

## NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL CONSTITUTION

board, group committee, or panel at which the appointment of staff is being considered or a meeting of a quasi judicial nature.

- 4.3 Rule 10 – questions by the public shall apply to the Policy Development Group.

### 5. NOTICE OF AND SUMMONS TO MEETINGS

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- 5.1 The Chief Executive or other authorised officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules. At least 5 clear days before a meeting, the Chief Executive or other authorised officer will send a summons signed by him or her by post to every member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available. Clear days excludes the day of the meeting, the day on which the meeting is called, weekends and bank holidays.

### 6. CHAIRMAN OF MEETING

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- 6.1 The person presiding at a meeting of the Council may exercise any power or duty of the Chairman. Where these rules apply to meetings of boards or committees, references to the Chairman also include the Chairmen of boards or committees.

### 7. QUORUM

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- 7.1 Subject to any specific statutory requirement, the quorum of a meeting will be one quarter of the whole number of members or three voting members, whichever is the greater. If a quorum is not reached 15 minutes after the time appointed for the start of the meeting, the meeting will stand adjourned. During any meeting if the Chairman counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

### 8. DURATION OF MEETING

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- 8.1 All meetings of the Council will end after it has sat for three hours, except that an extension may be agreed by resolution to extend the meeting for no more than half an hour.

### 9. ~~SMOKING AT MEETINGS~~ RECORDING MEETINGS

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- 9.1 ~~Smoking will not be permitted at any meeting of the Council.~~

Members of the public and press may film, photograph or make sound recordings etc of proceedings at council meetings in accordance with the

[Openness of Local Government Bodies Regulations 2014 and the Council's adopted recording protocol.](#)

## 10. QUESTIONS BY THE PUBLIC

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**10.1 General.** Members of the public may ask questions of members of the Cabinet at ordinary meetings of the Council.

**10.2 Order of Questions.** Where provision is made for questions by the public at a Council meeting, a maximum of thirty minutes will be allowed for the questions and answers. Questions will be asked in the order of which notice of them was received, except that the Chairman may group together similar questions. The Chairman will decide the time allocated to each question.

**10.3 Notice of Questions.** A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Head of Legal and Support Services no later than midday three clear days before the day of the meeting. Each question must give the name and address of the questioner and must name the member of the Cabinet to whom it is to be put.

**10.4 Number of Questions.** At any one meeting no person may submit more than one question and no more than one question may be asked on behalf of any one organisation.

**10.5 Scope of Questions.** The Head of Legal and Support Services may reject a question if it:

is not about a matter for which the local authority has a responsibility or which affects the district;

is defamatory, frivolous or offensive;

is substantially the same as a question which has been put at a meeting of the Council in the past six months;

requires the disclosure of confidential or exempt information;

relates to a planning application.

If a question is rejected the person who submitted it will be notified in writing before the meeting and given the reasons for the rejection.

**10.6 Record of Questions.** The Head of Legal and Support Services will enter each question in a book open to public inspection and will immediately send a copy of the question to the Cabinet member to whom it is to be put. Rejected questions will include reasons for rejection. Copies of all questions will be

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### 7. Accountability

- 7.1 You are accountable to the public for your decisions and you must co-operate fully with whatever scrutiny is appropriate to your office.

### PART 2 - INTERESTS

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### 8. Disclosable Pecuniary Interests

- 8.1 Subject to Paragraph 11 (sensitive interests), you must within 28 days of

- (a) this code being adopted or
- (b) your election or appointment (where that is later)

Notify the Monitoring Officer of any Disclosable Pecuniary Interests where such interest is

- (i) yours,
- (ii) your spouse's or civil partner's,
- (iii) somebody with whom you are living as husband and wife or civil partners
- (iv) that of your family,
- (v) close associate.

and you are aware that that person has the interest

- 8.2 Subject to Paragraph 11, you must within 28 days of becoming aware of any new Disclosable Pecuniary Interest or any change to any such interest, notify the Monitoring Officer in writing of that new interest or change pursuant to Paragraph 8.1.

- 8.3 You have a Disclosable Pecuniary Interest if it is of a description specified in [the Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012/1464 as specified below:](#)~~made by the Secretary of State.~~

- (i) [Any employment, office, trade, profession or carried on for profit or gain;](#)
- (ii) [Sponsorship – Any payment or provision of any other financial benefit \(other than from the relevant authority\) made or provided within the relevant period in respect of any expenses incurred by a member in carrying out their duties as a member, or towards the election expenses of the member \(this includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations \(Consolidation\) Act 1992\)](#)
- (iii) [Any contract which is made between the relevant person \(or a body in which the relevant person has a beneficial interest\) and the relevant authority:-](#)

(a) Under which goods or services are to be provided or works are to be executed; and

(b) Which has not been fully discharged

(iv) Any beneficial interest in land which is within the area of the relevant authority

(v) Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer

(vi) Any tenancy (where to the member's knowledge):-

a) The landlord is the relevant authority; and

b) The tenant is a body in which the relevant person has a beneficial interest

(vii) Any beneficial interest in securities of a body where:-

(a) That body (to the member's knowledge) has a place of business or land in the area of the relevant authority; and

(b) Either:-

(i) The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) If the share capital of that body is of more than one class the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of the class

8.43 Where such an interest exists and has or has not been entered onto the authority's register, you must disclose the interest to any meeting of the authority at which you are present, where you have a Disclosable Interest in any matter being considered and where the matter is not a 'sensitive interest' or where no dispensation has been given.

8.54 Following any disclosure of an interest not on the authority's register or the subject of pending notification, you must notify the Monitoring Officer in writing of the interest within 28 days beginning with the date of disclosure.

8.65 Where you have a Disclosable Pecuniary Interest you must not remain in the meeting or participate in the discussions on the matter on which you hold that Interest.

## 9. Disclosable Non-Pecuniary Interests

- 9.1 Subject to Paragraph 11 (sensitive interests), you must within 28 days of
- (a) this code being adopted or
  - (b) your election or appointment (where that is later)
- notify the Monitoring Officer of any Disclosable Non-Pecuniary Interests.

9.2 ~~You have a Disclosable Non-Pecuniary Interests~~ are defined as (but not limited to) the following under this Code: if it is of a description specified in Regulations made by the Secretary of State.

(i) Any gift or hospitality you have received with an estimated value of £25.00 or more which must also be registered in the Gifts and Hospitality Register

(ii) Sensitive Information under Paragraph 11 of the Code of Conduct

(iii) Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council

(iv) Any body:-

(a) Exercising functions of a public nature;

(b) Directed to charitable purposes; or

(c) One of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in the position of general management

9.3 Where you have a Disclosable Non-Pecuniary Interest you may remain in the meeting, speak and vote on the matter unless to do would compromise your impartiality obligations or any other obligations set out in this Code.

## 10. Dispensations

10.1 Dispensations may be granted by the Monitoring Officer for one meeting only on request in writing from you.

10.2 Requests for Dispensations must be made in writing detailing what the interest is, why it is required and for what meeting.

10.3 Requests must be made 5 days prior to the meeting at which the Dispensation is required.

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- 6.1.1 A copy of the agenda including the item (or a copy of the item) is open to inspection by a member of the public for at least five clear days before the meeting or, where the meeting is convened at shorter notice, from the time the meeting is convened, or
- 6.1.2 By reason of special urgency, which shall be specified in the minutes, the Chairman of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.
- 6.2 “Five clear days” excludes the day of the meeting, the day on which the meeting is called, weekends and bank holidays.
- 6.3 “Special urgency” justifying an item being considered as a matter of urgency will relate to both why the decision could not be made by calling a meeting allowing the proper time for inspection as well as why the item of report could not have been available for inspection for five clear days before the meeting.
- 6.4 Where the item of business relates to an executive decision Rules 14-17 will apply.

### 7. SUPPLY OF COPIES

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- 7.1 The Council will in the first instance direct an interested person to the Council’s website and offices where such information is available, but where copies are required the Council will supply copies of:
- 7.1.1 any agenda and reports which are open to public inspection;
- 7.1.2 any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- 7.1.3 any other documents not exempt or excluded in connection with an item to any person on payment of a charge for postage and any other costs.

### 8. ACCESS TO MINUTES, ETC AFTER THE MEETING

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- 8.1 The Council will make available at its offices and on its website copies of the following for six years immediately after a meeting of a decision making body at which a decision is made:
- 8.1.1 Records of all decisions taken by:
- [a\) -Cabinet-; and](#)
- [b\) Where an officer makes a delegated decision following a delegation from Council, a committee, sub-committee or a joint committee in the following circumstances:](#)

- i) Under a specific authorisation; or
- ii) Under a general authorisation to officers to take such decisions and, the effect of the decision is to:-
  - a) Grant a permission or licence
  - b) Affect the rights of the individual; or
  - c) Award a contract or incur expenditure which, in either case materially affects the the Council's financial position

8.1.2 Any report considered by the decision maker in making the decision excluding any part which discloses exempt or confidential information.

## 9. BACKGROUND PAPERS

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### 9.1 List of Background Papers

- 9.1.1 The Proper Officer will set out in every report a list of those documents (background papers) relating to the subject matter of the report which in his/her opinion:
- disclose any facts or matters on which the report or an important part of the report is based; and
  - which have been relied on to a material extent in preparing the report;
  - but does not include published works or those which disclose exempt or confidential information (as defined in Rule 11).

### 9.2 Public Inspection of Background Papers

- 9.2.1 Where a report is made available to the public a list of the background papers connected to the report will also be available together with at least one copy of each of those papers. The documents will also be available on the Council's website.

## 10. SUMMARY OF PUBLIC'S RIGHTS

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- 10.1 A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at the Council Offices, Coalville.

## 11. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

**North West Leicestershire District Council - Openness of Local Government Bodies Regulations 2014**

**Protocol to allow persons to film, photograph or make sound recordings, etc, of proceedings at council meetings.**

North West Leicestershire District Council is committed to being open and transparent in the way it conducts its business. The press and public are therefore welcome to film, photograph or record decision making at any meeting which is open to the public. This includes meetings of full council, cabinet and meetings of committees and sub-committees.

This should be done in such a way as not to disrupt the conduct of the meeting or stop other members of the public from being able to see, hear or film the proceedings.

We ask therefore, that anyone wishing to photograph, film or record proceedings abides by the following:

**Audio and visual recording - your obligations**

Where possible, please inform democratic services if you intend to film or record a public meeting so that necessary arrangements can be made.

Any photography or audio/visual recording must take place from a fixed position in the meeting room approved by the chair so as to minimise disruption to the proceedings.

No oral commentary is permitted.

The use of flash photography or additional lighting will only be permitted for a limited period during the meeting at a point in the proceedings agreed in advance with the chair.

If the chair feels that any photography, audio or visual recording is disrupting the meeting in any way or any pre-meeting agreement has been breached then the operator of the equipment will be required to stop.

If, during the course of a meeting, a motion is passed to exclude the press and public because confidential or exempt information is likely to be disclosed, then all rights to record the meeting are removed and the operator of the equipment will be required to stop recording and/or photographing and remove all equipment from the room for the duration of the private session.

If a meeting for which agreement has been given to record or photograph is adjourned by the chair, then the operator of the equipment should stop any recording or photography at the point at which the meeting is adjourned.

Anyone filming a meeting must only focus on those actively participating, and not on people seated in the public gallery/seating area, particularly children or those persons who have expressed an objection to being filmed.

Photographs, audio, and visual recordings should not be edited in a way that could lead to misinterpretation of the proceedings. This includes refraining from editing the views being recorded in a way that may ridicule or show lack of respect.



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Council. The content of this paragraph will be included in any recruitment information.

2.2.2 No councillor will seek support for any person for any appointment with the Council.

2.2.3 No councillor shall give a reference (oral or written) for a candidate for employment by the Council.

### **3. RECRUITMENT OF HEAD OF PAID SERVICE AND CHIEF OFFICERS**

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3.1 Where the Council proposes to appoint a chief officer (including the Head of Paid Service) and it is not proposed that the appointment be made exclusively from among their existing officers or by way of interim appointment, the Council will:

3.1.1 draw up a statement specifying:

- (a) the duties of the officer concerned; and
- (b) any qualifications or qualities to be sought in the person to be appointed.

3.1.2 make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

3.1.3 make arrangements for a copy of the statement mentioned in sub paragraph 3.1.1 to be sent to any person on request.

### **4. APPOINTMENT OF HEAD OF PAID SERVICE**

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4.1 The full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by an Appointments Committee established in accordance with Rule 5.1 below. That Committee must include at least one member of the Cabinet.

4.2 The full Council may only make or approve the appointment of the Head of Paid Service where no well-founded objection has been made by any member of the Cabinet.

### **5. APPOINTMENT OF CHIEF OFFICERS ~~AND DEPUTY CHIEF OFFICERS~~**

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5.1 All permanent (as opposed to interim) appointments to chief officer ~~and deputy chief officer~~ posts shall be made on a resolution of the Appointments Committee, which shall be established by the Council. The Appointments Committee must include at least one member of the Cabinet.

5.2 An offer of permanent or interim employment as a chief officer ~~or deputy chief officer~~ shall only be made where no well-founded objection from any member of the Cabinet has been received.

5.3 Subject to paragraph 5.5 below, in these Rules, chief officers are defined as:

5.3.1 the Chief Executive (as Head of Paid Service)

5.3.2 the statutory chief officers (Chief Finance Officer and the Monitoring Officer)

5.3.3 the non-statutory chief officers which are:

(a) officers for which the Chief Executive is responsible

(b) officers in the Chief Executive's Department who report to or who are directly accountable to the Chief Executive by virtue of the nature of their duties; and

(c) officers who report to or who are directly accountable to the Council itself or any committee of the Council by virtue of the nature of their duties.

## **5.4 APPOINTMENT OF DEPUTY CHIEF OFFICERS**

5.4 Subject to paragraph 5.5 below, in these Rules, deputy chief officers are defined as officers in departments who, by virtue of the nature of their duties, either report to or are directly accountable to the statutory or non-statutory chief officer responsible for that department.

**5.5 All permanent (as opposed to interim) appointments to deputy chief officer shall be made by the Head of Paid Service provided that no well-founded objection from any member of the Cabinet has been received.**

5.5 Rules 5.3 and 5.4 do not apply to officers whose duties are solely secretarial and clerical or are in the nature of support services or to officers below Head of Service level.

## **6. PROCEDURE FOR THE PERMANENT APPOINTMENT OF CHIEF OFFICERS ~~AND DEPUTY CHIEF OFFICERS~~**

6.1 **Appointment Process.** The following process will apply after an Appointments Committee has interviewed all shortlisted candidates:

6.1.1 If the Committee agrees on a candidate suitable for the post, it will indicate its 'provisional intention to make an offer' to the Chief Executive.