

FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

COUNCIL

1st December 2021

Report of the Director of Legal and Democratic Services and Monitoring Officer

Revisions to the Council's Constitution

1. Purpose

- 1.1 To invite the Council to consider proposed amendments to the Council's Constitution.

2. Information and Analysis

- 2.1 It is a statutory requirement under section 9P of the Local Government Act 2000 for the Council to maintain and keep its Constitution up to date. For the Constitution to remain up to date, a number of amendments are now required.
- 2.2 As required by the Constitution, the proposed amendments have been considered by the Governance, Ethics and Standards Committee at its meeting on 20th October 2021 and the Committee resolved to recommend those amendments to Council.
- 2.3 A copy of the report to the Governance, Ethics and Standards Committee detailing the specific changes proposed is included at Appendix B to this report.
- 2.4 In addition to the amendments proposed in the report attached at Appendix B, at its meeting on 20th October, the Governance, Ethics and

Standards Committee considered amendments in relation to dispensations in accordance with section 33(2) of the Localism Act 2011. A working group from the Governance, Ethics and Standards Committee has been considering the Code of Conduct and the application of dispensations. Following the work done by the working group, recommendations regarding the process for granting Members dispensations from the Code of Conduct were considered by the Committee.

- 2.5 To enable dispensations to be given promptly to enable the business of the Council to be undertaken effectively and efficiently, it was considered by the Working Group and subsequently agreed by the Governance, Ethics and Standards Committee that the Monitoring Officer should determine dispensations sought under sections (a), (b) and (d) of section 33(2) of the Localism Act 2011, with the Governance, Ethics and Standards Committee retaining responsibility for determining dispensations sought under section 33(2) (c) and (e) of the Localism Act 2011.
- 2.6 The Monitoring Officer would, therefore, determine the following dispensations set out in section 32(2) of the Localism Act 2011. Where it is:
- (a) considered that without the dispensation the number of persons prohibited by Section 31(4) from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;
 - (b) considered that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business; and
 - (d) considered that without the dispensation each Member of the authority's executive would be prohibited by Section 31(4) from participating in any particular business to be transacted by the local authority's executive,
- 2.7 The Governance, Ethics and Standards Committee would retain responsibility for determining the following dispensations. Where it is:
- (c) considered that granting the dispensation is in the interests of persons living in the authority's area; and
 - (e) considered that it is otherwise appropriate to grant a dispensation.

2.8 Those recommendations would require changes being made to the Constitution. It is, therefore, proposed that the Constitution be amended to include within Appendix 1 – Responsibility for Functions an additional delegation to the Director of Legal Services and Monitoring Officer “to determine written requests from Members for dispensations pursuant to section 33(2) (a), (b) and (d) of the Localism Act 2011”. The Committee resolved to recommend this amendment to the Constitution to the Council.

3. Consultation

3.1 Consultation is not required as this relates to revisions to the Constitution and so is an administrative decision.

4. Alternative Options Considered

4.1 The Council could not accept the recommendations for the proposed changes from the Governance, Ethics and Standards Committee. It is a legislative requirement to keep the Constitution up to date, therefore, not to update the Constitution would not be appropriate.

4.3 The Council could commence a full review of the Constitution. The proposed amendments will ensure that the Constitution is brought up to date, therefore a full review is not necessary to meet the legislative requirements.

5. Implications

5.1 Appendix A sets out the relevant implications considered in the preparation of the report.

6. Background Papers

6.1 None identified

7. Appendices

7.1 Appendix A – Implications.

7.2 Appendix B – Report to the Governance, Ethics and Standards Committee, including details of the proposed changes.

8. Recommendation(s)

That Council approves the proposed amendments to the Constitution as set out in this report and as recommended by the Governance, Ethics and Standards Committee.

9. Reasons for Recommendation(s)

- 9.1 To enable the Council's Constitution to be kept up to date by reflecting the legislative, operational and policy changes set out in the report.

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Implications

Financial

1.1 None

Legal

2.1 The Council is required to prepare and keep up to date its Constitution as set out in section 9P of the Local Government Act 2000 as amended.

2.2 In accordance with the Council's Constitution, approval by the full Council is required for any change to the Constitution.

2.3 Under its terms of reference at Article 11 of the Constitution, the Governance, Ethics and Standards Committee is required "*to advise the County Council on the monitoring, amendments to and overall operation of the Constitution*". Therefore, prior to the amendments being considered by full Council, all the proposed changes have been considered by the Governance, Ethics and standards Committee at its meeting on 20th October 2021 and the Committee resolved to recommend the proposed changes for approval.

Human Resources

3.1 None

Information Technology

4.1 None

Equalities Impact

5.1 None

Corporate objectives and priorities for change

6.1 This report links to the Council priority of High Performing Value for Money and Resident Focused Services. The changes proposed will enable efficient and up to date functioning of the Council as a corporate body.

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 None

FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

GOVERNANCE ETHICS AND STANDARDS COMMITTEE

20 October 2021

Report of the Director of Legal & Democratic Services and Monitoring Officer

Revisions to Council Constitution

1. Purpose

- 1.1 To consider the proposed changes to the Council's Constitution set out in Appendix 2 and to refer these changes to full Council for approval.

2. Information and Analysis

- 2.1 It is a statutory duty under Section 9P of the Local Government Act 2000 for the Council to maintain and keep its Constitution up to date. A number of amendments are now required to the Constitution, the detail of which is set out in Appendix 2 to this report.
- 2.2 The amendments are required in deal with the following matters:
- 2.2.1 To cover the new operating model approved by Council on 15 September 2021 under which a Managing Director (acting as Head of Paid Service) will be appointed and to re-title the Executive Director Communities Commissioning and Policy as Executive Director Corporate Services and Transformation. (Part A, Appendix 2.)
- 2.2.2 To incorporate the delegation to the Managing Director of the responsibility to ensure that the Council's duties and obligations under

the Counter-Terrorism and Security Act 2015 are met as agreed at Cabinet on 9 September 2021. (Part A, Appendix 2.)

- 2.2.3 Subject to approval of the Whistleblowing Policy by Cabinet at its meeting on 18 November 2021, to replace references to 'Whistleblowing Confidential Reporting Code' with Whistleblowing Policy(Part B, Appendix 2).
- 2.2.4 To amend the Local Choice Functions in relation to agreements under Section 278 Highways Act 1980 and delegate the same to the Executive Director, Place to bring the delegation in line with a similar power regarding section 38 agreements and remove an unused delegation. (Part C, Appendix 2)
- 2.2.5 To clarify the delegation to the Monitoring Officer to make minor amendments and corrections to the Constitution. (Part D, Appendix 2)
- 2.2.6 To update the list of legislation providing for the authorisation of Trading Standards officers carrying out enforcement. (Part E, Appendix 2).
- 2.2.7 To amend the Petition Scheme, Call In Procedure and Financial Regulations as a result of the changes to Cabinet Member decision making procedure to bring it in line with the legislative requirements contained in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. (Part F, Appendix 2). There is no requirement in the 2012 Regulations for decisions by individual Cabinet Members to be made at a formal meeting and indeed no reference to decisions being made in this way. The new process reflects the provisions of the Regulations and enables decisions to be made outside of a formal meeting. This supports swift and efficient decision making by the Cabinet member, enabling urgent decisions to be made by individual Cabinet members rather than by officers under delegated powers. In addition, the need for officers and the Cabinet member to travel to County Hall will not be necessary, which in turn supports modern ways of working, provides carbon reduction benefits and enables resources in Democratic Services to be utilised more effectively.
- 2.2.8 To include the Terms of Reference, including the Introduction and Context, Functions and Responsibilities, Procedural Rules and Information Procedure Rules for the Vision Derbyshire Joint Committee as approved by Cabinet on 9 September 2021 (Part G, Appendix 2).

3. Alternative Options Considered

3.1 Do nothing – this option is not appropriate as the Constitution will be out of date if these changes are not adopted.

3.2 Carry out a full scale review of the Constitution. This is not appropriate currently. The proposed amendments will ensure that the Constitution is up to date.

4. Implications

4.1 Appendix A sets out the relevant implications considered in the preparation of the report.

5. Consultation

5.1 Not applicable.

6. Background Papers

6.1 None identified.

7. Appendices

7.1 Appendix 1 – Implications.

7.2 Appendix 2 – Proposed changes to the Council's Constitution.

8. Recommendation(s)

That the Committee agrees the proposed changes to the Council's Constitution as set out in Appendix 2 to this report and refers them to full Council for approval.

9. Reasons for Recommendation(s)

9.1 To enable the Council's Constitution to be kept up to date and reflect the legislative, operational and policy changes set out in the report.

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Implications

Financial

1.1 None

Legal

2.1 The Council is required to prepare and keep up to date its Constitution as set out in Section 9P of the Local Government Act 2000 as amended.

Approval by full Council of the recommendations in this report will enable the compliance with this duty.

Human Resources

3.1 None

Information Technology

4.1 None

Equalities Impact

5.1 Not applicable

Corporate objectives and priorities for change

6.1 This report links to the Council Priority of High Performing Value for Money and Resident Focused Services. The changes proposed will enable efficient and up to date functioning of the Council as a corporate body.

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 None

Appendix 2

Part A – Changes to Constitution arising from new operating model and duties arising under the Counter-Terrorism and Security Act 2015.

Section	Change
Article 7.3 (c)	Amend 'Strategic Director' to ' <u>Executive Director</u> '
Article 13.7	Add 'Managing Director and' before the words Executive Director
Article 20.1(b)	Amend numbering from 19 to 20 throughout Delete 'Managing Executive Director – Commissioning Communities and Policy' Add to the start of the list of bullet points: <ul style="list-style-type: none"> • <u>Managing Director</u> • <u>Executive Director Corporate Services and Transformation</u>
Article 20.1(c)	Head of Paid Service etc. Replace 'Managing Executive Director – Commissioning Communities and Policy' with ' <u>Managing Director</u> ' as Head of Paid Service in table.
Appendix 1 – Responsibility for functions	<p>Heading B. Principles of Delegation First paragraph, after Cabinet member delete 'and' and insert '<u>Managing Director</u>,' before 'Executive Director.'</p> <p>Heading C. Scheme of Delegation Under the heading 'Member Advantages', second paragraph final bullet point amend to read:</p> <ul style="list-style-type: none"> • Protection of personal positions and interests through collective responsibility in Council/Cabinet and support from <u>the Managing Director</u>, Executive Directors or Directors <p>Under the heading Member-Officer Relationships, amend second paragraph to read: 'However, to support the Scheme of Delegation and particularly where matters are delegated from Cabinet to Cabinet Member and the <u>Managing Director</u>, Executive Directors or Directors, it is suggested that..' Amend bullet points 3 and 4 to insert 'the Managing Director' before the words 'Executive Director'.</p> <p>Heading F. Local Choice Functions Amend table to read:</p>

Preparation of the Council's Statement of Accounts, Income and Expenditure and Balance Sheet,

Audit Committee Full Council

In consultation with the Director of Finance and ICT

Including the preparation of the Annual Governance Statement

In consultation with the Director Finance and ICT, Director of Legal and Democratic Services, Audit Manager, Managing Director and Executive Directors

Heading H. Powers Delegated to Executive Directors in Consultation with Cabinet Members.

In heading and paragraphs 1 and 3, insert 'Managing Executive Director,' before the words 'Executive Director'.

Part A Heading A3 – Conditions

Insert the words 'Managing Executive Director,' before the words Executive Director in paragraphs 3.1, 3.2 and 3.3.

Part B

Add the words 'the Managing Director,' before the words 'Executive Director' in paragraphs B1, B2, B3 and B6.

Heading - Specific Powers Delegated to Executive Directors or Directors in the Discharge of the Functions of the County Council

Amend heading to insert 'the Managing Director' before the words 'Executive Directors'.

Part C – Index

Amend list to read as follows:

- Managing Director
- Executive Director Corporate Services and Transformation

Remainder of list to remain as before.

Heading – Specific Delegations to Executive Directors

Amend heading and first sentence to insert 'the Managing Director' before the words 'Executive Directors'.

	<p>Heading – Specific Delegations Amend sub heading to delete existing text and replace with ‘Managing Director’.</p> <p>Delete existing paragraph 2 and replace with the following:</p> <p>Where any Executive Director of the Council, the Monitoring Officer or the Chief Financial is absent from the workplace for a period of time that requires others to exercise delegated authority in that officer’s absence, the Managing Director shall undertake, allocate or re-allocate responsibility for exercising particular delegations to any officer of the council in the interests of effective corporate management as he or she thinks fit, save for that the Head of Paid Service cannot substitute for the Monitoring Officer, and can only substitute for the Chief Financial Officer if they are a fully qualified member of one of the six accountancy bodies that constitute the Consultative Council of Accountancy Bodies (CCAB).</p> <p>Insert new paragraph 3 To ensure that the Council discharges its functions and meets the obligations and requirements under the terms of the Counter Terrorism and Security Act 2015, including the duty to ensure that a Channel Panel is in place for the Derbyshire area, together with the making of appropriate arrangements for a designated chair and vice-chair”</p>
Appendix 2 – Petitions Scheme	<p>Heading – Officer Evidence In the list of Chief Officers that can be called to give evidence, delete reference to Managing Executive Director of Commissioning Communities and Policy. Replace first bullet point with:</p> <ul style="list-style-type: none"> • Managing Director • Executive Director Corporate Services and Transformation
Appendix 3 – Council Procedure Rules	<p>Paragraph 17.5 – Information Insert ‘the Managing Director’ before the words ‘Executive Director’.</p>
Appendix 5 – Improvement and Scrutiny Procedure Rules	<p>Paragraph 7 Insert ‘The Managing Director,’ before the words ‘Executive Directors.’</p>

<p>Appendix 8B – Contract Standing Orders</p>	<p>Paragraph 2.5.1 Insert ‘the Managing Director’ after the words ‘Cabinet Member’.</p> <p>Paragraph 2.8.1 A Add after the words ‘Executive Director’ the following: ‘or in the case of an Executive Director to the Managing Director’</p>
<p>Appendix 12 – Officer Code of Conduct</p>	<p>Paragraph 11.3 Replace second sentence with ‘Any such declaration by an Executive Director should be made in writing to the Managing Director.’</p> <p>Paragraph 14.4 First sentence, add after ‘Executive Director’ the words ‘or in the case of an Executive Director to the Managing Director’. Third sentence, add after ‘Executive Director’ the words ‘or in the case of an Executive Director to the Managing Director’.</p> <p>Paragraph 15.1 Final sentence, add after ‘Executive Director’ the words ‘or in the case of an Executive Director of the Managing Director’.</p> <p>Paragraph 15.2 Add after ‘Executive Director’ the words ‘(or in the case of an Executive Director to the Managing Director)’.</p> <p>Paragraph 16.2 First sentence, add after ‘Executive Director’ the words ‘or in the case of an Executive Director the Managing Director.’ Second sentence, add after ‘Executive Director’ the words ‘(or in the case of an Executive Director the Managing Director)’.</p>
<p>Appendix 13 – Member and Officer Relationships Protocol</p>	<p>Paragraph 2 – The Role of Members Fifth bullet point – amend as follows: ‘Respect the statutory roles of the Managing Director as Head of Paid Services, Executive Directors, the Director of Finance and ICT ...etc.’</p> <p>Paragraph 4 – Relationship between Members and Employees Second bullet point, after ‘Executive Director’ add ‘(or in the case of an Executive Director to the Managing Director)’.</p>
<p>Appendix 16 – Senior</p>	<p>Structure Chart Revised chart required with Managing Director above Executive Directors. Replace ‘Executive Director</p>

Management Structure	Commissioning, Communities and Policy' with 'Executive Director Corporate Services and Transformation'. Delete reference to 'Community Services Director'.
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Part B – Amendments required as a result of adoption of the Whistleblowing Policy

Replace the words 'Whistleblowing Confidential Reporting Code' with 'Whistleblowing Policy' in the following sections of the Constitution:

Article 11 Governance Ethics and Standards Committee	Paragraph 4.1
Appendix 8a – Financial Regulations	Paragraphs c6, c7 and c8 (e)
Appendix 11 – Officer Code of Conduct	Paragraph 12

Part C – Amendment to Local Choice Functions and additional delegation to Executive Director, Place re s38 Highways Act 1980 agreements, removal of unused delegation

Appendix 1– Scheme of Delegations	Heading G – Local Choice Functions In relation to 'The making of agreements under s278 Highways Act 1980 for the execution of highways works' replace 'Director of Legal Services' with Executive Director - Place
Appendix 1 – Scheme of Delegations	Heading – Specific Delegations – Executive Director – Place Paragraph 25 (e) – insert the words 'and Section 278' after the words 'Section 38' Paragraph 25 – insert after paragraph (g) new paragraph (gg) – Subject to paragraph (f) above to enter into agreements under Section 278 of the Highways Act 1980 for the execution of highways works'.

Appendix 1 – Scheme of Delegations	<p>Paragraph 3 Delete entire paragraph: ‘To authorise the Peak District National Park Authority to discharge the County Council’s powers and functions under the Ancient Monuments and Archaeological Areas Act 1979 in respect of that part of the Peak District National Park which is within Derbyshire, without prejudice to the exercise concurrently by the County Council within that area of their powers under the Act.’</p>
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Part D – Delegation to Monitoring Officer to make minor amendments to the Constitution

Article 22 – Review and Revision of the Constitution	<p>Paragraph 21.2 Replace “Both the Monitoring Officer and Chief Finance Officer are authorised to make legal or technical amendments to the constitution. Any such amendments must be reported retrospectively to the Governance, Ethics and Standards Committee and to Full Council.” with the following:</p> <p>The Monitoring Officer and Chief Finance Officer (in respect of Financial Regulations only) are authorised to make the following changes to the Constitution:</p> <ul style="list-style-type: none"> (a) A minor variation; (b) Legal or technical amendments that do not materially affect the Constitution; (c) Required to be made to remove any inconsistency, ambiguity or typographical error; (d) Required to be made so as to put into effect any decision of the Cabinet, Cabinet Member, Committee, sub-Committee or Officer exercising delegated powers; or (e) Required to reflect any changes to job or role titles. <p>Any such amendments must be reported retrospectively to the Governance, Ethics and Standards Committee and to Full Council for noting.</p>
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Part E – Trading Standards – Amendments to Scheme of Delegation

Delete the List of Legislation as at 31 October 2020 and replace with the following:

List of Legislation as at 30 June 2021

Part 1

Authorisation for officers enforcing legislation generally.

Agriculture (Miscellaneous Provisions) Act 1968

Air Quality (Domestic Solid Fuels Standards) (England) Regulations 2020

Animal Health Act 1981

Animal Welfare Act 2006

Animals Act 1971

Anti-social Behaviour Act 2003

Brucellosis (England) Order 2015

Cancer Act 1939

Children and Families Act 2014

Children and Young Persons (Protection from Tobacco) Act 1991

Children and Young Persons Act 1933

Clean Air Act 1993 – Motor Fuel (Composition and Content) Regs.

Companies Act 2006

Consumer Credit Act 1974

Consumer Protection Act 1987

Consumer Rights Act 2015

Copyright, Designs and Patents Act 1988

Criminal Justice Act 1988

Criminal Justice and Police Act 2001

Customs & Excise Management Act 1979

Education Reform Act 1988

Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015

Enterprise Act 2002

Environmental Protection (Microbeads)(England) Regulations 2017

Environmental Protection (Plastic Straws, Cotton Buds and Stirrers) (England) Regulations 2020

Estate Agents Act 1979

European Union (Withdrawal) Act 2018 as it continues to give effect to the following Regulations or Orders under which this local authority has an enforcement duty:

Advanced Television Services Regulations 2003

African Horse Sickness (England) Regulations 2012

Animal By-Products (Enforcement)(England) Regulations 2013

Avian influenza (Preventative Measures) (England) Regulations 2006

Avian Influenza (Vaccination)(England) Regulations 2006

Beef and Veal Labelling Regulations 2010

Biofuel Labelling Regulations 2004

Bluetongue Regulations 2008

Business Protection from Misleading Marketing Regulations 2008

Cat and Dog Fur (Control of Import, Export and Placing on the Market) Regulations 2008

Cattle Identification Regulations 2007

Construction Products Regulations 2013

Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013 Consumer Protection from Unfair Trading Regulations 2008

Consumer Rights (Payment Surcharges) Regulations 2012

Cosmetic Products Enforcement Regulations 2013 and the EU Cosmetic Products Regulation 1223/2009

Crystal Glass (Descriptions) Regulations 1973

Detergents Regulations 2010

Diseases of Swine Regulations 2014

EC Fertilisers (England and Wales) Regulations 2006

Eggs and Chicks (England) Regulations 2009

Electrical Equipment (Safety) Regulations 2016

Electromagnetic Compatibility Regulations 2016

Energy Information Regulations 2011

Energy Performance of Buildings (England and Wales) Regulations 2012

Equine Identification (England) Regulations 2018

Financial Services (Distance Marketing) Regulations 2004

Fluorinated Greenhouse Gases Regulations 2015

Foot-and-Mouth Disease (Control of Vaccination) (England) Regulations 2006

Footwear (Indication of Composition) Labelling Regulations 1995

Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018

General Product Safety Regulations 2005

Package Travel and Linked Travel Arrangements Regulations 2018

Packaging (Essential Requirements) Regulations 2015

Passenger Car (Fuel Consumption and CO2 Emissions Information) Regulations 2001

Personal Protective Equipment (Enforcement) Regulations 2018

Pressure Equipment (Safety) Regulations 2016

Products of Animal Origin (Disease Control) (England) Regulations 2008

Pyrotechnic Articles (Safety) Regulations 2015

Quality Schemes (Agricultural Products and Foodstuffs) Regulations 2018

Radio Equipment Regulations 2017

REACH Enforcement Regulations 2008

Recreational Craft Regulations 2017

Registration of Establishments (Laying Hens)(England) Regulations 2003

Rights of Passengers in Bus and Coach Transport (Exemptions and Enforcement) Regulations 2013

Simple Pressure Vessels (Safety) Regulations 2016

Supply of Machinery (Safety) Regulations 2008

Textile Products (Labelling and Fibre Composition) Regulations 2012
Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010
Tobacco and Related Products Regulations 2016
Toys (Safety) Regulations 2011
Trade in Animals and Related Products Regulations 2011
Transmissible Spongiform Encephalopathies (England) Regulations 2018
Veterinary Medicines Regulations 2013
Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2012
Welfare of Animals at Time of Killing (England) Regulations 2015
Zoonoses (Monitoring) (England) Regulations 2007

Fireworks Act 2003
Fraud Act 2006
Hallmarking Act 1973
Health Act 2006
Knives Act 1997
Legal Services Act 2007
Licensing Act 2003
Medicines and Medical Devices Act 2021
Motor Cycle Noise Act 1987
Offensive Weapons Act 2019
Olympic Symbol etc. (Protection) Act 1995
Prices Act 1974
Protection of Animals Act 1911
Psychoactive Substances Act 2016
Registered Designs Act 1949
Road Traffic Acts 1988 and 1991
Road Traffic Regulation Act 1984

Single Use Carrier Bags Charges (England) Order 2015

Tenant Fees Act 2019 and the Housing and Planning Act 2016 as it relates to Client Money Protection Schemes

Theft Act 1968

Tobacco Advertising and Promotion Act 2002

Trade Descriptions Act 1968

Trade Marks Act 1994

Unsolicited Goods and Services Acts 1971 and 1975

Video Recordings Act 1984

Vehicles (Crime) Act 2001

Part 2

Additional List of Legislation for officers with qualification/competency in: Food Law

European Union (Withdrawal) Act 2018 as it continues to give effect to the following Regulations or Orders under which this local authority has an enforcement duty:

Animals and Animal Products (Examination for Residues and Maximum Residue Limits) (England and Scotland) Regulations 2015

Country of Origin of Certain Meats (England) Regulations 2015

Food for Specific Groups (Food for Special Medical Purposes for Infants, Infant Formula and Follow-on Formula) (Information and Compositional Requirements) (Amendment etc.) (England) Regulations 2020

Food for Specific Groups (Information and Compositional Requirements) (England) Regulations 2016

Food Information Regulations 2014

Food Safety and Hygiene (England) Regulations 2013

Genetically Modified Organisms (Traceability and Labelling) (England) Regulations 2004

Materials and Articles in Contact with Food (England) Regulations 2012

Novel Foods (England) Regulations 2018

Official Controls (Animals, Feed and Food, Plant Health Fees etc.) Regulations 2019 in so far as it relates to food law

Official Feed and Food Controls (England) Regulations 2009 in so far as it relates to food law

Olive Oil (Marketing Standards) Regulations 2014

Organic Products Regulations 2009

Poultrymeat (England) Regulations 2011

Quick-frozen Foodstuffs (England) Regulations 2007

Scotch Whisky Regulations 2009

Specified Products from China (Restrictions on First Placing on the Market) (England) Regulations 2008

Spirit Drinks Regulations 2008

Wine Regulations 2011

Food Act 1984

Food and Environment Protection Act 1985 [Note: Authorisation must be issued directly to the officer by the FSA.]

Food Safety Act 1990

Part 3

Additional List of Legislation for officers with qualification/competency in: Feed Law

Agriculture Act 1970

Animal Feed (Composition, Marketing and Use) (England) Regulations 2015

Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015

European Union (Withdrawal) Act 2018 as it continues to give effect to the following Regulations or Orders under which this local authority has an enforcement duty:

Animal Feed (Basic Safety Standards) (England) Regulations 2019

Genetically Modified Organisms (Traceability and Labelling) (England) Regulations 2004

Official Controls (Animals, Feed and Food, Plant Health Fees etc.) Regulations 2019 in so far as it relates to feed law

Official Feed and Food Controls (England) Regulations 2009 in so far as it relates to feed law

Part 4 Additional List of Legislation for officers with qualification in: Weights and Measures Law

European Union (Withdrawal) Act 2018 as it continues to give effect to the following Regulations or Orders under which this local authority has an enforcement duty:

Measuring Container Bottles (EEC Requirements) Regulations 1977

Measuring Instruments Regulations 2016

Non-automatic Weighing Instruments Regulations 2016

Weights & Measures (Packaged Goods) Regulations 2006

Weights and Measures Act 1985

Part 5

A separate authorisation is required under the Health and Safety at Work etc. Act 1974 referring to the following:

i) Sections 20, 21, 22 and 25 of the 1974 Act;

ii) The following Regulations made under the 1974 Act:

The Ammonium Nitrate Materials (High Nitrogen Content) Safety Regulations 2003

The Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013

The Chemicals (Hazard Information and Packaging for Supply) Regulations 2009

The Dangerous Substances and Explosive Atmospheres Regulations 2002,

The Explosives Regulations 2014,
 The Petroleum (Consolidation) Regulations 2014; and

iii) The provisions of the following Acts mentioned in Schedule 1 to the 1974 Act;

Explosives Act 1875

Public Health Acts 1936 and 1961

Part F – Amendments required as a result of changes to Cabinet Member decision making procedure.

<p>Appendix 2 – Petitions Scheme</p>	<p>Paragraph 5 Replace the paragraph commencing “Under normal circumstances” with the following: Under normal circumstances, a petition will be referred to the appropriate Cabinet Member. If you would like the opportunity to present your petition to the appropriate Cabinet Member, or would like your County Councillor or someone else to present it on your behalf, please contact Democratic Services at petitions@derbyshire.gov.uk who will arrange a meeting.</p> <p>Heading – How will the Council respond to petitions? Replace the second bullet point with the following:</p> <ul style="list-style-type: none"> • Referring the petition to the relevant Cabinet Member or Full Council for consideration.
<p>Appendix 5 – Call in Procedure</p>	<p>Paragraph 5 Replace paragraph 5 with the following: 5. The Scrutiny Officer will send copies of the call-in notice, minute of Cabinet/record of the Cabinet Member decision and any associated reports to members of the Committee with the agenda for the meeting.</p>
<p>Appendix 8a – Financial Regulations</p>	<p>Heading C (1) FINANCIAL REGULATION 1 - FINANCIAL MANAGEMENT & CONTROL Replace Paragraph 17 with the following: 17 All Executive Directors shall be responsible for ensuring that all employees of their Departments comply with financial regulations and any other financial instructions the Chief Financial Officer may issue from time to time. They also have delegated powers to take such actions deemed necessary and expedient in matters requiring urgent consideration and because of the timescale involved, or the need to safeguard</p>

	the interests of the Council, cannot be dealt with by submission to the next Council or Cabinet Meeting or the relevant Cabinet Member for consideration.
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Part G – Terms of Reference for the Vision Derbyshire Joint Committee

Article 18 - Insert the following Terms of Reference for the Vision Derbyshire Joint Committee:

PROPOSED GOVERNANCE ARRANGEMENTS FOR VISION DERBYSHIRE

ARTICLES

1. Context

- 1.1 Vision Derbyshire is a collaborative working model between local authorities across Derbyshire which seeks to improve outcomes for people and place through closer working between those authorities without formal, top-down reorganisation from central government.
- 1.2 These governance arrangements provide a framework to reach the intended outcome of a model that will enable local authorities in Derbyshire to work collaboratively to deliver efficient and effective services with improved economies as an alternative to a government led reorganisation of local government in the county.
- 1.3 A joint committee, to be known as the **Vision Derbyshire Joint Committee**, will:-
 - Provide collective leadership for Derbyshire
 - Progress shared ambitions for the area

- Work together to tackle the issues and challenges outlined in the case for change.
- Enable agile, timely and effective decision making

1.4 The Vision Derbyshire model allows local authorities to blend working at a hyper-local level with a large strategic level. Authorities will collaborate at three levels:

- regional/national
- county-wide or
- local place level,

depending on the nature of the outcome that the authorities are looking to improve. In adopting this way of working, Derbyshire can blend strategic, county-wide and local approaches to tackle outcomes in a multi-faceted way, and maintain focus on people and places, not organisational boundaries.

1.5 To enable the delivery of the above, the Joint Committee will act as the enabling body, through the political leadership of councillors from the participating authorities. Councils within Derbyshire may choose to appoint members to the Joint Committee, but not to delegate any functions. Should any council choose to do this, then they will still be required to agree to the Terms of Reference for the Committee and contribute towards the cost of funding the Committee.

1.6 The authorities in the Vision Derbyshire working model are committed to the provision of improved services. It is considered that this will, in certain instances, be best achieved by the joint provision of services, joint working and / or the development of common standards and protocols. All proposals for the setting up of any new services or the discharge of functions are in the first instance to be subject to an investigation into the suitability of

providing such services or discharging such functions, as a joint service for all participating Councils. All participating Councils agree to operate all reviews in an open and transparent manner to support the aims and objectives of Vision Derbyshire. This will include the sharing of all information.

2. Membership of the Joint Committee

- 2.1 *[named local authorities who are delegating functions]* shall appoint one of their Elected Members to be a member of the Joint Committee and one Member to be a substitute Member.
- 2.2 All other councils within Derbyshire, whether or not delegating functions to the Joint Committee, will be permitted to appoint one member to the Joint Committee and to nominate one member as a substitute.
- 2.3 A Substitute Member will have the same rights to receive meeting papers and to access information as the Member for whom s/he is a substitute.
- 2.4 All appointments as Members or Substitute Members of the Joint Committee shall be for a term of one year, but an individual may be re- appointed to serve as a Member or Substitute Member any number of times.
- 2.5 All councils shall be entitled at any time to terminate the appointment of a Member or Substitute Member appointed by it and to appoint another of its Elected Members in that person's place. Where a Council exercises this power it shall give written notice of the new appointment and the termination of the previous appointment to the Monitoring Officer responsible for the Joint Committee and the new appointment shall take effect and the previous appointment terminate at the end of one week from the date on which the notice

is given or such longer period not exceeding one month as is specified in the notice.

- 2.6 A Member or Substitute Member of the Joint Committee who ceases (for whatever reason) to be an Elected Member of the Council that appointed them shall immediately cease to be a Member or Substitute Member of the Joint Committee, and the relevant Council shall as soon as practicable give written notice of this to the Monitoring Officer responsible for the Joint Committee and appoint another of its Elected Members in that person's place.
- 2.7 A person may resign as a Member or Substitute Member of the Joint Committee by written notice served on the Proper Officer of the Council that appointed them and the resignation shall take effect on receipt of the notice by the Proper Officer. The relevant Council shall as soon as practicable give written notice of this to the Monitoring Officer responsible for the Joint Committee and appoint another of its Elected Members in that person's place.
- 2.8 Where an appointing Council operates executive arrangements (within the meaning of the Local Government Act 2000), the appointment, removal and replacement of Members and Substitute Members of the Joint Committee shall be decided in accordance with the constitutional requirements of that Council, but it is anticipated that all Members and Substitute Members appointed by it shall be Members of its executive and will include its executive leader or elected mayor.
- 2.9 All appointments, removals and replacements of Members and Substitute Members of the Joint Committee by Councils shall be made by notice in writing addressed to the Monitoring Officer responsible for the Joint Committee. Any such notice shall be deemed to have been given when received by the Monitoring Officer.

2.10 Any individual council that does not operate executive arrangements and which wishes to co-opt an additional member or members can only do so following consultation with and a majority vote of all voting members of the Joint Committee being supportive of that authority exercising powers of co-option. Such co-optees shall not be Members of the Joint Committee and shall have no voting rights. They shall, however, observe the Code of Conduct for Members set out from whichever authority they serve on. An individual's co-option shall terminate as soon as his/her involvement with the organisation that gave rise to the co-option ceases; and such co-option shall be endorsed annually by the Joint Committee and subsequently confirmed formally by the appointing authority.

2.11 All Members of the Joint Committee (including any Substitute Members acting in place of Members of the Joint Committee) will:-

- (a) (subject to the Joint Committee's voting arrangements) collectively be the ultimate policy makers of the Joint Committee;
- (b) bring views of their communities into the Joint Committee's decision making process; and
- (c) maintain the highest standards of conduct and ethics.

2.12 Members will at all times observe the Code of Conduct for Members which is in force in their own Council and any breaches will be reported to the Monitoring Officer of their own Council.

2.13 No remuneration shall be payable to Joint Committee Members other than allowances for travel and subsistence in accordance with the Members' Allowances Schemes in operation at the participating Councils and non-participating Councils. (It is acknowledged that a participating Council or a non-

participating Council may, in accordance with its own procedures, pay a special responsibility allowance to any Elected Member appointed by it to the Joint Committee in respect of duties and responsibilities undertaken as a Member or Substitute Member of the Joint Committee.)

3 Chairing the Joint Committee

- 3.1 The Chair of the Joint Committee will be appointed by the Committee. The Joint Committee can only be chaired by a Member of the Joint Committee appointed by a Council which has delegated functions to the Joint Committee for the duration of a municipal year.
- 3.2 In the event that there are more than two Members nominated for the role of Chair, and there is not a clear majority of votes in favour of one Member, then the name of the Member with the least number of votes will be eliminated and that process will continue until a Chair is elected with a majority of votes.
- 3.3 The Joint Committee will appoint a Vice-Chair to deputise for the Chair when they are not present or available. The Vice-Chair must also be from a Council which has delegated functions to the Joint Committee and will be appointed for the duration of a municipal year.
- 3.4 In the event that there are more than two Members nominated for the role of Vice-Chair, and there is not a clear majority of votes in favour of one Member, then the name of the Member with the least number of votes will be eliminated and that process will continue until a Vice-Chair is elected with a majority of votes.
- 3.5 The Chair or Vice-Chair of the Joint Committee will cease to hold such office when they cease to be a Member of the Joint Committee, in accordance with the provisions set out at paragraph 3.5 above.

4. Procedural Arrangements

- 4.1 The Joint Committee shall meet in accordance with its agreed calendar of meetings throughout a municipal year, but additional meetings may take place should the need arise.
- 4.2 Each Member of the Joint Committee appointed by councils which have delegated functions to the Joint Committee shall have one vote.
- 4.3 Members of the Joint Committee appointed by councils which have not delegated functions to the Joint Committee will not have the right to vote
- 4.4 The proceedings of the Joint Committee shall not be invalidated by any vacancy among its Members or Substitute Members or by any defect in the appointment or qualifications of any Member or Substitute Member.

5. Records of Proceedings

- 5.1 The Joint Committee shall make arrangements for the names of Members and Substitute Members present at any meeting to be recorded.
- 5.2 Minutes of the proceedings of a meeting of the Joint Committee, or any sub-committee, shall be kept in such form as the Joint Committee may determine.
- 5.3 Any such minutes are to be agreed as a true record and signed at the same or next suitable meeting of the Joint Committee or sub-committee by the Member chairing that meeting.

- 5.4 A Member of the Joint Committee, or any sub-committee, has the right to have their vote on any matter recorded in the minutes of the meeting at which the vote was cast.

6. Sub-Committees

- 6.1 The Joint Committee may establish such sub-committees as it thinks fit to discharge its functions

7. Officers

- 7.1 The Head of Paid Service (appointed under Section 4 of the Local Government and Housing Act 1989), Section 151 Officer (appointed under Section 73 of the Local Government Act 1975) and Monitoring Officer (appointed under section 5 of the Local Government and Housing Act 1989) of the host authority for the Joint Committee will serve as the statutory officers in support of the Joint Committee.

- 7.2 The Joint Committee may call upon any officer of any of the local authorities who have members on the Joint Committee for advice and assistance, as it considers necessary to carry out its functions.

8. Scrutiny of decisions

- 8.1 Each constituent authority which operates executive arrangements will be able to scrutinise the decisions of the Joint Committee in accordance with that constituent authority's overview and scrutiny arrangements. Any authority that operates a committee system model of governance will have the discretion to scrutinise decisions of the Joint Committee according its own specific governance arrangements.

9 Winding up of the Joint Committee and Cessation of Membership

- 9.1 The Joint Committee may be wound up immediately by a unanimous vote of all constituent authorities.
- 9.2 Where an authority determines through its own governance arrangements that it no longer wishes to be a member of the Joint Committee, that authority may cease its membership with effect from the date of its decision. However authorities will remain liable for any previously agreed financial contributions to fund Vision Derbyshire until the end of the financial year for which those contributions have been agreed regardless of any decision to cease membership. Where long term liabilities, such as any Pension Fund shortfall, exists they will be calculated at the point membership ceases and any council exiting the arrangement will pay the host authority an amount to cover their share of that liability.

FUNCTIONS AND RESPONSIBILITIES

- a. The Joint Committee is established pursuant to Section 101(5) of the Local Government Act 1972, which permits local authorities to make arrangements for two or more authorities to discharge functions jointly, so long as it is a function that the law reserves to a specified committee. The Joint Committee is established with the following aims:
- Provide collective leadership for Derbyshire
 - Progress shared ambitions for the area
 - Work together to tackle the issues and challenges outlined in the case for change.
 - Enable agile, timely and effective decision making
- b. The Joint Committee, on behalf of the participating authorities, will be responsible for improving the delivery of functions already within the remit of local authorities through statute or through specific collaborative work to improve the economic, environmental or social wellbeing of the areas within Derbyshire from the following broad definitions:-
- Shared service arrangements
 - Incorporating existing partnership arrangements within the Vision Derbyshire model
 - Areas for collaborative system changes across authorities
 - Specific thematic projects and priorities
- c. Within those broad definitions, the Joint Committee will:-
- (i) Oversee the Vision Derbyshire Delivery Programme
 - (ii) Determine the programme of projects and work streams, how those will be managed and communicated to stakeholders and the public

- (iii) Monitor and review performance in respect of services delivered through the Vision Derbyshire Joint Committee and authorise the publication of an annual report of performance and outcomes
- (iv) Commission strategic outline and full business cases for individual councils to consider opportunities for more collaborative working in respect of shared services
- (v) Approve annual business plans for the delivery of shared services
- (vi) Provide or assume democratic oversight for existing joint committee and partnership arrangements
- (vii) Provide a platform for the devolution of powers from Government to authorities in Derbyshire
- (viii) Determine requests from individual authorities or groups of authorities to work collaboratively on specific projects or work streams
- (ix) Provide a forum for councils and their representatives to provide challenge to each other with the aim of increasing collaboration to deliver efficient, effective and economic services, which equally improve the offer and outcomes to residents and businesses
Delegate functions and responsibilities to sub-committees or officers as the Committee deems appropriate.

d. The functions of the Joint Committee conferred or imposed upon it by any Orders from the Secretary of State and / or the functions of the Joint Committee delegated to it by Orders approved by participating authorities will be set out within these terms of reference.

e. The Joint Committee will exercise all its powers and duties in accordance with the law and these terms of reference and procedure rules.

f. The authorities appointing to the Joint Committee are:

- Insert Council name
-

- g. It is a matter for each individual Council to determine which functions and responsibilities it chooses to delegate to the Joint Committee according to its own individual governance arrangements.

PROCEDURE RULES

These procedure rules apply where appropriate to the Joint Committee and Sub-Committees established by the Joint Committee.

1. Name

- 1.1 The name of the Joint Committee shall be the 'Vision Derbyshire Joint Committee'.

2. Membership

- 2.1 The membership of the Joint Committee shall be determined in accordance with the provisions of Article 2.

3. Meetings

- 3.1 The Annual Meeting of the Joint Committee shall be held each year on such a day in the month of March, April, May or June as the Joint Committee may fix, to deal with any other business normally transacted at an annual meeting.
- 3.2 The Joint Committee shall meet throughout the municipal year in accordance with its agreed calendar of meetings, but additional meetings may take place should the need arise. The dates and times of meetings of the Joint Committee (including the Annual Meeting and extraordinary meetings) shall be determined by the Joint Committee. Such meetings shall be held at a venue determined by the Chair. Save as provided elsewhere in these Procedure Rules all meetings of the Joint Committee, sub-committees and working party meetings shall be summoned by the Proper Officer of the host authority.

3.3 An extraordinary meeting of the Joint Committee may be called at any time by the Chair. If the Chair refuses to call an extraordinary meeting of the Joint Committee after a requisition for that purpose signed by three Members of the Joint Committee has been presented to him/her or if, without so refusing, the Chair does not call an extraordinary meeting within seven days after the requisition has been presented to him/her then any three Members of the Joint Committee, on that refusal, or on the expiration of those seven days, as the case may be, may forthwith call an extraordinary meeting of the Joint Committee

3.4 No business shall be considered at any extraordinary meeting save such as is specified in any requisition of the Joint Committee calling such meeting, or as the case may be, in the requisition presented to the Chair by Members.

4. Chair and Vice-Chair

4.1 Article 4 sets out the arrangements for the appointment of Chair and Vice-Chair of the Joint Committee.

4.2 If the Chair is absent from a meeting the Vice-Chair, if present, shall preside.

4.3 If both the Chair and Vice-Chair are absent from a meeting of the Joint Committee, such Member as the Members of the Joint Committee present so choose, shall preside.

4.4 Any power or duty of the Chair in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

5. Quorum

5.1 The quorum for a meeting will be two or one third of the total of the members of the Committee who are entitled to vote, whichever is the greater.

5.2 If during a meeting the Chair, after counting the number of Members present, declares that there are not at least two of the Members present, who are entitled to vote, the meeting shall stand adjourned. The names of those Members who are present shall be recorded in the minutes of the meeting. Consideration of any business not transacted shall be adjourned to a date and time fixed by the Chair at the time the meeting is adjourned, or if s/he does not so fix a date and time, to the next meeting of the Joint Committee.

6. Chair's Announcements

6.1 No discussion shall take place on any announcement made by the chair of the meeting, but any Member shall be at liberty to move a motion, without notice, to refer the subject matter of any such announcement to the next ordinary meeting of the Joint Committee and such motion, on being seconded, shall be at once put to the vote.

7. Order of Business

7.1 Except as otherwise provided by paragraph 7.2 of this Rule, the order of business at every meeting of the Joint Committee other than the annual meeting and any extraordinary meeting shall be:-

- (a) To choose a person to preside if the Chair and Vice-Chair are absent;
- (b) Apologies for absence;
- (c) To receive disclosures by Members of interests in matters under consideration;
- (d) To approve as a correct record and sign the minutes of the last meeting of the Joint Committee;
- (e) To deal with any business expressly required by statute to be done;
- (f) Chair's announcements;
- (g) To dispose of business, if any, remaining from the last meeting;

- (h) To receive minutes of sub-committees;
- (i) To receive and consider reports, if any, from sub-committees;
- (j) To receive and consider reports from constituent authorities;
- (k) To receive minutes of and recommendations from other bodies;
- (l) To consider motions, if any, in the order in which notice has been received;
- (m) To deal with other business, if any, specified in the summons.

7.2 The Chair may at any meeting vary the order of business so as to give precedence to any business which in his/her opinion is of special urgency but such a variation shall not displace any business falling under items (a), (b), (d) or (e) in paragraph 7.1 of this Rule.

7.3 At any extraordinary meeting of the Joint Committee the minutes of the last ordinary meeting of the Joint Committee will not be considered. The minutes of an extraordinary meeting of the Joint Committee will be submitted where possible to the next ordinary meeting of the Joint Committee.

8. Notice of Motion

8.1 Except as provided by Rule 9, every notice of motion shall be in writing, signed by the Member or Members of the Joint Committee giving the notice and delivered by email or in person at least seven clear days before the next meeting of the Joint Committee at the office of the Head of Paid Service of the host authority, by whom it shall be dated, numbered in the order in which it is received and a record kept, which shall be open to the inspection of every Member of the Joint Committee during normal office hours.

8.2 Every motion shall be relevant to some matter in relation to the Joint Committee's powers or duties.

8.3 The Head of Paid Service of the host authority shall set out in the summons for every meeting of the Joint Committee motions of which notice has been duly

given in the order in which they have been received, unless the Member(s) giving such notice intimated in writing, when giving it, that s/he proposed to move it at some later meeting or has withdrawn it in writing.

- 8.4 If a motion set out in the summons is not moved either by a Member who gave notice thereof or by some other Member on his/her behalf, it shall, unless postponed by consent of the Joint Committee, be treated as withdrawn and shall not be moved without fresh notice.

9. Motions which may be moved without notice

- 9.1 The following motions may be moved without notice: -

- (a) Appointing a Chair of the meeting at which a motion is moved;
- (b) Motions relating to the accuracy of the minutes;
- (c) That an item of business specified in the summons has precedence;
- (d) Appointment of a sub-committee or members thereof occasioned by the appointment;
- (e) That leave be given to withdraw a motion;
- (f) That leave be given to withdraw in whole or in part or amend the minutes or proceedings of the Joint Committee or any sub-committee;
- (g) That the Joint Committee proceeds to the next business;
- (h) That the question be now put;
- (i) That the debate be now adjourned;
- (j) That the Joint Committee does now adjourn;
- (k) Amendments to any motion to approve the Minutes or proceedings of the Joint Committee or any sub-committee any part of which has been withdrawn or amended in accordance with Rule 9(f);
- (l) Suspending Procedure Rules in accordance with Rule 18;
- (m) A motion, under Part 1 of Schedule 12A to the Local Government Act 1972 (relating to admission to meetings of local authorities);

- (n) That a Member named under Rule 12 be not further heard or do leave the meeting;
- (o) Giving consent or leave of the Joint Committee where the consent or leave of the Joint Committee is required by these Procedure Rules;
- (p) That the subject matter of an announcement made by the chair of the meeting be referred to the next meeting of the Joint Committee or the appropriate sub-committee;
- (q) Approval or amendment of recommendations of Officers and any consequential resolutions.

10. Amendments to Motions

- 10.1 Normally, no motion to amend a motion other than a motion which may be moved without notice under Rule 9 shall be moved at any meeting of the Joint Committee unless not less than 24 hours' notice in writing of the motion, signed by the Member(s) giving notice, is delivered to the Monitoring Officer of the host authority. The Head of Paid Service of the host authority shall inform the Chair of the Joint Committee of any such amendments so received.

11. Rules of Debate

- 11.1 A motion or amendment shall not be discussed unless it has been proposed and seconded.

- 11.2 An amendment shall be relevant to the motion and shall be either:–

- (a) to refer a subject of debate to the next meeting of the Joint Committee or the sub-committee for consideration or re-consideration; or
- (b) to leave out words and insert or add others; or
- (c) to insert or add words;

but such omission, insertion or addition of words shall not have the effect of negating the motion before the Joint Committee.

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

11.4 When an amendment has been 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 to which any further amendment may be moved.

11.5 When a motion is under debate no other motion shall be moved except the following:-

- (a) to amend or withdraw the motion provided that the notice of amendment has been properly given in accordance with these Procedure Rules;
- (b) to adjourn the meeting;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) that a Member be not further heard.

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

11.7 A Member who does not have the right to vote on a matter shall have the same rights to speak on a matter as a Member with the right to vote on that matter.

12. Disorderly Conduct

- 12.1 If at a meeting any Member of the Joint Committee in the opinion of the Chair misconducts himself/herself by persistently disregarding the ruling of the Chair or by behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the Joint Committee, the Chair may move 'That the Member named be not further heard' and the motion if seconded shall be put and determined without discussion.
- 12.2 If the Member named continues his/her misconduct after a motion under the foregoing paragraph has been carried the Chair shall either move 'That the Member named do leave the meeting' (in which case the motion shall be put and determined without seconding or discussion), or adjourn the meeting of the Joint Committee for such period as s/he in his/her discretion shall consider expedient.
- 12.3 In the event of general disturbance which in the opinion of the Chair renders the due and orderly dispatch of business impossible, the Chair in addition to any power vested in him/her may, without question put, adjourn the meeting of the Joint Committee for such period as s/he in his/her discretion shall consider expedient.

13. Rescission of Previous Resolution

- 13.1 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 shall be proposed unless the notice thereof given in pursuance of Rule 8 bears the names of at least five Members of the Joint Committee. When any such motion or amendment has been disposed of by the Joint Committee, it shall not be open to any Member to propose a similar motion within a further period of six months.

13.2 Provided that this Rule shall not apply to motions moved by the Chair or other Members of the Joint Committee in pursuance of a recommendation of a sub-committee.

14. Mode of Voting

14.1

- (a) Every proposition shall, unless otherwise required by these Procedure Rules or statute, be determined by show of hands.
- (b) In taking the votes on any proposition, only those Members who are present in the room when the proposition is put from the chair shall be entitled to vote.
- (c) After a proposition is put from the Chair but before the vote is taken, any three Members by show of hands may require that the voting shall be recorded in the minutes of the meeting so as to show whether each Member present gave his/her vote for or against that proposition or abstained from the voting.
- (d) Except where a recorded vote has been taken, any Member who is present when the vote was taken may require that his/her vote for or against the question or abstention shall be recorded in the minutes by notifying the Head of Paid Service of the host authority.

14.2 Where there are more than two persons nominated for any position to be filled by the Joint Committee and of the votes given there is not a majority in favour of one person, the one 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.

14.3 In the case of an equality of votes the Chair shall have a second or casting vote.

15. Urgent Business

- 15.1 The Head of Paid Service, Chief Financial Officer and the Monitoring Officer of the host authority shall each be empowered individually to take any action which is required as a matter of urgency in the interests of the Joint Committee, after consultation (where practicable) with the Chair of the Joint Committee, on behalf of and within the powers and duties of the Joint Committee. All such action shall be reported to the next meeting of the Joint Committee.

16. Variation and Revocation of Procedure Rules

- 16.1 Any motion to add to, vary or revoke these Procedure Rules shall when proposed and seconded stand adjourned without discussion to the next ordinary meeting of the Joint Committee, provided that this Rule shall not apply to any review of Procedure Rules at the annual meeting of the Joint Committee.

17. Suspension of Procedure Rules

- 17.1 No Rule shall be suspended at any meeting of the Joint Committee except on the vote of a majority of the members then present.

18. Recordings at Meetings

- 18.1 The Local Audit and Accountability Act allows persons:

- (a) To film, photograph or make sound recordings of proceedings at a meeting of a body to which this section applies, or of a committee or - sub-committee of such a body;

- (b) To use other means for enabling persons not present at such a meeting to see or hear proceedings at the meeting, as it takes place or later;
- (c) To report or provide commentary on the proceedings at such a meeting orally or in writing, so that the report or commentary is available, as the meeting takes place or later, to persons not present at the meeting.

19. Record of Attendance

- 19.1 Every Member of the Joint Committee attending a meeting or a meeting of a sub-committees of which s/he is a member, shall have their attendance recorded and published through the website of the host authority.

20. Appointment of Sub-Committees

- 20.1 The Joint Committee may establish such sub-committees as it deems appropriate or it is required to appoint by or under any statute.

- 20.2 Subject to any statutory provision in that behalf the Joint Committee:–

- (a) shall not appoint any member of a sub-committee so as to hold office later than the next annual meeting of the Joint Committee;
- (b) may at any time dissolve a sub-committee or alter its membership; every vacancy on a sub-committee shall be reported by the Head of Paid Service of the host authority at the first meeting of the Joint Committee after the vacancy has arisen and the Joint Committee may thereupon proceed to fill the vacancy.

- 20.3 The Joint Committee may appoint sub-committees for purposes to be specified by the Committee and, subject to these Procedure Rules and to any resolution of the Joint Committee in that behalf, may delegate to any such sub-committee any power or duty delegated by the Joint Committee.
- 20.4 The Chair and Vice-Chair of the Joint Committee shall be ex-officio members of every sub-committee appointed by the committee.
- 20.5 The membership of a sub-committee may include persons who are not members of the Joint Committee by which the sub-committee was appointed, however where such persons are not Members of the Joint Committee, they shall be appointed as non-voting members.
- 20.6 A Joint Committee shall not appoint any member of a sub-committee so as to hold office later than the next annual meeting of the Joint Committee and may at any time dissolve a sub-committee or alter its membership.

21. Quorum of Sub-Committees

- 21.1 Except where ordered by the Joint Committee or authorised by statute, or set out in the specific terms of reference of a sub-committee, business shall not be transacted at a meeting of any sub-committee unless at least one third of the whole number of members of the sub-committee who are entitled to vote is present, provided that in no case shall the quorum of a sub-committee be less than three members.

22. Procedure Rules to Apply to Committees and Sub-Committees

22.1 These Procedure Rules shall, with any necessary modifications, apply to meetings of sub-committees.

23. Interpretation

23.1 The decision of the chair of the meeting on the question of the construction of the Procedure Rules and on any question of order not provided for by the Procedure Rules shall be final.

23.2 The inclusion or exclusion of any specific matters in any other regulation or resolution shall not be construed as limiting in any way the scope of these Procedure Rules.

23.3 Where the Monitoring Officer is not a solicitor holding a current practising certificate for the expression "Monitoring Officer" in these Procedure Rules there shall be substituted the expression "the solicitor to the Joint Committee" wherever it is appropriate and where there is a requirement at law that such action is to be taken by a solicitor.

24. Procedure Rules to be Given to Members

24.1 A printed copy of these Procedure Rules and any other documents in respect of governance of the Joint Committee shall be given by the Monitoring Officer of the host authority to every Member of the Joint Committee on his/her first being appointed to the Joint Committee.