Reception of Deputations;
- (l) To dispose of business (if any) remaining from the last meeting;
- (m) To receive, consider and answer questions on reports and recommendations of the Executive and of the Scrutiny Board or other Committees of the Council and minutes of Committees of the Council;
- (n) To answer questions asked under Standing Order 17.2;
- (p) To consider motions in the order in which notice has been received; and
- (q) Other business, if any, specified in the summons.

Variation of Order of Business

14.2 The Order of Business may be varied:-

- (a) By the Mayor at his/her discretion.
- (b) By a resolution passed on a motion properly moved and seconded. Such a motion shall be moved and put without discussion.

15. MOTIONS

Notices of Motion

- 15.1 Except for motions under Standing Order 16, written notice must be given of each motion to be moved at the meeting of the Council. Such written notice may be given by electronic means provided that S.O.15.2 is complied with as to signature.
- 15.2 Each notice must be signed by the member or members of the Council giving the notice **unless sent electronically, then it must be sent from the lead member's Fareham e-mail account.**
- 15.3 Each notice must be delivered at least **seven** clear working days before the next meeting of the Council, at the office of the Chief Executive Officer. The Chief Executive Officer must date each notice and number the notices in the order received. Motions shall be listed on the agenda in the order in which notice was received. The notices received must be retained and be open to the inspection of every member of the Council.
- 15.4 If notice is given of a motion which, in the opinion of the Chief Executive Officer is

illegal, irregular or improper it shall not be accepted. In the event of non-acceptance, the Chief Executive Officer shall immediately inform the member giving notice.

Motions to be Set Out in Summons

- 15.5 The summons for every meeting of the Council must have set out in it the properly notified motions, in the order in which they have been received.

Motion Not Moved

- 15.6 If a motion set out in the summons is not moved either by a member who gave notice of it or by another member on his/her behalf it must, unless postponed by consent of the Council, be treated as withdrawn and cannot be moved without fresh notice.

Automatic Reference to the Executive or to a Committee

- 15.7 If the subject matter of any properly notified motion comes within the terms of reference or functions of the Executive or of a committee of the Council it must, on being formally moved and seconded, stand referred without discussion to the Executive or the relevant committee. The Executive or committee to which the motion has been referred shall consider the motion and report back to the Council provided that, before considering a motion that has been referred to it, the Executive must consult with the Scrutiny Board

If a motion is referred by the Council to the Executive, via the Scrutiny Board, the decision of the Executive shall not be subject to the call in procedure for Executive decisions, under the Council's Constitution.

If the Mayor considers it appropriate, he/she may allow the motion to be dealt with at the meeting at which it is moved and he shall inform the proposer accordingly before the meeting.

For the purposes of clarification, a decision upon an Executive function, arising from a Motion to Council, may not be taken by the Council unless it would contravene the Policy framework or be outside or not fully in accordance with the approved budget (in which case the Executive has no power to make it).

Scope of Motions

- 15.8 Every motion must be directly relevant to some matter in relation to which the Council has powers or duties or which affects the economic, social or environmental well-being of the Borough of Fareham or any of its inhabitants. For the purposes of this Standing Order, Council shall be deemed to include the Executive.

16. NOTICE NOT REQUIRED

- 16.1 The following motions and amendments may be moved without notice:

(a) Appointment of a Chairman of the meeting.

- (b) Motions relating to the accuracy of the minutes.
- (c) That an item of business specified in the summons shall have precedence.
- (d) Reference to a committee or to the Executive.
- (e) Appointment of a committee or members thereof, prompted by an item mentioned in the summons to the meeting.
- (f) Receipt of reports and recommendations of the Executive, committees of the Council or officers and of minutes of Committees of the Council and any consequent resolutions.
- (g) That leave is given to withdraw a motion.
- (h) Extending the time limit for speeches.
- (i) Amendments to motions.
- (j) Motion to exclude the public under Section 100A(4) of the Local Government Act 1972.
- (k) Variation of order of business in accordance with Standing Order 65.
- (l) That a member named under Standing Order 20 be not further heard or must leave the meeting.
- (m) Suspending Standing Orders, in accordance with Standing Order 69
- (n) Removing the confidentiality from any item on the Council agenda provided that the motion must refer to the confidential item by minute reference number only.
- (o) That the Council proceed to the next business.
- (p) That the question is now put.
- (q) That the debate is now adjourned.
- (r) That the Council now adjourn.

17. QUESTIONS

- 17.1 A member of the Council may ask the Executive Leader, Executive Members or the Chairman of a committee of the Council any question on an item contained in the recommendations or reports of the Executive or of a committee or minutes of a committee when those reports, or recommendations or minutes, are under consideration by the Council.
- 17.2 A member of the Council may:-

- (a) If **seven** clear working days' notice in writing has been given to the Chief Executive Officer, ask the Mayor or the Executive Leader or the Chairman of any committee of the Council any question on any matter **falling within their terms or reference** in relation to which the Council has powers or duties or which directly affects the economic, social or environmental well-being of the Borough of Fareham or any of its inhabitants. For the purposes of this Standing Order, Council shall be deemed to include the Executive.
- (b) With the permission of the Mayor, put to him/her or the Executive Leader or the Chairman of any committee of the Council, any question relating to urgent business **falling within their terms of reference**, of which notice has not been given; but a copy of any such question must, if possible, be delivered to the Chief Executive Officer not later than ten o'clock in the morning of the day of the meeting.

17.3 Every question must be put and answered without discussion, but the person to whom a question has been put may decline to answer. If the member asking a question considers that the reply given requires further clarification, he/she may ask for a further reply. Otherwise no further question may be put except by permission of the Mayor.

17.4 An answer may take the form of:

- (a) a direct oral answer, or
- (b) where the desired information is contained in a publication of the Council, a reference to the publication; or
- (c) a written answer.

18. MINUTES

18.1 The Mayor must put the motion that the minutes of the meeting of the Council held on the.....day of.....be approved as a correct record.

18.2 No discussion shall take place on the minutes, except as to their accuracy, and any question of their accuracy must be raised by motion. If no such question is raised, or if it is raised then as soon as it has been disposed of, the Mayor must sign the minutes.

18.3 The Mayor shall ask if there are any matters arising upon the approved minutes, pursuant to which any member may ask as to the current position or progress made on any item contained in the approved minutes. The Mayor shall avoid any debate or discussion that could be construed as attempting to change or vary a previous decision and shall not allow any debate or discussion to transgress the statutory rule that only business specified in the Council Summons may be disposed of at a Council meeting. Information provided under this Rule shall not be minuted.

18.4 Where the next meeting is an extraordinary meeting of the Council called under

paragraph 3 of Schedule 12 to the Local Government Act 1972, the next following meeting of the Council shall be treated as a suitable meeting for the purposes of signing the minutes (in accordance with LGA1972 Sch12 paragraph 41(1) and (2).

19. RULES OF DEBATE FOR COUNCIL MEETINGS

Motions and Amendments

- 19.1 A motion or amendment may not be discussed unless it has been proposed and seconded. Unless notice has already been given in accordance with Standing Order 15, it must, if required by the Mayor, be put into writing and handed to the Mayor before it is further discussed or put to the meeting.

Secunder's Speech

- 19.2 If he/she then declares his/her intention to do so, a member seconding a motion or amendment may reserve his/her speech until a later period of the debate.

Only One Member to Stand at a Time

- 19.3 When speaking, each member must stand and address the Mayor. If two or more members rise at the same time, the Mayor shall call on one to speak; the other or others must then sit. While a member is speaking the other members shall remain seated, unless rising to a point of order or in personal explanation.

Content and Length of Speeches

- 19.4 A member must direct his/her speech to the question under discussion or to a point of order or to a personal explanation. No speech may exceed five minutes except with the permission of the Council.

When a Member May Speak Again

- 19.5 A member who has spoken on any motion may not speak again whilst it is the subject of debate, except:
- (a) To speak once on an amendment moved by another member;
 - (b) If the motion has been amended since he/she last spoke, to move a further amendment;
 - (c) If his/her first speech was on an amendment moved by another member, to speak on the main issue, whether or not the amendment on which he/she spoke was carried;
 - (d) In exercise of a right of reply given by Standing Order 19.11 or 19.16;
 - (e) On a point of order; or
 - (f) By way of personal explanation.

Amendments to Motions

- 19.6 An amendment must be relevant to the motion and must be either:
- (a) to refer a subject of debate to the Executive or to a committee of the Council for consideration or re-consideration; or
 - (b) to leave out words; or
 - (c) to leave out words and insert or add others; or
 - (d) to insert or add words;

Any omission, insertion or addition of words must not have the effect of negating the motion before the Council.

- 19.7 Only one amendment may be moved and discussed at a time and no further amendment may be moved until the amendment under discussion has been disposed of.

However, the Mayor may permit two or more amendments to be discussed (but not voted on) together if circumstances suggest that this course would facilitate the proper conduct of the Council's business. The Mayor may postpone discussion of an amendment which in his/her view materially changes the meaning of the motion until in his/her opinion members who wish to speak on the motion as proposed have had the opportunity to do so.

- 19.8 If an amendment is lost, other amendments may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion on which any further amendment may be moved.

Alterations of Motions

- 19.9 With the consent of the Council signified without discussion, a member may:
- (a) alter a motion of which he/she has given notice, or
 - (b) with the further consent of his/her seconder, alter a motion which he/she has moved, if (in either case) the alteration is one which could be made as an amendment to it.

Withdrawal of Motion

- 19.10 The mover may withdraw a motion or amendment with the consent of his/her seconder and of the Council. Consent, if given, must be signified without discussion. No member may speak on the motion or amendment after the mover has asked permission for its withdrawal, unless such permission has been refused.

Right of Reply

- 19.11 The proposer of a motion must have a right to reply at the close of the debate on a motion immediately before it is put to the vote.

A member exercising a right of reply shall not introduce a new matter.

If an amendment or reference back is moved, its proposer shall have a right of reply at the close of the debate on it, subject to the proposer of the original motion (who shall not otherwise speak on the amendment) having the final right of reply immediately before that amendment or reference back is put to the Council.

After reply by the proposer of the original motion, a decision shall be taken on that amendment without further discussion or questions asked.

- 19.12 The recommendations, reports or minutes of the Executive, the Scrutiny Board or of a Committee of the Council shall be presented to the Council by the Executive Leader or the Chairman of the meeting concerned or, in his/her absence, by some other member of the Executive or of the committee who was present at that meeting. The Executive Leader, Chairman or other member shall move that the report or minutes be received or that any recommendation be approved and adopted.
- 19.13 After a motion has been proposed under Standing Order 19.12, a recommendation shall be determined by the members present. The Mayor or person presiding at the meeting shall require that the matter subject to debate be debated and disposed of before proceeding to the next motion except where otherwise agreed by the Council or where Standing Order 19.14 applies.
- 19.14 When the Council resolves that two or more motions or amendments shall be considered together, Standing Order No 19.11 shall apply so as to give to each proposer of any such motions or amendments the right of reply. The order specified in Standing Order 19.11 shall apply. The Mayor may direct as to the order in which the various motions and/or amendments are voted on.

Motions Which May be Moved During Debate

- 19.15 When a motion is under debate no other motion may be moved except the following:
- (a) To amend the motion;
 - (b) That a member is not further heard;
 - (c) By the Mayor under Standing Order 21.2 that a member must leave the meeting;
 - (d) That the public be excluded under Section 100A(4) of the Local Government Act 1972;

- (e) That the subject of debate be referred (back) to the Executive or committee of the Council;
- (f) That the Council proceed to the next business;
- (g) That the question is now put;
- (h) That the debate is now adjourned;
- (i) That the Council now adjourns.

Closure Motions

19.16 At the conclusion of a speech of a member, another member may move without comment, "That the Council proceed to the next business," "That the question is now put", "That the debate is now adjourned," or "That the Council now adjourns," on the seconding of which the Mayor shall proceed as follows:

- (a) **On a motion to proceed to next business:** unless in his/her opinion the matter before the meeting has not been sufficiently discussed, he/she shall first give the mover of the original motion a right of reply, and then put to the vote the motion to proceed to next business;
- (b) **On a motion that the question is now put:** unless in his/her opinion the matter before the meeting has not been sufficiently discussed, he/she shall first put to the vote the motion that the question is now put. If the motion is passed the mover of the original motion shall have a right of reply under Standing Order 19.11 before putting his/her motion to the vote;
- (c) **On a motion to adjourn the debate (or the meeting):** if in his/her opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion he/she shall put the adjournment motion to the vote without giving the mover of the motion his/her right of reply on that occasion.

Points of Order and Personal Explanation

19.17 A member may rise on a point of order or in personal explanation, and shall be entitled to be heard immediately.

A point of order may relate only to an alleged breach of a Standing Order or statutory provision and the member shall specify the Standing Order or statutory provision and the way in which he/she considers it has been broken.

A personal explanation must be confined to:

- (a) some material part of a former speech by him/her which may appear to have been misunderstood in the present debate and must be in order to clarify his/her former speech or to correct such misunderstandings, or

- (b) the correction of facts which concern himself/herself contained in a speech of another member in the present debate.

19.18 The ruling of the Mayor on a point or order or on the admissibility of a personal explanation shall not be open to discussion.

Respect for Chair

19.19 Whenever the Mayor rises during a debate, a member then standing must resume his/her seat and the Council shall be silent.

20. MOTIONS AFFECTING PERSONS EMPLOYED BY THE COUNCIL

20.1 Questions as to the appointment, promotion, dismissal, salary, superannuation or conditions of service of any employee other than a Chief Officer, shall not be the subject of discussion at a meeting of the Council, the Executive, or a Committee or Sub-Committee of the Council other than the Appeals Committee

20.2 If any question arises at a meeting of the Council as to the appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct of any person employed by the Council, such question may not be the subject of discussion until the Council has decided whether or not the power of exclusion of the public under section 100A(4) of the Local Government Act 1972 shall be exercised. This Standing Order applies also to the Executive or to a committee of the Council to which the Local Government Act 1972 applies by virtue of Sections 100A and 100E of that Act.

21. DISORDERLY CONDUCT

Misconduct by a Member

21.1 If, in the opinion of the Mayor notified to the Council, any member misconducts himself or herself by persistently disregarding the ruling of the Chair or by behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the Council, the Mayor or any other member may move that the member named be not further heard. If seconded, the motion must be put and determined without discussion.

Continuing Misconduct by a Named Member

21.2 If the member named continues his/her misconduct after a motion under Standing Order 21.1 has been carried the Mayor shall either:-

- (a) move that the member named shall leave the meeting (in which case the motion shall be put and determined without seconding or discussion); or
- (b) adjourn the meeting of the Council for such period as he/she in his/her discretion considers expedient.

General Disturbance

- 21.3 In the event of general disturbance which in the opinion of the Mayor renders the due and orderly dispatch of business impossible, in addition to any other power vested in him/her, the Mayor may, without question put, adjourn the meeting of the Council for such period as he/she in his/her discretion considers expedient.

22. DISTURBANCE BY MEMBERS OF THE PUBLIC

- 22.1 If a member of the public interrupts the proceedings at any meeting the Mayor shall warn him/her/them. If he/she/they continue(s) the interruption, the Mayor shall order his/her/their removal from the Council Chamber. In the case of general disturbance in any part of the Chamber open to the public, the Mayor shall order that part to be cleared and/or the meeting to be adjourned.

23. RESCISSION OF PRECEDING RESOLUTION

- 23.1 No motion to rescind any resolution passed within the preceding six months and no motion or amendment to the same effect as one which has been rejected within the preceding six months, may be proposed unless:
- (a) a member gives notice as required by Standing Order 15; and
 - (b) the notice has been signed by at least six other members.
- 23.2 This Standing Order does not apply to **a decision or** recommendation of the Executive, the Scrutiny Board or of a committee of the Council.
- 23.3 Any motion to rescind a previous resolution of the Council that has been passed within the preceding six months may be dealt with by the Council at the meeting at which it is moved.

24. VOTING

- 24.1 All questions coming or arising before the Council shall be determined by a majority of those members of the Council present and voting. If there is an equality of votes, the person presiding at the meeting shall have a second (or casting) vote.
- 24.2 Members shall vote:
- (a) by show of hands; or
 - (b) by the use of an electronic system of recording votes,
- as the Mayor shall determine on each occasion.
- 24.3 If any member so requests before the vote is taken, the voting on any question shall be by roll call and shall be recorded so as to show how each member present and voting gave his/her vote. The name of any member present and not voting

must also be recorded.

- 24.4 If any member so requires immediately after a vote is taken at a meeting of the Council, there must be recorded in the minutes of the proceedings of that meeting whether that person cast his/her vote for the question or against the question or whether he/she abstained from voting.

25. VOTING ON APPOINTMENTS

- 25.1 Where there are more than two persons nominated for any position to be filled by the Council, and of the votes given there is not a majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken, and so on until a majority of votes is given in favour of one person.

26. MOTIONS ON EXPENDITURE

- 26.1 Any motion or recommendation which is not accompanied by a recommendation of the Executive and which if carried, would materially increase the expenditure on any service or reduce revenue or involve capital expenditure must, when proposed and seconded, be adjourned without discussion to the next ordinary meeting of the Council. The Executive and any committee of the Council affected by the motion must consider and report their view thereon.

27. DURATION OF COUNCIL MEETINGS

- 27.1 After a meeting has lasted three hours, the Mayor may direct that only unopposed or formal business shall be proceeded with and any remaining motions shall stand adjourned to a subsequent meeting.

28. INTERESTS OF MEMBERS IN CONTRACTS AND OTHER MATTERS

Pecuniary Interests

- 28.1 If any member of the Council has any **disclosable pecuniary interest or other pecuniary** interest within the meaning of the Council's Code of Conduct for Members in any contract, proposed contract, or other matter, that member must:

- (a) disclose the existence and nature of that interest in accordance with the Council's Code of Conduct for Members; and
- (b) withdraw from the meeting while the contract, proposed contract, or other matter, is under consideration by the Council unless he has obtained a dispensation from the **Monitoring Officer or can attend in accordance with Part 4 paragraph 5.4 of the Code (i.e. making representations).**

Personal / Non-pecuniary Interests

- 28.2 If any member of the Council has a personal / **non-pecuniary** interest, within the meaning of the Council's Code of Conduct for Members, in any contract, proposed contract, or other matter, that member must disclose the existence and nature of that interest in accordance with the Council's Code of Conduct for Members.

General

- 28.3 **Any interest under the Council's Code of Conduct for Members** must be declared at or as near as possible to the start of a meeting.
- 28.4 Reference in this Standing Order to the Council shall include the Executive, the Scrutiny Board, a committee, sub-committee or panel of the Council.
- 28.5 The agenda for each meeting of the Council, the Executive, the Scrutiny Board, a committee, sub-committee or panel, must include an item at the beginning allowing for members of the Council to declare interests on any matter(s) under consideration at that meeting.

29. BUDGET AND POLICY FRAMEWORK

- 29.1 The Council will approve the Budget and Policy Framework in accordance with the Budget and Policy Framework Procedure Rules (ref Part 3:Ch 4 of the Constitution).

PART III

MEETINGS AND PROCEEDINGS OF THE EXECUTIVE

30. STATUTORY REQUIREMENTS

- 30.1 All meetings and proceedings of the Executive shall be conducted in accordance with the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012 or any amendment or addition to those Regulations.

31. AREAS OF RESPONSIBILITY

- 31.1 The areas of Executive Responsibility shall be as determined by the Executive Leader and recorded in accordance with Standing Order 5 above.

32. DELEGATION BY THE EXECUTIVE

- 32.1 Where delegation of any function of the Executive is not provided for and allocated in the Council's Constitution and Scheme of Delegations, the Executive Leader may arrange for the discharge of such a function by:

- (a) an individual Executive Member;
- (b) a committee of the Executive; or
- (c) an officer of the Council.

- 32.2 A decision of the Executive Leader under 32.1 above shall be made in accordance with the Council's procedures for the taking of decisions by individual members of the Executive and a written record provided.

- 32.3 Such written record shall include:

- (a) the extent of the authority delegated, including any limitation whether as to time or otherwise; and
- (b) the name of the committee or Executive Member, or the title of the officer to whom the delegation is made.

33. CONDUCT OF EXECUTIVE MEETINGS

Meetings

- 33.1 The Executive shall meet no less than six times a year. *(Note: see also paragraph 6.4 of Part 1: Chapter 6 of the Council's Constitution)* .The Executive shall meet on such dates and at such times and at such location to be agreed by the Executive Leader.
- 33.2 The quorum for a meeting of the Executive, or a committee of the Executive, shall be three.
- 33.3 If the Executive Leader is present at a meeting of the Executive, he/she shall

preside. In his/her absence, the Deputy Leader (if appointed) shall preside, and in the absence of the Deputy Leader, a person appointed to do so by those present shall preside.

- 33.4 At a meeting of a committee of the Executive, those present shall appoint a person to preside.

Business to be conducted

- 33.5 At each meeting of the Executive the following business shall be transacted:

- (a) **apologies for absence;**
- (b) **consideration of minutes of the last meeting;**
- (c) **Executive Leader's announcements;**
- (d) **declarations of interest;**
- (e) **petitions;**
- (f) **deputations;**
- (g) **matters referred to the Executive (whether by the Scrutiny Board, a Policy Development & Review Panel or by the Council) for consideration by the Executive;**
- (h) **matters set out in the agenda for the meeting and which shall indicate which are key decisions and which are not;**
- (i) **consideration of reports from the Scrutiny Board or a Policy Development & Review Panel; and**
- (j) **other business, if any, specified in the summons.**

- 33.6 All reports to the Executive from any member of the Executive or an officer on proposals relating to the budget and policy framework must contain details of the consultation undertaken, including that with the Scrutiny Board or relevant Review Panel, and the outcome of consultation as appropriate.

- 33.7 Any Executive member may require that an item be placed on the agenda of the next available meeting of the Executive for consideration.

- 33.8 There shall be a standing item on the agenda of each meeting of the Executive for matters referred by the Scrutiny Board. The Chairman or Vice-Chairman of the Scrutiny Board shall be entitled to attend and speak at a meeting of the Executive when a recommendation or report of that Board is being considered.

- 33.9 Any member of the Council may ask the Executive Leader to put an item on the agenda of an Executive meeting for consideration and, if the Executive Leader agrees, the item shall be considered at an appropriate meeting of the Executive. The member asking for the item to be considered shall be invited to attend and

speak at the meeting, whether or not it is a public meeting.

- 33.10 The **Head of Paid Service**, Monitoring Officer and/or the Chief Financial Officer may include an item for consideration on the agenda of an Executive meeting and may require such a meeting to be called in pursuance of their statutory duties.
- 33.11 **Notwithstanding the provisions of this section 33, no matter may be placed on the agenda for an Executive decision or meeting unless it has complied with the requirements of the relevant part of the Constitution in relation to the Access to Information Procedure Rules (Constitution Part 3, Chapter 1), the Executive Procedure Rules (Constitution Part 3, Chapter 2), Forward Plans and Key Decisions (Constitution Part 3, Chapter 3), Decision making by individual members of the Executive and key decisions by Officers (Constitution Part 3, Chapter 5) or Urgent Decisions Outside the Policy Framework and / or Budget (Constitution Part 3, Chapter 6) and the provisions of the Local Authorities (Executive Arrangements)(Meetings & Access to Information) Regulations 2012.**
- 33.12 **Items of business containing exempt or confidential information within the meaning of the Local Authorities (Executive Arrangements)(Meetings & Access to Information) Regulations 2012 may only be added to the agenda following a period of 28 days notice of the item containing exempt or confidential material.**
- 33.13 **Urgent business may only be transacted having complied with Regulations 10 (General Exception) or 11 (Urgency) of the Local Authorities (Executive Arrangements)(Meetings & Access to Information) Regulations 2012. Regulation 10 requires notice to have been given to the Chairman of the Scrutiny Board, or in his absence , every member of the Scrutiny Board at least 5 clear days prior to the date of the decision / decision meeting. Regulation 11 requires the written consent to the matter being urgent having been obtained from the Chairman of the Scrutiny Board, or in his absence, the Chairman of the Authority, or in both of their absence, the Deputy Chairman of the Authority.**

Confidentiality of Proceedings

- 33.14 The provisions of Standing Order 39, relating to confidentiality of proceedings, shall apply to proceedings of the Executive.

Right to Attend Meetings

- 33.15 In addition to the rights of members to attend meetings under the Regulations referred to at Standing Order 30, Standing Order 47 (Right for Mover of Motion to Attend Meeting) shall apply to meetings of the Executive.

PART IV

COMMITTEES AND SUB-COMMITTEES

34. GENERAL PROCEDURE

- 34.1 In these Standing Orders, the term “Committee” also includes the Scrutiny Board and Policy Development & Review Panels appointed by the Council under Standing Order 6.
- 34.2 The provisions of Standing Orders 34 to 55 shall apply to meetings of all committees and sub-committees of the Council, including the Scrutiny Board, the Policy Development & Review Panels and the Standards Committee.

35. TERMS OF REFERENCE

- 35.1 Each Committee of the Council shall exercise such functions, duties and powers as are allocated or required by statute.
- 35.2 Each Committee of the Council **may also have additional terms of reference and** delegated powers that the Council approves for it from time to time.

36. CHAIRMAN OF COMMITTEE

- 36.1 In the absence from a meeting of the Chairman and Vice-Chairman, a Chairman for that meeting may be appointed from those members of the committee present.

37. RIGHT TO ATTEND MEETINGS

- 37.1 The Mayor **and the Executive Leader** shall ex officio have the right to attend and speak at meetings of all committees of which he or she is not otherwise a voting member.
- 37.2 Each elected member of the Council has a right to attend any meeting of a committee of the Council or any sub-committee thereof, provided that he or she takes no part whatever in the discussions held in the committee or sub-committee except by direct invitation of the Chairman of that committee or sub-committee. Standing Orders 28 (Interests) and 39 (Confidentiality) shall apply to such visiting members.
- 37.3 The Chairman and Vice-Chairman of a committee of the Council ex officio have the right to attend and speak at meetings of every sub-committee appointed by that committee, if the said Chairman or Vice-Chairman is not otherwise appointed as a voting member.

Members of Panels who are co-opted for the consideration of specific business or for a specified period only, such appointment being less than a full municipal year, shall not be entitled to receive copies of reports relating to other business of the Panel containing information which is exempt.

38. STANDING DEPUTIES

- 38.1 When making or terminating appointments of voting members to committees under Standing Order 6 and 7 or to other bodies of the Council under Standing Order 43, each appointing body shall also make or terminate the appointment of such deputies as nominated by political groups.
- 38.2 Each political group may nominate one member to act as deputy for that group for each committee or other body of the Council, with the exception of the Planning Development Control Committee, to which each group may appoint two deputy members, the Scrutiny Board to which each group may appoint such number of deputies as the Council may decide.
- 38.3 In the absence from a meeting of a voting member holding a seat allocated to a political group on a committee or other body of the Council, a deputy appointed under this Standing Order may act as his/her substitute and shall be entitled to attend, speak and vote at the meeting.
- 38.4 A deputy attending at a meeting under Standing Order 38.3 must, before the start of the meeting, advise the Chairman or cause the Chairman to be advised of the member for whom he/she is deputising.
- 38.5 Where a person for whom a member is deputising is appointed Chairman or Vice-Chairman of the committee or body concerned, the deputy shall not be entitled to act in that capacity.
- 38.6 In the case that a deputy is present at and participating in a meeting and the voting member for whom he/she is deputising subsequently also attends, the voting member may not take the place of the deputy. The Chairman of the meeting may invite that member to speak on such items of business as the Chairman considers reasonable. However, that member shall not be entitled to vote.
- 38.7 If a voting member of a committee or other body is present at and participating in a meeting, a deputy may not subsequently take his/her place.
- 38.8 If a meeting at which either a deputy or a voting member has participated is adjourned until a later date, then notwithstanding Standing Orders 38.6 and 38.7, the deputy or voting member may take the place of the other at the resumed meeting provided that such substitution may take place only at the beginning of the resumed meeting.

39. CONFIDENTIALITY OF PROCEEDINGS

- 39.1 Where the public have been excluded from a meeting under any paragraph of Part 1 of Schedule 12A of the Local Government Act 1972, no member of the Council or of a committee or sub-committee (whether elected or co-opted) may disclose (except to another member of the Council) a matter dealt with by or to be brought before the Council, committee or sub-committee, without the permission of the Council or that committee or sub-committee.
- 39.2 Minutes, reports and documents containing exempt or confidential information and

marked as such must be treated as confidential until the member is informed otherwise by the Council. Discussions which have taken place on and verbal reports of officers on exempt or confidential matters must not be disclosed except as specifically approved by the Council.

40. LIMITATION ON EXERCISE OF DELEGATED POWERS

40.1 The exercise by any committee of the Council, members or officers of the Council of any of the powers and duties from time to time delegated to them are subject to the following limitations and conditions:

- (a) Nothing may be done in pursuance of purported exercise of any such powers and duties which would or might involve any commitment on the part of the Council to capital expenditure required to be financed by way of loan or any other expenditure for which no provision has been made in the approved annual estimates or which would be in excess of any amount so provided.
- (b) In dealing with any matter under delegated powers, effect must be given to any resolution passed by the Council specifically relating thereto and any other general instructions or directions of the Council (or of the Executive or any committee of the Council in the case of powers delegated to an officer) as to the principles to be observed or the policy to be followed in regard to matters of that kind.
- (c) A committee of the Council may not deal with any matter under delegated powers where at least one quarter of the membership of the committee present at the committee meeting requests that a recommendation on the matter be submitted to the Council.
- (d) A sub-committee of the Council may not deal with any matter under delegated powers where at least one quarter of the membership of the sub-committee present at the sub-committee meeting requests that a recommendation on the matter be submitted to the appropriate parent committee.
- (e) Notwithstanding (c) and (d) of this Standing Order, except where required by law, applications for planning permission shall not be considered at a meeting of the full Council but shall be determined by the appropriate Committee of the Council or Sub-Committee.

41. URGENT BUSINESS

41.1 Urgent business arising at a time when it is inexpedient to await the next scheduled meeting of the relevant committee of the Council shall be dealt with at a special meeting of that committee.

42. SPECIAL MEETINGS OF COMMITTEE

42.1 The Chairman of a committee may call a special meeting of the committee at any time. A special meeting must also be called on the requisition of at least four members of the committee, delivered in writing to the Chief Executive Officer. The agenda for the special meeting must set out the business to be considered, and no

business other than set out in the agenda may be considered at that meeting.

43. SUB-COMMITTEES

- 43.1 Every committee appointed by the Council may appoint sub-committees for such specified purposes as they think fit and may make arrangements for such sub-committees to discharge any of the functions of the authority which the committee may discharge.
- 43.2 The number of members and standing deputies to serve on a sub-committee shall be as determined by the relevant committee from time to time, but a sub-committee must have at least three members.
- 43.3 Whenever a committee is required to review the allocation of seats on a sub-committee between political groups or a committee resolves to carry out such a review, the committee must determine the allocation of seats to political groups in a way which may best meets the requirements of Section 15 of the Local Government and Housing Act 1989 or other statutory provision.

44. QUORUM OF COMMITTEES AND SUB-COMMITTEES

- 44.1 Except where authorised by a statute or ordered by the Council, business may not be transacted at a meeting of any committee unless at least one third of the whole number of the committee is present.

In no case shall less than three members comprise the quorum of a committee.

- 44.2 Subject to Standing Order 44.3 below, except where authorised by statute or otherwise ordered by the committee that has appointed it, business may not be transacted at a sub-committee unless at least one quarter of the whole number of the sub-committee is present.

Subject to Standing Order 44.3 below, in no case shall less than three members comprise the quorum of a sub-committee.

- 44.3 Notwithstanding Standing Order 44.2 above, where a sub-committee comprises only three members as provided in Standing Order 43.2 above, two members shall comprise a quorum of that sub-committee.

45. VOTING IN COMMITTEES AND SUB-COMMITTEES

- 45.1 All questions coming or arising before a meeting of a committee of the Council, a sub-committee, a relevant joint committee or sub-committee of such a committee, shall be determined by a majority of those members present and voting.

In the case of an equality of votes, the person presiding at the meeting shall have a second (or casting) vote.

- 45.2 The mode of voting at meetings of a committee, a sub-committee, a relevant joint committee or sub-committee of such a committee, shall be by show of hands.

- 45.3 If, immediately after a vote is taken at a meeting of a committee or sub-committee or a relevant joint committee or sub-committee of such a committee, any member of that body requires it, there must be recorded in the minutes of the proceedings of that meeting whether that person cast his/her vote for the question or against the question or whether he/she abstained from voting.

46. STANDING ORDERS TO APPLY TO COMMITTEES AND SUB-COMMITTEES

- 46.1 The Standing Orders of the Council (except those parts which relate to standing and to speaking more than once), with any necessary modification, apply to meetings of committees of the Council.
- 46.2 Minutes of committees or sub-committees shall be signed, where possible, at the next following meeting or other suitable meeting as appropriate.

47. MOVER OF MOTION MAY ATTEND COMMITTEE OR SUB-COMMITTEE

- 47.1 A member of the Council who has moved a motion that has been referred to any committee or sub-committee must have notice of the meeting of the committee or sub-committee at which it is proposed to consider the motion. He/she has a right to attend the meeting and if he/she attends must have an opportunity of explaining the motion.

48. SUBMISSION OF ESTIMATES

- 48.1 Every committee of the Council having power to incur expenditure paid for by local taxation must submit to the Executive not later than the first day of February an estimate, in a form approved by the Council of the proposed expenditure to be recommended by such committee for the ensuing year.
- 48.2 In the event of the Executive referring estimates back to a committee that committee shall consider such reference and submit revised estimates or observations by the first day of March.
- 48.3 A Committee shall, before incurring any expenditure not included in approved estimates, submit to the Executive a supplementary estimate accompanied by a detailed statement in support of the expenditure.

OVERVIEW AND SCRUTINY

49. MEETINGS

- 49.1 There shall be no less than six meetings of each Policy Development and Review Panel and the Scrutiny Board in each year. Notwithstanding this provision, a meeting may be cancelled, with the consent of the Chairman, for lack of business.
- 49.2 An extraordinary meeting may be called by the Chairman of the Scrutiny Board or relevant Chairman of a Policy Development and Review Panel or by the Chief Executive Officer, if he/she considers it necessary or appropriate.

50. REVIEW PANELS

- 50.1 The Scrutiny Board may appoint such sub-committees as it thinks fit to assist in its scrutiny functions.

51. WORK PROGRAMME

- 51.1 The Scrutiny Board and the Policy Development & Review Panels shall be responsible for setting their own work programmes and in doing so shall take into account the wishes of all members on the Board or Panel, as appropriate.

52. PROCEDURE

- 52.1 The Scrutiny Board shall consider the following business at each meeting:
- (a) minutes of the last meeting;
 - (b) declarations of interest;
 - (c) consideration of any matter referred to the Board in relation to call in of a decision of the Executive;
 - (d) the business otherwise set out on the agenda for the meeting.
- 52.2 The Policy Development and Review Panels shall consider the following business at each meeting:
- (a) minutes of the last meeting;
 - (b) declarations of interest;
 - (c) consideration of any matter referred to the Board in relation to call in of a decision of the Executive;
 - (d) the business otherwise set out on the agenda for the meeting.

53. SUBMISSION OF ITEMS FOR AGENDA

- 53.1 Any member of the Scrutiny Board or a Policy Development and Review Panel shall be entitled to have an item relevant to the functions and terms of reference of the Board or Panel, as appropriate, included on the agenda for

the next available meeting.

- 53.2 Any member of the Council who is not a member of the Scrutiny Board or relevant Policy Development and Review Panel shall be entitled to refer to the Board or Panel, as appropriate, any local government matter which is relevant to the functions and terms of reference of that Board or Panel.

(Note: A "local government matter" is defined as one which relates to the discharge of any function of the authority, affects all or part of the electoral area for which the member is elected, or any person who lives or works in that area, and which is not an "excluded" matter. An excluded matter is one relating to a planning or licensing decision, one which relates to an individual or entity where there is already a right to review or appeal, or one which is vexatious, discriminatory or not reasonable.)

- 53.3 If the Scrutiny Board or Policy Development and Review Panel should decide not to exercise its powers to review a matter, it shall notify the member of its decision and reasons for it.

54. ATTENDANCE BY OTHERS

- 54.1 In scrutinising or reviewing decisions made or action taken in connection with the discharge of any function of the Council, the Scrutiny Board or relevant Policy Development & Review Panel may require any Executive Member (including the Executive Leader) and/or any senior officer to attend before it to explain in relation to matters with their remit:

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

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

- 54.2 Where any member or officer is required to attend the Scrutiny Board or a Policy Development and Review Panel under Standing Order 54.1, the Chairman of the Board shall inform the Chief Executive Officer. The Chief Executive Officer shall inform the member or officer in writing giving at least five working days' notice of the meeting at which he/she is required to attend. The notice shall state the nature of the item on which attendance is required and whether any papers are required to be produced for the Board. Where the account to be given to the Board shall require the production of a report, then the member or officer shall be given sufficient notice to allow for preparation of that documentation.
- 54.3 Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Scrutiny Board or Panel shall in consultation with the member or officer concerned arrange an alternative date for attendance.
- 54.4 The Scrutiny Board or Policy Development and Review Panel may invite people other than those referred to in Standing Orders 53.1 and 53.2 to address it, discuss issues of local concern, and/or and answer questions.

PART V

GENERAL MATTERS AND EFFECT OF STANDING ORDERS

55. ALLEGATIONS OF MISCONDUCT

- 55.1 Where there is an allegation of misconduct, or conduct which amounts to breach of the Council's Code of Conduct for Members, by a member of the Council, such allegation must be dealt with in accordance with procedures approved by the **Audit & Governance Committee**.

56. DEPUTATIONS

- 56.1 Deputations shall be heard by the Council, a meeting of the Executive, a Committee of the Council, the Scrutiny Board or a Policy Development & Review Panel as appropriate in accordance with such scheme(s) as the Council may from time to time approve.

- 56.2 (Note: See Appendix for current Schemes)

57. INTERESTS OF OFFICERS IN CONTRACTS

- 57.1 The Chief Executive Officer must record particulars of any notice given by an officer of the Council under Section 117 of the Local Government Act, 1972 of a pecuniary interest in a contract and the record must be open during office hours to the inspection of any member of the Council.

58. INSPECTION OF DOCUMENTS BY MEMBERS

General

- 58.1 For the purpose of his/her duty as a member of the Council or as a member of a committee or sub-committee:
- (a) A member may inspect any document which is in the possession of, or under the control of the Council, which contains material relating to any business to be transacted at a meeting of a committee or sub-committee to which the Local Government Act 1972 applies. However, the right does not apply if the appropriate proper officer is of the opinion that a document discloses certain classes of exempt information described in Paragraphs 1-6, 9, 11, 12 and 14 of Part 1 of Schedule 12A to that Act **or is prohibited from disclosure by virtue of the Data Protection Act 1998**.
 - (b) A member may have access to documents in the possession of the Council:
 - (i) which relate to the work of the committee or sub-committee on which that member serves;
 - (ii) which relate to the work of a committee or sub-committee on which he/she does not serve if the member can show good reason;
 - (iii) a member who is denied access to documents by a chief officer may refer the matter to the **Chief Executive Officer who may consult with the Mayor**. In the event of continued dispute, the

matter shall be determined by the committee concerned **having regard to any relevant legal advice that may, in the opinion of the Chief Executive Officer, be required to be brought to the attention of the committee.**

- (ii) a chief officer shall so far as is practicable and lawful, supply on request a copy of any document asked for by a member of the Council.

The Executive

- 58.2 Members shall have, as a minimum, all of the rights of inspection to documents of the Executive, as are provided by the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations **2012** or any supplementary or amending legislation.
- 58.3 Further to the provisions in Standing Order 58.2, any member may inspect and be provided with a copy of any document that is in the possession of, or under the control of, the Executive which:
- (a) contains material relating to any business to be transacted at a public meeting of the Executive,
 - (b) contains material which relates to a key decision made by an officer in accordance with executive arrangements.
- 58.4 The rights referred to in Standing Order 58.3(a) shall include material relating to exempt information except where the appropriate proper officer is of the opinion that a document discloses exempt information as described in paragraphs 1-6,9,11, 12 and 14 of Part I of Schedule 12A to the Local Government Act 1972, **is prohibited from disclosure under the Data Protection Act 1998**, or if the Chief Executive Officer is of the opinion that there would be a disclosure of advice provided by a political assistant or adviser.

Legal Privilege

- 58.5 Standing Orders 58.1 and 58.3 shall not preclude the Solicitor to the Council from declining to allow inspection of any document which is or, in the event of legal proceedings would be, protected by privilege arising from the relationship of Solicitor and Client.

59. RECORDING OF PROCEEDINGS BY THE MEDIA

- 59.1 **Audio and visual recordings of a meeting of the Council, the Executive, Committees and other Council bodies by a recognised media organisation shall normally be permitted following receipt of a request to the Mayor or Chairman of the relevant meeting. The Mayor or Chairman shall advise members that the meeting is being recorded. A request to record a meeting shall only be refused if the Mayor or Chairman of the meeting believes recording would disrupt the meeting and/or following a motion to refuse a recording request being passed by a two-thirds majority of those members present and voting at the meeting.**

60. INSPECTION OF LAND, PREMISES, ETC

- 60.1 Unless specifically authorised to do so by the Council, the Executive or a committee of the Council, a member of the Council may not issue any order in respect of any works which are being carried out by or on behalf of the Council. He/she may not claim by virtue of his/her membership of the Council any right to inspect or to enter on any lands or premises that the Council has the power or duty to inspect or enter.

61. FINANCIAL REGULATIONS, ETC

- 61.1 The Executive, the Scrutiny Board, Policy Development & Review Panels, committees, members and officers of the Council must observe such Financial Regulations and Contract Procedure Rules as are from time to time prescribed by the Council (ref Part 4: Ch 3 of the Constitution).

62. VARIATIONS AND REVOCATIONS OF STANDING ORDERS

- 62.1 Unless it has been considered by the Executive and the Scrutiny Board (or such other committee or sub-committee with powers delegated to it in this respect) no resolution may be passed which has the effect of adding to varying or revoking these Standing Orders.
- 62.2 No Standing Order made or modified in pursuance of the Local Authorities (Standing Orders) Regulations 1993 or such other statutory provision shall be varied other than authorised by statute.

63. STANDING ORDERS TO BE GIVEN TO MEMBERS

- 63.1 The Chief Executive Officer must provide each member of the Council with a copy of these Standing Orders, and of such statutory code or local code as regulates the proceedings and business of the Council.

64. EACH MEMBER TO GIVE AN ADDRESS FOR NOTICES

- 64.1 Every member of the Council must give to the Chief Executive Officer an address to which all notices to that member are to be forwarded until he/she gives another address. Notices sent to the address so given shall be deemed valid and sufficient for all purposes.

65. INTERPRETATION OF STANDING ORDERS

- 65.1 The ruling of the Mayor as to the construction or application of any of these Standing Orders, or as to any proceedings of the Council, may not be challenged at any meeting of the Council.

66. SUSPENSION OF STANDING ORDERS

- 66.1 Subject to Standing Order 65.2 of this Standing Order, any of the preceding Standing Orders may be suspended so far as regards any business at the meeting where its suspension is moved.

- 66.2 A motion to suspend Standing Orders may not be moved without notice (i.e. under Standing Order 16) unless at least one-half of the whole number of the members of the Council are present.

APPENDIX ONE

SCHEME FOR DEPUTATIONS TO COUNCIL, EXECUTIVE, SCRUTINY BOARD, POLICY DEVELOPMENT AND REVIEW PANEL, COMMITTEE AND SUB-COMMITTEE MEETINGS (other than Planning Committee and Licensing Panels)

1. Notice of a proposed Deputation, which shall be given in writing, shall be lodged with the Head of Democratic Services no later than by noon two working days before the day of the meeting and:
 - (a) in the case of a meeting of the full Council, shall be addressed to the Mayor
 - (b) in the case of a meeting of the Executive, shall be addressed to the Executive Leader
 - (c) in the case of a Panel, Committee or Sub-Committee of the Council, shall be addressed to the chairman of the relevant Panel, Committee or Sub-Committee.
2. A notice shall give brief details of the subject on which a Deputation wishes to be heard.
3. A Deputation to the Executive, a Committee, the Scrutiny Board or a Review Panel shall be entitled to address the meeting only on a matter which forms the subject of an item for discussion on the agenda for that meeting.
4. A Deputation to a meeting of the full Council shall be entitled only to address members on matters concerning functions and powers of the Council.
5. **Subject to this Council Procedure Rule, the Head of Democratic Services shall consider requests for deputations in accordance with the following:**
 - (a) **where the issue is the subject of a deputation considered by the Council within the previous six months, the deputation may not normally be entertained by the Council;**
 - (b) **where the issue is not before the Council and has not been resolved upon in the previous six months, the request shall be placed on the agenda for that Council meeting and the Council shall be asked if it is willing to receive the deputation. When a deputation has been received by the Council, the Mayor shall refer the matter to the Leader or appropriate Executive Member for a response. With the permission of the Mayor, Members may thereafter comment or ask questions in relation to the Leader or Executive Member's response. Where the Mayor permits such questions or responses to be raised, the Mayor shall allow the Leader or appropriate Executive Member a right of reply;**
 - (c) **where:**
 - i. **the issue is within the terms of reference of a Specialist Committee; or**

- ii. **the issue is or relates to matters of a quasi-judicial nature; or**
- iii. **the issue is defamatory, frivolous or offensive; or**
- iv. **the issue refers to legal proceedings being taken or being anticipated by or against the Council;**
- v. **the deputee has a commercial or financial interest in the issue**

the deputation may not be entertained and the deputee shall be advised accordingly by the Head of Democratic Services.

6. Deputations shall be received only from persons/**organisations** who are living or working in the Borough
7. Councillors may not make deputations under this scheme.
8. With the consent of the Mayor, Executive Leader or Chairman, as appropriate, a Deputation may be presented by one person to speak on his, her or its behalf.
9. Subject to the other provisions of this scheme Deputations may be in writing or submitted electronically.
10. Notwithstanding the time limits for Deputations allowed by the Council's Standing Orders (that is, that addresses shall not exceed ten minutes in total for each deputation, this period to include the time taken to read any memorial presented) the total time for receipt of all Deputations at any one meeting shall be thirty minutes. If more than three Deputations are received at a meeting, the time allowed for each shall be reduced accordingly.
11. In relation to meetings of the Executive, the Scrutiny Board, Policy Development & Review Panels or Committees, the item next on each agenda after Apologies for Absence, (election of a Vice-Chairman as required), Minutes, Chairman's Announcements and Declarations of Interests, shall be:-

'To receive Deputations of which notice has been lodged'.

If no notice has been lodged or if no Deputation is present to be received, the meeting shall proceed to the next business.
12. In relation to meetings of the full Council, receipt of Deputations shall be timetabled as the Mayor shall decide.
13. Deputations shall not be received at site meetings or at the Annual Meeting of the Council.
14. Arrangements shall be made for a list of Deputations to be circulated to members present at the beginning of each relevant meeting.

APPENDIX TWO**SCHEME FOR DEPUTATIONS TO MEETINGS OF THE PLANNING COMMITTEE**

1. Notice of a proposed deputation shall be given in writing and shall be lodged with the Head of Democratic Services no later than noon two working days before the day of the meeting.
2. The notice shall specify the application or other matter on which a deputation wishes to be heard and, in the case of an application for planning consent, shall specify whether the deputation is for or against the proposal.
3. A deputation shall be entitled to address the meeting only on a matter which forms the subject of an item for discussion on the agenda for that meeting.
4. Deputations shall be received only from the applicant or his/her professional agent or from persons who are living or working in the Borough. Only one deputation will be accepted per household. (Note : for this purpose "household" will be taken to mean all the persons who usually live in the same dwelling unit and who share living arrangements).
5. Where two or more notices of deputation are received on the same matter, the Council will actively encourage the appointment of a single spokesperson to present the deputation on behalf of all.
6. Subject to the other provisions of this scheme, deputations may be in written form. Any written, photographic or other material to be presented as part of the deputation shall be lodged with the Head of Democratic Services no later than noon two working days before the day of the meeting. With the consent of the Committee, deputees may be permitted to circulate relevant photographs or drawings at the meeting **but no additional written material**. Planning officers will be invited to comment if appropriate on the photographs or drawings circulated.
7. Deputations shall **not** be received at site meetings.
8. Notwithstanding the provisions of Standing Order 57, the time limits for presenting deputations shall be :
 - a. In respect of those speaking in support of an application : a single deputation shall be allocated not more than three minutes; a single spokesperson representing two or more deputees shall be allocated not more than six minutes; in the event that there is more than one speaker, the total time allowed for all speakers shall be six minutes and the time shall be shared equally among them.
 - b. In respect of those speaking against an application : a single deputation shall be allocated not more than three minutes; a single spokesperson representing two or more deputees shall be allocated not more than six minutes; in the event that there is more than one speaker, the total time allowed for all speakers shall be six minutes and the time shall be shared equally among them.
 - c. In respect of those deputations to be made by established amenity groups* on an issue relevant to their area of interest : a single deputation shall be allocated not more than three minutes; a single spokesperson representing two or more amenity groups shall be allocated not more than six minutes; in the event that there is more

than one speaker, the total time allowed for all speakers shall be six minutes and the time shall be shared equally among them.

(a list of established amenity groups is maintained by the Committee and may be revised periodically at the discretion of the Chairman in consultation with ward members.)*

- d. In respect of deputations on other matters : the total time allocated shall be five minutes for a proposal and five minutes against a proposal when it is appropriate to do so; otherwise the total time allocated shall be five minutes. A single deputation shall be allocated not more than three minutes; a single spokesperson representing two or more deputees shall be allocated not more than five minutes; in the event that there is more than one speaker, the total time allowed for all speakers shall be five minutes and the time shall be shared equally among them.

9. Each agenda for meetings of the committee shall include an item :

“To receive deputations of which notice has been lodged”.

10. The order in which deputations shall be heard shall be arranged by the Head of Democratic Services in accordance with the following practice. If the deputation to be made relates to an application then the order of speakers will be determined by the officers’ recommendation: if the recommendation is for permission, then those speaking in opposition to the application will speak first, then those in support; if the recommendation is for refusal then the order is reversed. On miscellaneous and other matters coming before the Committee, speakers will be heard in the order their deputations are received.
11. Arrangements shall be made for a list of deputations to be circulated to members present at the beginning of each meeting. Where a spokesperson has been appointed to present more than one deputation, the notice shall state for whom the spokesperson is speaking.
12. If a deputee is not present at the meeting when the matter is due to be determined, the Committee shall proceed as if no notice had been given and may determine the matter.

*Scheme adopted Dec 2004 and amended at subsequent meetings. Last updated : **December 2013.***

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