

# **APPENDIX 1**

- The **Head of Paid Service** is the officer appointed by the Authority in accordance with section 4 of the Local Government and Housing Act 1989 who has overall corporate management and operational responsibility within the Council. In the London Borough of Brent the Head of Paid Service is the officer appointed to the position of Chief Executive.
- An **Independent Member** is a member of the Standards Committee and/or its sub-committee who is not a councillor or officer of the Council or any other body having a Standards Committee.
- A **Joint Committee** is a committee comprising members of two or more local authorities created under section 102(1) of the Local Government Act 1972.
- The term **Key Decision** is defined in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. ~~In Brent the Council will treat as a Key Decision all decisions taken at a meeting of the Executive or a committee of the Executive whether or not the decision would be classed as a Key Decision according to the statutory definition. Further, an officer A~~ decision will be a Key Decision if it relates to an Executive function and is likely:
  - (a) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates; or
  - (b) to be significant in terms of its effects on communities living or working in an area comprising ~~one~~two or more wards or electoral divisions in the area of the local authority ~~(notwithstanding that the statutory definition specifies an area comprising two or more wards).~~

~~Thus, the Brent definition of a Key Decision is more generous than the statutory definition.~~ Further guidance on Key Decisions is included in the Access to Information Rules which form part of this Constitution.
- The **Leader** is a councillor, not being the Mayor or Deputy Mayor, elected by the Council to the position of Leader of the Executive.
- The **Licensing Code of Practice** means the document which has been adopted by the London Borough of Brent to regulate the performance of its licensing function. The main objectives of the Code are to guide Members and officers of the Council in dealing with licensing related matters and to inform potential licensees and the public generally of the standards adopted by the Council in the exercise of its licensing powers.
- **Mayor** means a councillor, not being a member of the Executive, elected by the Council at the Annual Meeting to the position of chair of the Council. The Mayor, if present at a meeting of the Council, will preside and have a second or casting vote in the event of equality of votes on any question coming before a meeting of the full Council.

The Mayor of Brent Council is a symbol of the Authority and as such, the Mayor will normally carry out the ceremonial duties of the Council.

## Article 14 – Decision Making

### Responsibility for decision making

- 14.1 The Council will issue and keep up to date a record of which part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 4 of this Constitution.

### Principles of decision making

- 14.2 All decisions of the Council will be made in accordance with the following principles:
- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
  - (b) due consultation and the taking of professional advice from officers;
  - (c) respect for human rights;
  - (d) a presumption in favour of openness;
  - (e) clarity of aims and desired outcomes; and
  - (f) explaining the reasons for a decision and the options considered.

### Key decisions

- 14.3 A Key Decision is defined in statute as an Executive decision which is likely:
- (a) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates; or
  - (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.
- 14.4 ~~Number not in use. The Council is of the view that a Key Decision includes a decision (whether taken by the Executive, its committees or officers) which is likely to be significant in terms of its effect on a community or communities living or working in an area comprising one or more wards or electoral divisions in the Borough. The Council will also treat as if they were Key Decisions any other decision taken or to be taken at a meeting of the Executive or a committee of the Executive.~~
- 14.5 A decision maker or decision making body may only make a Key Decision in accordance with the requirements of the Access to Information Rules set out in Part 6 of this Constitution.

### The Forward Plan

- 14.6 A Forward Plan shall be prepared by the Democratic Services Manager giving not less than 28 days notice of any decision to be taken by the Executive and this will be updated and republished 28 days before each meeting of the Executive.. The

- (b) Any request under Standing Order ~~1820~~ shall be made in writing and submitted in person, by letter, by email or by facsimile and:
- (i) In the case of a request submitted in person, by letter or by facsimile shall be signed and the signature(s) shall be the original signature of the member(s).
  - (ii) In the case of a request submitted by facsimile, it shall be sufficient if the signature is not photocopied or a stamp signature.
  - (iii) In the case of a request submitted by email, the email shall be from a member's individual address and not from that member's group office.
  - (iv) Shall include the reason(s) for the request being made. For the avoidance of doubt, there is no requirement that the same reason be given in respect of each request when calculating whether the threshold specified in Standing Order ~~1820~~ has been reached.
  - (v) Maybe made on the Call-in form available from member's group offices, and may include members' suggested alternative proposals, action, or resolution.

## 7. Interpretation

- (a) References to the Mayor shall include the Deputy Mayor when acting in his or her absence (or in relation to Chairing a meeting of Full Council any other member selected at a meeting of Full Council to chair it if not the Deputy Mayor).
- (b) References to the Leader shall include the Deputy Leader when acting in his or her absence and shall include any other member of the Executive who in the absence of the Leader and the Deputy Leader is nominated by the Leader to act or if no such nomination is made the person nominated by the Deputy Leader to so act.
- (c) References to days shall unless otherwise specified be to clear working days. Clear working days means excluding the day on which the notice is given and the day of the meeting or other event or action to which it relates.
- (d) Other words and phrases shall unless the contrary intention is clear have the meaning given in the definitions section of the Constitution.
- (e) Except as provided in Standing Order 4 the Director of Legal and Procurement shall advise on the construction, interpretation or application of any part of the Constitution.

## 8. Access to Information

The Access to Information Rules which apply to meetings and documents are set out in the separate Access to Information Rules forming part of the Constitution.

## 9\*. *Motions relating to confidential or exempt information*

*If any matter arises at a meeting of Full Council or the Executive (or a committee or sub-committee thereof) and in respect of which any confidential or exempt information may be disclosed or discussed then in the case of confidential information that matter shall not be the subject of further discussion; and in the case of exempt information that matter shall not be the subject of further discussion until Full Council or the Executive or the committee or sub-committee*

- (c) The Executive may make in-year changes to the policies and strategies agreed as part of the Policy Framework if such change or changes are within the limits set by Full Council pursuant to paragraph (a) above. No other changes may be made unless it, or they, cannot reasonably wait until the next meeting of Full Council and if it is not reasonably practicable to call a meeting of Full Council for that purpose and unless:-
- (i) such change is necessary to ensure compliance with the law or a ministerial direction; or
  - (ii) the Council would suffer or would be likely to suffer significant financial detriment if the policy was not changed in the manner proposed; or
  - (iii) the Council would benefit or would be likely to benefit from significant financial gain if the policy was changed in the manner proposed

and such changes shall be reported by the Executive to the next ordinary meeting of Full Council.

## 20. Call in of Executive decisions

- (a) If:-
- (i) an Overview and Scrutiny Committee decides; or
  - (ii) five non-executive members of the Council (for the avoidance of doubt excluding voting and non-voting co-opted and independent members) request

that ~~any decision of the Executive or a committee of the Executive or~~ any Key Decision made by the Executive or committee of the Executive or officers shall be called in for scrutiny then the Call-in Overview and Scrutiny Committee shall consider that decision at its next meeting which unless otherwise determined by the Leader shall in the case of a decision made by the Executive or its committee(s) take place within 15 days of the date on which the relevant decision was made or in the case of an officer decision take place within 15 days of the date on which the record of the decision is made publicly available in accordance with the Access to Information Rules. This period will be extended by the Democratic Services Manager as appropriate to take account of any public or religious holidays identified in the Municipal Calendar.

- (b) Any such decisions or requests to call in a decision shall be made within 5 days of the date on which the relevant decision was made or in the case of a decision made by officers within 5 days of the date on which the record of the decision is made publicly available in accordance with the Access to Information Rules. Any request to call-in shall be made in accordance with Standing Orders 5 and 6 and the process set out in the call-in protocol included in Part 7 of this Constitution.
- (c) Any decision which has been called in pursuant to paragraph (a) above which has not been implemented prior to the date on which the decision maker receives notification of the call in from the Democratic Services Manager shall not be implemented until the Call-in Overview and Scrutiny Committee has met to consider the decision in accordance with paragraph (a) unless the decision, in the reasonable opinion of the Chair of the relevant Overview and Scrutiny Committee, needs to be implemented as a matter of urgency and should not be delayed. The Executive shall report to the next ordinary meeting of Full Council details of any

**(j) Appointments to committees and other bodies:**

To appoint to the membership of Council committees and joint committees and other relevant bodies, forums and panels; to appoint the Chairs and Vice Chairs of the Council Committees, forums and panels and to agree the alternates for members.

**(k) Meetings of Full Council:**

Where possible to agree the days, hour and venue for meetings of Full Council in the forthcoming municipal year.

**(l) Other meetings:**

To settle, as far as is considered advisable, the calendar of meetings for the forthcoming municipal year.

**(m)\* Business required to be dealt with:**

*To deal with any other business expressly required by statute to be dealt with.*

**(n) Other Business**

To consider any other business including any urgent business.

Business falling under (a), (b), (c) and (d) shall not be displaced, but subject thereto the foregoing order of business may be varied by the Mayor at his or her discretion

**33. Community Champion Awards**

The outgoing Mayor shall, at the Annual Meeting of Full Council and prior to any business being transacted, present the Community Champion awards and may invite persons on to the floor of the meeting to collect such awards. During the presentation of the awards only the Mayor and persons invited by the Mayor to do so may speak and for no longer than the period permitted by the Mayor. The Council shall convene for the Community Champion Awards and Annual Meeting in the Paul Daisley Hall or such other venue as the Mayor shall determine.

**34\*. Council Tax Setting**

- (a) *A Meeting of Full Council shall be held each year on a day not later than 10th March or such later date as may be allowed by statute to set the level of Council Tax for the following Council Tax year and to deal with associated budgetary matters.*
- (b) At an ordinary meeting where council tax setting is to be decided items h, i, j and k in Standing Order 37 shall be replaced by the following:
- (c) The Leader shall present a report to the meeting setting out the Executive's proposals for the budget
- (d) The Chair of the Budget and Finance Overview and Scrutiny Committee shall be allowed up to 10 minutes to present the findings of the committee ~~following which there shall be a general debate and a vote taken.~~ **A**

procedural motion shall address the right to speak of the Group Leaders and the Lead Member for Resources including time limits. There will then be general debate. Provision shall also be made in the procedural motion for the Leader of the Council to have the right to make closing remarks with a time limit specified. Following which a vote will be taken.

- (e) At an Ordinary Meeting where Council Tax Setting is decided there shall be no motions (item (m) under the Ordinary Council Meeting items of business).

**35 [Paragraph number not in use]**

**36. Extraordinary meetings**

- (a) An Extraordinary Meeting of Full Council may be called at any time by the Mayor, or in the absence of the Mayor, by the Deputy Mayor. References in the following paragraphs of this Standing Order to the Mayor shall include the Deputy Mayor acting in his or her absence.
- (b) If the Mayor refuses to call an Extraordinary Meeting of Full Council after a requisition for that purpose, signed by five members of the Council, has been presented to him or her, or if, without so refusing, the Mayor does not call an extraordinary meeting within seven days after the requisition has been presented to him or her, then, any five members of the Council, on that refusal or on the expiration of those seven days, as the case may be, may forthwith call an Extraordinary Meeting of Full Council.
- (c) A requisition under paragraph (b) above for an Extraordinary Meeting of Full Council may be presented to the Mayor either personally or by leaving it with the Democratic Services Manager, or a member of his or her staff, who shall be empowered to receive the requisition on the Mayor's behalf. Any such requisition shall be accompanied by notice of the motion or motions to be debated at the Extraordinary Meeting. The requisition shall be marked with the date and time of receipt by the Mayor or the officer receiving it on the Mayors behalf.

**37. Ordinary Meetings**

Unless otherwise provided in these Standing Orders the order of business at ordinary meetings of Full Council except those concerning a first reading debate or the Council tax setting shall be:-

- (a)\* **Absence of Mayor:**

*To choose a person to preside if the Mayor is absent.*

- (b)\* **Business required to be dealt with first:**

*If necessary, to deal with any business required by statute to be done before any other business.*

- (c) **Minutes:**

To approve as a correct record and sign the minutes of the last meeting or meetings of Full Council.

- (d) **Declarations:**

**(vii) Urgent decisions called in:**

Any decisions which were called in for scrutiny and which were implemented under the urgency provisions in Standing Order 20 prior to consideration of the decision by the Call In Overview and Scrutiny Committee and the reasons for urgency;

**(viii) Non-compliance with Access to Information Rules:**

Any decisions which the Executive have taken in respect of which the Executive should have but did not comply with those parts of the Access to Information Rules relating to such decisions and any decisions which the Overview and Scrutiny Committees has required the Executive to report to Full Council under the Access to Information Rules because it considers that the Executive did not comply with the Access to Information Rules relating to the decision;

**(ix) The response of the Executive to comments received:**

The response of the Executive to any other comments or recommendations received from, or being presented by, the Overview and Scrutiny Committees or Full Council;

**(x) Any recommendations to Full Council.****39. Questions from the Opposition and Non Executive Members**

- (a) A period of not more than 45 minutes shall be allowed to ask and respond to questions raised under this item.
- (b) Non executive members (except the Mayor and Deputy Mayor) will be permitted to put a maximum of 10 questions to the Executive on any matter which is the responsibility of the Executive. Each non-executive member may only put one matter to the Executive in any one question time session. The 10 questions are to be divided as follows; 5 from the main opposition group, 1 from the minority opposition group and 4 from the administration.
- (c) The party groups shall decide which of their members shall put the questions to the Executive.
- (d) Each non executive member shall have up to 1 minute within which to put their question.
- (e) A member of the Executive shall have up to 2 minutes to respond to the question.
- (f) The non executive member shall be permitted to comment further for a maximum of 2 minutes. These follow up comments must relate to the subject matter of their original question and must not involve further or supplementary questions..

**40. Debate on key issues affecting the borough**

- (a) With agreement of all Group Leaders A speaker shall be invited to attend and speak on an issue pertinent to the London Borough of Brent. The speech shall not exceed 10 minutes.



- (c) At the conclusion of the First Reading Debate Full Council shall note the contents of the report and any other information submitted to it, the debate concerning any questions raised and any other relevant issues. The proposal may be referred to the Chair of the Budget and Finance Overview and Scrutiny Committee or if appropriate one of the other Overview and Scrutiny Committees, in accordance with Standing Orders 25 (c) and/or 26 (b) as the case may be.

#### 45. Motions

- (a) Members may put motions to council. A period of no more than 45 minutes shall be allowed for this item.

- (b) A maximum of 103 motions will be put to Council at any one meeting. ~~Of these 10 motions a maximum of 3 motions~~ (one per party group) which will be debated. ~~The remaining possible seven motions may be amended, but not debated, and then voted upon.~~

- (c) Each group must give notice in writing of their motion~~(s)~~ to the Democratic Services Manager not less than 35 days before the date of the meeting. This shall include a copy of the Motion~~(s)~~ they are intending to move at the meeting. A copy of the motion~~(s)~~ shall be circulated to all members at least 12 days before the date of the meeting.

- ~~(d) If any group puts more than one motion forward, the group must indicate which one of their motions should be debated and list in priority order the other motions.~~

- ~~(e) If more than a total of 10 motions are submitted a random ballot will take place to decide which 7 motions will be presented to Council.~~

- ~~(f)~~(d) The time allowed to debate and vote on each of the 3 motions ~~for debate~~ shall not exceed 105 minutes

- (e) The debate shall commence with the proposer being invited to speak for up to 3 minutes during which time they shall move the Motion notified to the Democratic Services Manager. Further speakers shall then be called by the Mayor.

- (f) Up to 6 speakers shall be allowed for each motion (2 from each group), each limited to 2 minutes

- (g) The matter shall be put to the vote ~~one minute before at~~ the end of the 105 minutes permitted for each of the three Motions ~~for debate~~.

- ~~(g)~~(h) Any amendments to the motions can be accepted provided they are set out in writing to the Mayor prior to a vote taking place

~~In relation to those motions not eligible for debate the motion will be announced by the proposer, any amendments proposed, and the matter voted upon.~~

- ~~(h)~~

#### 46. Rules Of Debate For Meetings of Full Council

- (a)\* *Any motion or amendment to a motion may be moved without notice but must relate to an item of business specified in the summons for the meeting.*

- (b) Each amendment shall relate to the subject matter of the motion and shall not have the effect of negating the motion.
- (c) Motions or amendments to motions shall not be open to debate until formally moved.
- (d) Motions and amendments to motions which have not been circulated in advance of the meeting shall be read aloud before they are open to debate, and the Mayor will require that the motion or an amendment to a motion is written down and handed to him/her.
- (e) Procedural motions shall be put to the vote without discussion, provided that the Mayor may, in his or her absolute discretion, allow or require the proposer to give (for such brief period as the Mayor may allow) reasons for proposing the motion.
- (f) A member shall stand when speaking and shall address the Mayor. If two or more members rise the Mayor shall call on one to speak.
- (g) Speeches shall be directed to the matter under discussion or to a personal explanation or to a point of order.
- (h) No speech shall exceed three minutes except where otherwise provided in these Standing Orders or by the consent of Full Council and except for a Chair or the Leader replying to a debate whose speech shall not exceed five minutes. Any motion or amendment to a motion shall be put within the time allowed for the speeches.
- (i) With the exception of an Executive Member responding to a question put to the Executive by a non-executive member, or a Chair of a committee or sub-committee replying to a debate on a report referred from the committee or sub-committee or where otherwise provided in these Standing Orders, a member shall not speak more than once on any item of business except on rising to a point of order or in personal explanation.
- (j) A member may rise to a point of order or in personal explanation, but a personal explanation shall be confined to some material part of a former speech by the member at the same meeting, which may have been misunderstood. A member so rising shall be entitled to be heard forthwith.
- (k) Subject to the provisions of Standing Order 4(b) the ruling of the Mayor on a point of order or on the admissibility of a personal explanation shall not be open to discussion.
- (l) Whenever the Mayor rises during a debate, all those present then speaking or standing shall resume their seat and Full Council shall be silent.
- (m) A motion or amendment to a motion may be withdrawn or altered by the proposer of the motion or amendment with the consent of Full Council, which shall be signified without discussion. Where a motion is withdrawn there shall thereafter be no further debate on the item.
- (n) At the commencement of a debate, any member may move that only a specified number of members from each of the political groups shall be permitted to speak before a vote is taken or at the commencement of any meeting of Full Council or during the course thereof any member may move that only a specified number of members of each political group shall be permitted to speak on each motion or amendment thereto.

and the member(s) concerned fail(s) to leave the meeting, the Chair shall take such action, as he/she deems appropriate in the circumstances to bring the member(s) concerned to order; or

- (ii) adjourn the meeting for such period, as the Chair shall consider expedient.
- (c) In the event of general disturbance which, in the opinion of the Chair of a meeting, renders the due and orderly despatch of business impossible, the Chair may adjourn the meeting for such period as the Chair shall consider expedient.
- (d) Members shall not at any time make any improper remark nor use unseemly language nor make offensive gestures nor make personal attacks on any person.
- (e) The Chair may call a member to order for irrelevance, repetition, imputation of dishonourable conduct or improper remark, unseemly language, offensive gestures or any breach of order and may direct a member if speaking to discontinue their speech.
- (f) If a member of the public interrupts the proceedings at any meeting the Chair shall warn them that if they continue to interrupt the proceedings of the meeting he or she may be removed from the Council chamber or meeting room, as the case may be. If they continue the interruption the Chair shall order their removal from the Council chamber or meeting room. In case of general disturbance in any part of the chamber or meeting room open to the public the Chair shall order that part to be cleared.
- (g) Members of the press and public may be excluded from Council meetings either in accordance with the Access to Information Rules in part 6 of the Constitution or Standing Order 50(f).

#### **51. Smoking and Mobile Phones at Meetings**

- (a) No person shall smoke at any meeting of the Council or the Executive or a committee or sub-committee thereof.
- (b) Any mobile phone taken into a meeting is to be switched off for the duration of the meeting.

**STANDING ORDERS RELATING TO STAFF****74. Declaration by Candidates**

- (a) The Assistant Director, People and Management will draw up a statement requiring any candidate for appointment as an officer to disclose any relationship to a councillor or employee of the Council.
- (b) No candidate related to a councillor or a Chief Officer or the partner of such a person should be appointed without the authority of the Chief Executive.

**75. Seeking Support for Appointment**

- (a) Any applicant who directly or indirectly seeks the support of any councillor for any appointment with the Council shall be disqualified and wording to this effect shall be included in any recruitment information.
- (b) No councillor will seek support for any person for any appointment with the Council nor give a written reference or testimonial for any person for any appointment with the Council.

**76. Appointment and Dismissal of Staff not Covered by Standing Order 77 or Standing Order 81A (Director of Public Health)**

- (a) Appointment and dismissal of, and taking disciplinary action against, a person appointed to or holding a paid office or employment under the Council (as defined by the Local Authorities (Standing Orders) (England) Regulations 2001) must be discharged, on behalf of the Council, by the Chief Executive or his or her nominee and may not be discharged by councillors. This is subject to paragraph (c) below and except in the case of the posts mentioned in Standing Order 77b) or in the case of a person appointed in pursuance of section 9 of the Local Government and Housing Act 1989 (assistants for political groups).
- (b) The persons who have been nominated by the Chief Executive pursuant to paragraph (a) above are those listed in Paragraph 2.4 of Part 4 of the Constitution and persons authorised by them to act on their behalf.
- (c) Members will not be involved in the dismissal of any officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, or in accordance with Standing Orders 79 or 80 or where the dismissal is required to be made by members by virtue of any legislative provision or any term or condition of any contract of employment.
- (d) In the case of the appointment or dismissal of the Assistant Director, People and Development the acts required under these Standing Orders Relating to Staff to be done by the Assistant Director, People and Development shall instead be done by the Chief Executive or a person nominated by him or her for that purpose.

**77. Appointments to Senior Management Posts**

- (a) The Assistant Director, People and Development shall be consulted on all appointments to posts covered by this Standing Order. [‘Appointments’ in this Standing Order 77 refers to permanent appointments. Fixed terms and interim appointments to Senior Management posts are addressed in Standing Order 77A below.](#)
- (b) This Standing Order shall apply to the posts of:-

- (i) the Chief Executive;
- (ii) any director (or other senior officer) reporting directly or being directly accountable to the Chief Executive;
- (iii) statutory Chief Officers being:
  - the Director of Children and Families (acting as the Director of Children's Services appointed under section 18 of the Children Act 2004);
  - the Director of Adult Social Services (acting as the Director of Adult Social Services appointed under section 6 (A1) of the Local Authority Social Services Act 1970 as amended by the Children Act 2004);
  - the Chief Finance Officer appointed under section 151 of the Local Government Act 1972;
- (iv) any officer who, as respects all or most of the duties of his or her post, is required to report directly or is directly accountable to the Full Council itself or any committee or sub-committee of the Authority;
- (v) the Monitoring Officer;
- (vi) any assistant director or deputy director reporting directly to a Service Area Director or Corporate Director;
- (vii) the following other officers:
  - the Head of Revenues and Benefits.
- (c) The posts mentioned in paragraph (b) above may only be created, amended (other than a minor variation) or deleted by the Executive following consideration of a report from the Chief Executive or other officer nominated by him or her setting out the proposed job description and person specification for that post and/or the reasons for the creation, amendment or deletion of the post and any legal or financial or other implications arising there from.
- (d) The terms and conditions of any of the posts mentioned in paragraph (b) above and the grading structure to be applied to them may only be determined by the General Purposes Committee.
- (e) The posts mentioned in paragraph (b) above may only be appointed to by the Senior Staff Appointments Sub-Committee (*which sub-committee shall include at least one member of the Executive\**), ~~save that decisions to renew fixed term contracts in respect of such posts and decisions to offer contracts with no fixed term on the expiry of such fixed term contracts may be made by the Chief Executive or another Chief Officer authorised by him or her.~~
- (f) Unless it is intended that the appointment shall be made exclusively from among existing officers (e.g. where one or more officer is entitled to a ring fenced interview under the Council's Human Resources procedures) paragraphs (g) – (i) below shall apply to the appointment to any of the posts mentioned in paragraph (b) above.
- (g) The Chief Executive or another Chief Officer authorised by him or her shall

People and Management may proceed to offer the appointment to the successful candidate.

- (o) In the case of an appointment to the post of Chief Executive the proposed appointment must be approved at a meeting of the Full Council before an offer of appointment is made.
- (p) Prior to the appointment of any person to any post within section 2(8) of the Local Government and Housing Act 1989 which is not otherwise covered by paragraph (b) above the procedure set out in paragraphs (j) to (m) shall be followed save that any references in those paragraphs to the Senior Staff Appointments Sub-Committee shall be to the relevant appointing officer.

#### 77A Interim and fixed term appointments to Senior Management posts

- (i) Decisions to appoint to Senior Management Posts as defined in Standing Order 77(b) (ii) – (v) which are not permanent appointments but are interim appointments or fixed term contracts for less than one year be made by the Chief Executive
- (ii) Upon appointment to a post as defined in Standing Order 77(b) (ii) – (v) on an interim or fixed term basis the Chief Executive shall inform the General Purposes Committee setting out the process for selection and the timescales for a permanent appointment.
- (iii) The General Purposes Committee shall be informed of any recommendation for an extension of the interim arrangements beyond a year to a post defined in Standing Order 77(b) (ii) – (v)
- (iv) Any interim appointment to the post of Director of Public Health shall be in accordance with (i) – (iii) above
- (v) Decisions to appoint to Senior Management posts as defined in Standing Order 77 (b) (vi) – (vii) which are interim appointments or fixed term contracts be made by the Chief Executive
- (vi) The appointment of an Interim Chief Executive shall be considered by a sub-committee of General Purposes Committee which shall include the Leader, Deputy Leader and a Leader of an opposition party as decided by the Leader. The proposed interim appointment shall be approved by Full Council.

#### **78. Disciplinary action against the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer**

- (a) Except as described in paragraph (b) below, no disciplinary action (as defined in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001) may be taken in respect of the Chief Executive, Monitoring Officer or Chief Finance Officer other than in accordance with a recommendation contained in a report made by a designated independent person under regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001.
- (b) The Chief Executive, Monitoring Officer and Chief Finance Officer may be suspended for the purpose of investigating the alleged misconduct occasioning the action. That suspension will be on full pay and will last no longer than two months from the date it took effect.

#### **79. Dismissal from Senior Management Posts**

- (a) Any proposal to dismiss a person from any of the posts mentioned in Standing Order 77(b) or (o) shall be notified to the Assistant Director, People and Management together with any other particulars that the person or body proposing the dismissal considers are relevant to the dismissal and no notice of

	Value Contracts (under which different thresholds apply for services / supplies and construction / works).
<b>Low Value Contract</b>	<p>In the case of contracts for services or supplies: a contract with an estimated value over the life of the contract (including any period of extension(s) anticipated by the contract) of between £20,001 and up to the amount which is the current threshold for services and supplies contracts under the European Procurement Rules (which is currently £173,934).</p> <p>In the case of a contract for construction or works: a contract with an estimated value over the life of the contract (including any period of extension(s) anticipated by the contract) of between £20,001 up to £50250,000, provided that the contract is classified as a contract for works and not services by the European Procurement Rules.</p>
<b>Medium Value Contract</b>	<p>In the case of contracts for services or supplies: a contract with an estimated value over the life of the contract (including any period of extension(s) anticipated by the contract) of between the amount which is the relevant threshold for services or supplies contracts under the European Procurement Legislation (which is currently £173,934) and £50250,000.</p> <p>In the case of a contract for construction or works, a contract with an estimated value of between £50250,000 and £1,0500,000, provided that the contract is classified as a contract for works and not services by the European Procurement Rules.</p>
<b>Member</b>	An elected member of Brent Council.
<b>Monitoring Officer</b>	The Director of Legal and Procurement.
<b>Official Order</b>	An order for services, supplies or works to the Council issued by an authorised officer using the Council's official order form.
<b>OJEU</b>	The Official Journal of the European Union.
<b>Online Market Place</b>	A web-based facility approved by the Director of Legal and Procurement which enables the procurement of specified types of services, supplies or works contracts.

- 1.13 In exercising any function or making any decision the decision making body or person shall take into account all relevant considerations and ignore all irrelevant considerations and shall comply with the Access to Information Rules.
- 1.14 A number of joint committees have been established with other London Boroughs under the umbrella of the London Councils. The London Council's Committee and the Transport and Environment Committee exercise executive and non-executive functions. The terms of reference and make up of these committees and the sub-committee are described in Part 5.

## 2. Powers Delegated to Officers

- 2.1 Those officers named in the Tables or elsewhere in the Constitution have delegated to them the powers specified therein but subject to the limitations specified therein. For the avoidance of doubt this includes an officer appointed to a named post on an acting interim or temporary basis.
- 2.2 References in this Part 4 to a 'director' or 'relevant director' are references to one or more of the officers specified in paragraph 2.4 below.
- 2.3 The Chief Executive may exercise any functions delegated to other officers and may delegate decisions or functions to one or more officers in any of the Council's directorates unless expressly prohibited by law from doing so. ~~The Chief Executive may exercise any of the powers delegated to officers save where expressly prevented by law from doing so. The Chief Executive has delegated to him or her authority to exercise any of the Authority's functions (whether they are Council or Executive functions) in cases of extreme urgency provided that he or she is not precluded by law from doing so.~~ The Chief Executive shall also have authority to carry out all executive functions in the interim in the event of there being no Leader, or Deputy Leader appointed and insufficient members of the executive appointed to achieve a quorum. .
- 2.4 The Chief Executive, directors and other officers listed below shall have responsibility for the following general and related areas:-

(a) **Chief Executive:**

Head of Paid Service, overall corporate management and operational responsibility including overall management responsibility for officers, provision of professional advice to all parties in the decision making process.

(b) **Director of Children and Families:**

Statutory Director of Children's Services, school improvement service, outdoor education, pupil referral units, education tuition service, parent partnership service, exclusion teams, education welfare service, behaviour support, SEN assessment service, education psychology, youth and connexions, family support, education, and schools organisation, child protection, adoption, fostering, placements, children with disabilities and all functions of the Local Education Authority not reserved to members including but not limited to early years education and school places, education and training provision for young people, adult and community education

(c) **Director of Adult Social Services :**



to appoint external consultants; to make minor or consequential changes to any of the documents mentioned above which were previously agreed by the Executive or the Council or their committees or sub-committees.

supplies (other than the supply of energy through the Local Authority Energy Buying Group administered by Kent County Council ("Laser")) if the value of the contract, agreement, deed, transaction, supply, service, work or consultancy would or would be likely or is estimated at the commencement of any procurement process to exceed ~~£500~~£250k in respect of services or supplies or ~~£1million~~£500k in respect of works, such value to be aggregated over the life of the contract (including any possible extension) then:-

- (i) no expressions of interest shall be invited without the prior approval of the Executive (or in the appropriate cases the General Purposes Committee);
  - (ii) no contract, agreement, deed or transaction shall be awarded, entered into or terminated without the prior approval of the Executive (or in appropriate cases the General Purposes Committee); and
  - (iii) shortlists may only be drawn up and tenders may only be evaluated in accordance with the basis of the evaluation criteria approved by the Executive (or in appropriate cases the General Purposes Committee) in accordance with Standing Orders 88(b) and 89(vi).
- (b) in the case of an agreement where the Council is a service provider to another organisation, the contract value or cost to the Council in providing the service is less than £150,000 per year; otherwise Executive approval must be sought in accordance with Standing Order 87(c).

	<p>(c) In the case of a contract or agreement that does not fall within (a) or (b) above, such as a funding or settlement agreement, the total value passing from the Council to another organisation does not exceed £50<u>2</u>50,000.</p> <p>(d) the award of contract or approval of the agreement would not place the Council in breach of European procurement legislation.</p> <p>(e) there is sufficient budgetary provision</p> <p>(f) admission agreements in respect of the pension fund may only be agreed by the Director of Finance and Corporate Services and in accordance with criteria adopted by the General Purposes Committee or the Pension Fund Sub-Committee.</p> <p>(g) contracts in respect of the supply of energy through LASER may only be awarded by the Director of Finance and Corporate Services</p>
<p>3(b) to extend, vary, renegotiate, novate or assign contracts, agreements, deeds or other transactions.</p>	<p>(a) provided that the extension, variation, renegotiation, novation or assignment would not be in breach of the European Procurement Legislation.</p> <p>(b) provided that the extension, variation, renegotiation, novation or assignment does not substantially alter the terms and conditions of the contract.</p> <p>(c) provided that there is sufficient existing budgetary provision.</p> <p>(d) if the extension goes beyond the period of extension provided for in the contract (if any) or is otherwise not in accordance with the extension provisions in the contract:</p> <p>(i) in the case of any contract, agreement, deed or other</p>

	<p>transaction with a life of not more than one year (including any possible extension provided for in the contract) the extension shall not exceed a period of six months; or</p> <p>(ii) in the case of any contract, agreement, deed or other transaction with a life of more than one year (including any possible extension provided for in the contract) the extension shall not exceed a period of one year.</p> <p>(e) provided that in the case of any variation (other than an extension):</p> <p>(i) the total value of the variation is less than £50<u>250</u>k; and</p> <p>(ii) if the total value of the variation is more than £50k it is not more than 20% of the original contract value (calculated over the life of the contract including any extensions or possible extensions and adjusted in accordance with any price review mechanism provided for in the contract).</p> <p>(f) provided that in the case of any novation or assignment that the relevant Director is satisfied that the contractor to which the contract, agreement, deed or other transaction is to be novated or assigned meets the Council's requirements for financial standing, health and safety standards and technical expertise.</p>
<p>4. to acquire and manage land and buildings and to grant easements, licences or leases for land and buildings required or used for the purposes of their service area or corporate unit.</p>	<p>(a) subject to the rules set out in paragraph 4 below.</p>

~~4.1 Directors may acquire and manage land and buildings and may grant easements, licences or leases of land and buildings provided that the land and buildings concerned are being used and will continue to be used for the purposes of their service area and provided that:-~~

~~(a) the value of the interest in the land or building, as confirmed by the Assistant Director of Property and Assets or a person nominated by him or her, does not exceed £20k in rental value per annum or, if acquired or granted at a premium does not exceed £50k in value; and~~

~~(b) the interest is an easement, a licence or a lease and is for a term which does not exceed seven years less 2 days, and~~

~~(c) The Assistant Director of Property and Assets is consulted and gives prior approval to the terms of any transaction, and~~

~~(d) The terms of any interest granted are forwarded to the Assistant Director of Property and Assets, or a person nominated by him or her, to note on the Council's asset register.~~

~~4.2 No freehold land or buildings shall be disposed of by a director.~~

~~4.3 The Assistant Director of Property and Assets may acquire any interest in land or buildings for, or in connection with, any of the Council's functions and may dispose of or grant easements, licences or leases in respect of any land or buildings, except where the value of the interest in the land or building, in his or her view, exceeds £100k in rental value per annum or, if acquired, disposed of or granted at a premium, exceeds £300k in value.~~

4.1 Only the Assistant Director of Property and Assets may acquire or dispose of an interest in land or buildings. The restrictions placed upon such acquisitions or disposals are set out in paragraphs 4.2 and 4.3 below.

4.2 The Assistant Director of Property and Assets may dispose of or acquire freehold land or buildings up to a value, in his or her view, of £250k. The Assistant Director of Property and Assets may acquire or dispose of leases, licences, and easements in respect of land or buildings except where

- (i) the annual rental value (excluding other outgoings) exceeds 50k
- (ii) if acquired or disposed of at a premium the value would, in his or her view, exceed 250k in value or
- (iii) where the leasehold term exceeds 25 years

4.3 Where any disposal or acquisition of an interest land or buildings is, in the view of the Assistant Director of Property and Assets, of a value over 150k and below 250k, or where any leasehold interest has an annual value over 25k or below 50k he or she shall consult with the Lead Member.

4.4 The Chief Finance Officer should be advised of any disposal or acquisition undertaken by this delegated authority within three months of any transaction.

4.5 All Members of the Executive will receive a report at least yearly on all these delegated authority transactions.

~~4.46. Neither the directors or the Assistant Director of Property and Assets~~ The Assistant Director of Property and Assets may not sell or grant any lease or easement, licence or otherwise dispose of any land or buildings unless the consideration

- (l) where appropriate, the Chair and/or Democratic Services Manager as the case may be will give preference to media representatives who obtain agreement to their proposed activity before the meeting takes place.

### Notice of Meetings - The Weekly List

10. Notice of meetings shall be given at least five clear working days in advance. On Friday in each week a list shall be published at the Town Hall and on the Council's website giving notice of the meetings to be held in the week commencing on the second Monday following publication of the notice. This list should be known as "The Weekly List". If the Friday falls on a public holiday then the Weekly List shall be published the working day before the Friday.

### Access to Agendas and Reports prior to Meeting

11. Except in the case of urgency (see below) or in relation to a sub-committee of the Standards Committee the agenda for, and any reports or minutes to be submitted to, meetings shall be sent to members of the Executive or the relevant committee or sub-committee at least five clear working days in advance of the meeting in question.
12. Once agendas have been sent out as above, an item may only be added if it is urgent in the opinion of the Chair.
13. The papers which do not relate to any exempt or confidential matters ("the open papers") shall also be available for public inspection at the Town Hall and on the Council's website from the date copies are sent or given to members together with the list of relevant background information (see below) and shall be despatched to any members who are not members of the committee or sub-committee upon request.
14. Where a report to the Executive or a committee of the Executive contains exempt or confidential matters such that it is likely that information will not be discussed at the meeting in public or be available to the public, the Council will give 28 days notice (at its offices and on its website) of its intention not to provide such information and the reasons for this and these details will be included in the Forward Plan. Further notice will be given 5 days before the meeting with details of any representations made, and the Council's response. Where, because of the date by which the meeting must be held, the notice cannot be given, agreement must be given by the Chair of Overview and Scrutiny and reasons for the urgency must be given and published on the Council's website.

### Access to minutes and papers after a decision has been taken

15. The Council will make available for inspection during normal office hours and on the Council's website, copies of the following for six years after a decision has been taken:
- (a) the minutes of any meeting and, in the case of any Key Decision, ~~or decision to be treated under these Rules as if it were a Key Decision,~~ the record of the decision required to be prepared pursuant to these Rules (but excluding any minute or record which discloses any exempt or confidential information);

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

### Key Decisions

~~26. The Council will treat all decisions taken at a meeting of the Executive or a committee of the Executive as Key Decisions whether or not the decision would be classed as a Key Decision according to the statutory definition.~~

27.6. A decision taken by Executive or an officer exercising an executive function under delegated powers will be a Key Decision if the decision is likely to:

- (a) result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or
- (b) be significant in terms of its effects on communities living or working in an area comprising one or more wards or electoral divisions in the area of the local authority ~~(notwithstanding that the statutory definition specifies an area comprising two or more wards)~~

~~Thus the Brent definition of a Key Decision is broader than the statutory definition.~~

27. Not in use

28. In determining whether a decision falls into one of the above categories officers must consider each decision in light of its particular facts having regard to the statutory definition of Key Decisions and to:

- any relevant statutory guidance in force at the time;
- the amount of money concerned;
- the type of function; and
- the overall circumstances of the case.

29. Special attention should be paid to decisions which are likely to result in a service area or corporate unit incurring expenditure which is, or the making of savings which are, 230% or more of its budget for the function in question. In determining what is a 'budget' or a 'function' for these purposes the person or body taking the decision should have regard to any guidance from the Monitoring Officer or Director of Finance and Corporate Services.

~~Consequences of a decision being classed as a Key Decision or treated as if it were a Key Decision.~~

30. Subject to the rules on urgency (set out in the Standing Orders), a Key Decision ~~or a decision to be treated under these Rules as if it were a Key Decision~~ may not be taken (by the Executive or officers) in respect of any matter unless the matter in question has been publicised in the Forward Plan and unless the reports to be considered by the decision maker have been available for public inspection for at least 5 clear days prior to the date on which the decision is made and copied to the Chair of the One Council Overview and Scrutiny Committee.

or confidential information, always meet in public for their regular scheduled decision taking meetings whether or not the decisions being taken at that meeting would otherwise fall within the definition of a Key Decision.

32. If the Executive or its committee(s) meet with an officer present (other than a political assistant appointed under section 9 of the Local Government and Housing Act 1989) to discuss a matter relating to a decision included in the current Forward Plan within 28 days of the date according to the Forward Plan by which the matter is to be decided, or to discuss a matter in respect of which notice has been served under Rule 38 then the meeting shall be held in public. This requirement does not apply to meetings whose principal purpose is for officers to brief members e.g. the Leader's Briefing.
33. As soon as reasonably practicable after a Key Decision ~~or a decision to be treated under these Rules as if it were a Key Decision~~ has been taken, ~~including for the avoidance of doubt any decision classed as a Key Decision taken by officers,~~ a record of that decision must be prepared in accordance with these Rules and made available for public inspection. This will be included in the minutes of the meeting.

### The Forward Plan

34. A Forward Plan shall be prepared by the Democratic Services Manager to cover a period of not less than 28 days before any decision on it is to be made.
35. The Forward Plan will contain details of the matters which the Democratic Services Manager has reason to believe will be the subject of a decision to be taken by the Executive or a committee of the Executive and any Key Decisions to be taken by officers, or under joint arrangements in the course of the discharge of an executive function during the period covered by the Plan. It will describe the following particulars in so far as the information is available or might reasonably be obtained:
- (a) that a key decision is to be made on behalf of the relevant local authority;
  - (b) the matter in respect of which the decision is to be made;
  - (c) where the decision maker is an individual, that individual's name, and title if any and, where the decision maker is a decision-making body, its name and a list of its members;
  - (d) the date on which, or the period within which, the decision is to be made;
  - (e) a list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made;
  - (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
  - (g) that other documents relevant to those matters may be submitted to the decision maker; and
  - (h) the procedure for requesting details of those documents (if any) as they become available.

36. A Key decision must be included on the Forward Plan not less than 28 days before the decision is to be made.
37. [Number not in use].
38. Exempt information need not be included in the Forward Plan and confidential information cannot be included. In accordance with paragraph 14 above, the reasons for excluding such information shall be given on the Forward Plan.

### Urgency

39. The reports which relate to an item of urgent business which is added to an agenda in accordance with these Rules after the agenda has been sent out and/or the reports which relate to an item of business which is included on an agenda but in respect of which it was not possible for the report to be sent out with the agenda in accordance with these Rules shall be sent or given to members of the Executive or the committee or sub-committee concerned as soon as reasonably practicable and shall thereafter be made available for other members of the Council and for public inspection together with the list of background information.
40. The reason(s) for urgency shall be specified in the minutes of the meeting concerned together with the reason why it was not possible for the report to be available when the agenda was published (where relevant).

### Non-compliance

41. The Leader shall report to Full Council any decisions which were Key Decisions ~~(or decisions to be treated under these Rules as if they were Key Decisions)~~ in respect of which the rules applicable to such decisions were not complied with.
42. If the overview and scrutiny committees or any of their sub-committees consider that a Key Decision ~~or a decision which should have been treated (under Rules 30 or 31) as if it were a Key Decision~~, has been taken but the Rules applicable to such decisions were not complied with (and nor did any of the exceptions apply) then the committee or sub-committee may require the Executive to submit a report to the Council within such reasonable time as the committee or sub-committee may specify. The power to require a report rests with the committee and sub-committees but is also delegated to the Democratic Services Manager, who shall require such a report on behalf of the committee or sub-committee when so requested by 40% of the Members of the committee or sub-committee. Alternatively the requirement may be raised by resolution passed at a meeting of an Overview and Scrutiny Committee or a sub-committee thereof.
43. If requested to do so in accordance with the above rule the Executive will prepare a report for submission to the next available meeting of the Full Council. However, if the next meeting of the Full Council is within 9 days of receipt of the written notice or the resolution of the committee or sub-committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual or body taking the decision, if the Leader is of the opinion that it was not a Key Decision ~~[or a decision to be treated under these Rules as if it were a Key Decision]~~ the reasons for that opinion or, if the Leader considers that the decision was a Key Decision but that the rules for taking the decision were complied with, the reasons for that opinion.



10.5.1 Service Area Directors must ensure the adequacy of security arrangements for the holding of cash including controlling access to safes and other receptacles. They must also approving the authorised signatories to all bank accounts within their control

10.5.2 The Chief Finance Officer is responsible for opening and amending details of any bank account.

#### **10.6. Money Laundering**

10.6.1 It is the responsibility of the Chief Finance Officer to put in place anti-money laundering policies.

10.6.2 All officers have a responsibility to identify possible money laundering activities, and report possible money laundering in line with the council's anti-money laundering policies.

#### **10.7. Property, Stock and Equipment**

10.7.1 Officers responsible for property, stock and equipment must ensure adequate security arrangements are made. They must maintain an inventory of, and ensure the care and custody of valuable goods and equipment.

10.7.2 The Chief Finance Officer shall maintain an appropriately valued asset register of all the Council's land and buildings.

10.7.3 The Director of Regeneration & Major Projects shall ensure records are maintained of all properties owned or managed by the Council and that where commercial rents are payable to the Council a regular review of such rents is carried out to ensure they are set at an appropriate level. The terms of any leases should generally reflect market rents. An annual review of property should be undertaken for the purpose of identifying surplus or inefficient properties

#### **10.8. Sale of Council Assets – General Requirements**

10.8.1 Officers disposing of assets must at all times have regard to the Required Financial Practices and must obtain the required consent before any disposal takes place

10.8.2 The treatment for amounts received in excess of the costs of disposal shall be determined by the Chief Finance Officer.

#### **10.9 Disposal of Equipment and Stock**

10.9.1 Service Area Directors can authorise disposals up to the value of £1000. The CFO must be consulted on any disposals expected to exceed this sum.

10.9.2 Disposal of IT hardware and software must be approved by the Head of ITU.

#### **10.10. Disposal of Land and Buildings**

10.10.1 All disposals must be agreed by the Council's Executive except in circumstances specified in the Council's Constitution ~~in relation to certain leases. These exceptions do not extend to the disposal of freehold interests.~~

10.10.2 The Director of Regeneration & Major Projects shall make arrangements for the disposal of all land and property.

#### **10.11. Treasury Management**

10.11.1 The Chief Finance Officer is responsible for the execution and administration of treasury management decisions. The CFO will act in accordance with the Treasury Policy Statement, Treasury Management Practices and CIPFA's Standard of Professional Practice on Treasury Management.

## PROTOCOL ON CALL-IN

### 1. Introduction

1.1 The basic premise of call-in is that it is a failsafe mechanism enabling non executive Councillors to make the Executive re-consider a particular decision if it is of major concern or in Members eyes profoundly flawed.

1.2 The statutory guidance on call-in states that there needs to be an appropriate balance between effectively holding the Executive to account, being able to question decisions prior to them being implemented and allowing effective, efficient decision making. It also balances the need to make the process accessible and the need to ensure that call-in procedures are not abused or used to delay or slow down the decision making process.

1.3 As call-in can inevitably result in a delay to the implementation of decisions it should not be used for party political purposes to seek to further discuss a decision that some members do not agree with. Equally, the rights of non executive members to call-in a decision and exercise their right to question the decision, the decision maker and consider alternative options needs to be respected.

1.4 This protocol is designed to provide a locally agreed framework within which call-in can operate, a clear set of criteria against which a call-in request can be judged and a format for the effective conduct of the meeting considering the call in.

### 2. What is a call-in?

2.1 A decision made by the council's Executive can be called in for review before it is implemented. Decisions can be called in by five non-executive members or an Overview and Scrutiny Committee. If an Executive decision is called-in, that decision should not be implemented until it has been considered by scrutiny. Called in decisions are considered by the Call-in Overview & Scrutiny Committee. An urgency procedure is in place for any decision that cannot afford to be delayed.

2.2 The Call-in Overview & Scrutiny Committee will meet within 15 working days of the decision being made. If the Committee agrees with the reasons for the call in, the decision is referred back to the Executive along with the reasons why the Committee thinks it should be reconsidered. The Executive will then decide whether to implement the original decision or review the decision based on the views of the Call-in Overview & Scrutiny Committee. If the Committee does not agree with the reasons for call in then the matter is not referred back to the Executive and the original decision is implemented.

### 3. The call-in process

3.1 A call in request must be submitted within 5 days of the relevant decision being made or in the case of a decision made by officers within 5 days of the date on which the record of the decision is made publicly available in accordance with the Access to Information Rules. When submitting the call in request members must set out the following:

- an explanation as to why they are calling in the decision and if they are calling in all or part of the decision(s).
- ~~what they recommend the Call in Overview & Scrutiny Committee to do in relation to the call in.~~ an outline of the suggested alternative course of action.

3.2 The call-in request form or a similar format should be used to ensure full information is provided.

3.3 When a call-in request is submitted the Democratic Services Manager will refer it to the Director of Legal and Procurement and the Director of Strategy, Partnership and Improvement (the council's designated scrutiny officer) who will decide whether or not the call-in conforms with this protocol. The call-in request will be assessed against the following criteria:

- Is the call-in process being used as a means of gaining information / understanding or discussing general concerns with Members and officers? If this could be achieved through the general overview and scrutiny process or by talking to the relevant officer or lead member informally the call-in will not be valid,
- Does the call-in duplicate a recent call-in on the same issue? If the call-in duplicates another call-in made within the previous 6 months it will not be valid,
- ~~Have the reasons for calling in the decision already been discussed by an overview & scrutiny committee? If the reasons for calling in the decision have been discussed by an overview and scrutiny committee prior to the decision being made the call-in will not be valid,~~
- Call-in of a decision of the Executive referring a matter to Full Council for consideration will not be valid,
- Call in of operational management decisions taken by officers will not be valid
- If the call in request is considered to be frivolous, vexatious or clearly outside the call-in provisions it may be deemed invalid. Prior to deciding the validity the Director of Legal and Procurement and the Director of Strategy, Partnership and Improvement may seek clarification from the members concerned.

~~3.4 At least one of the following will need to be included in the reasons for call-in:~~

- ~~• Have the Members calling in the decision clearly identified where they believe there are any defects in the decision making process? This may include significant additional evidence that is relevant to the decision but has not been considered and alternative options / recommendations that have not been discussed but would strengthen the decision,~~
- ~~• Have Members identified a serious risk associated with implementing the decision that has not already been considered?~~
- ~~• Have Members identified an equalities issue that has not been considered?~~

#### 4. The Conduct of the call-in Meeting

4.1 The Call-in Overview & Scrutiny Committee is an official committee of the council and its meeting are held in public.

4.2 The purpose of a call-in meeting is for non executive members to examine and consider the decision made by the Executive and for members of the committee to make suggestions and recommendations they consider appropriate. The Call-in Overview & Scrutiny Committee provides an opportunity for members to seek clarification of the methodology used in enabling a decision to be made, as well as explore work undertaken by officers culminating in the matter coming before the Executive.