



Council

3 March 2025

**Subject: Recommendation from the Governance and Audit Committee
- Constitution amendments**

Report by:

Monitoring Officer

Contact Officer:

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Purpose / Summary:

This report stands on recommendation from the
Governance and Audit Committee.

The report to the Governance and Audit
Committee provided an update to the Committee
on the work that is ongoing in relation to the
Constitution review and sought that certain
housekeeping amendments were made in line
with the external health check document
produced, to ensure the Constitution is up to date
with legislative requirements.

The Governance and Audit Committee accepted
the report and have RECOMMEND it to Council
for approval

RECOMMENDATION(S):

That Council accept the RECOMMENDATION from the Governance and Audit
Committee and in doing so:

- (1) Receive and note the position in relation to the ongoing work relating to
Constitutional amendments.

- (2) Receive and note the position in relation to the external health check work which has been carried out.
- (3) Approve the Constitution amendments as outlined in Appendix 1 and shown in Appendices 1 a-e as recommend by Governance and Audit Committee at its meeting on 21 January.

IMPLICATIONS

Legal:

The Council is required by law to prepare, and keep up to date, the Constitution (Section 9P Local Government Act 2000 as amended).

It is not uncommon for authorities to update Constitutions in a piecemeal fashion over time due to the length and complexity of Constitutions. Therefore, an external “health check” Constitution review has been carried out by expert governance lawyers. The document produced is legally privileged and does not form part of this report, however committee members have had sight of the full legal advice beforehand and have received a summary of this advice from the Monitoring Officer.

The external legal advisors have undertaken many constitutional reviews for local authority clients.

Financial : FIN/127/25/GA/SL

There is a fee of under £5000 being charged for the external review work, this fee can be accommodated within the existing legal services budget provision held within the People and Democratic Services budget.

There is a requirement to define materiality within the amendments to the constitution. Materiality is used to define whether a piece of information is significant enough to impact decision making either by value or importance.

The Openness of Local Government Bodies Regulations 2014 provides that a decision making officer must produce a written record of any decision where two conditions are fulfilled. The first is that the decision would otherwise have been taken by the Council, or a committee, sub-committee of that body or a joint committee in which it participates, but it has been delegated to an officer of that body

either

- (a) under a specific express authorisation; or
- (b) under a general authorisation to officers to take such decisions.

The second is that the effect of the decision is to

- (a) grant a permission or licence;
- (b) affect the rights of an individual; or
- (c) **award a contract or incur expenditure which, in either case, materially affects that relevant local government body’s financial position.**

To materially affect finances means it will also be something other than planned expenditure. It is for the authority to decide what the threshold is for decisions that “materially affect” its financial position.

It is recommended that the threshold is set to £50,000 for these purposes.

Staffing : There are no staffing implications arising from this report. The work is primarily conducted by the Monitoring Officer, Deputy Monitoring Officer with the Management team being regularly updated.

Equality and Diversity including Human Rights : It is imperative that when dealing with all governance issues, people are treated equally and fairly. The Monitoring Officer, Deputy Monitoring Officer and wider team are aware of Equality legislation and ensure that equality and diversity is considered and applied as appropriate at all times.

Data Protection Implications : There are no direct data protection implications associated with this report. Good governance should ensure that the GDPR 2016 and associated regulations and guidance are complied with, and the Monitoring Officer and Deputy Monitoring Officer are aware of the need to adhere to these requirements. The Assistant Data Protection Officer reports directly to the Monitoring Officer and works closely as required with the Deputy Monitoring Officer.

Climate Related Risks and Opportunities: The organisation is aware of its responsibilities surrounding climate change, and much of the work referred to within this report is conducted over email with limited printing of paper documents, and where possible meetings and discussions are held virtually using the MS teams function, thereby saving in fuel costs and emissions.

Section 17 Crime and Disorder Considerations: Whilst there are no direct implications, the work carried out by the Monitoring Officer and wider teams contributes to cohesion and informal resolutions within communities, and therefore promotes community safety. The Monitoring Officer and Deputy Monitoring Officer are able to provide a police contact to anyone who suspects or alleges criminality.

Health Implications: There are no health implications arising from this Report.

Title and Location of any Background Papers used in the preparation of this report :

<https://democracy.west-lindsey.gov.uk/ieListDocuments.aspx?CIId=132&MIId=3617&Ver=4>

Risk Assessment :

Good governance and up to date practices and procedures for decision making ensure the organisation is legally compliant, whilst protecting against ultra vires

decisions. Further, good governance is essential for ensuring value for money and that the, reputational damage, and financial loss. Council is acting within its own powers and procedures at all times. Ensuring good governance at all levels protects the organisation from external claims and challenges.

“Failure to comply with legislation” and “inability for the Council’s governance to support quality decision making” are strategic risks for the organisation and these risks are considered regularly by the Management Team prior to consideration at the Governance and Audit committee.

The Constitution is Council’s key document for governance and powers, and compliance with the Constitution is essential to keep the organisation safe and legally compliant.

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

No

Executive Summary

The contents of the report below were considered by the Governance and Audit Committee at their meeting on 21 January 2025.

The minute arising from the debate can be viewed [here](#).

As result of that meeting Council are asked to

Accept the RECOMMENDATION from the Governance and Audit Committee and in doing so:

- (1) Receive and note the position in relation to the ongoing work relating to Constitutional amendments.
- (2) Receive and note the position in relation to the external health check work which has been carried out.
- (3) Approve the Constitution amendments as outlined in Appendix 1 and shown in Appendices 1 a-e as recommend by Governance and Audit Committee at its meeting on 21 January.

Report to Governance and Audit Committee

1. Background

- 1.1 The Council's Constitution is the key governance document for the organisation, and sets out the Council's functions, how the Council operates, the terms of reference for the Committees, the Articles, the Codes and Protocols, the delegated functions of officers and various procedure rules, including the Contract Procedure Rules. Members should note that this review did not include consideration of the Contract Procedure Rules as this is a separate, discrete piece of work that will require finance and procurement involvement and direction, particularly in light of the changes from the Procurement Act 2023.
- 1.2 The Constitution is a legal document and often referred to in governance circles as a "living" document as the legal requirements are often subject to change, the membership of Councils and therefore political balance changes, Codes and Protocols are updated over time, and officer delegations may change over time. This results in Constitutions being amended piecemeal over time which can result in inaccuracies, duplications or omissions. Therefore, it is good practice to seek a health check review which can provide holistic consideration of the document itself, and ensure it is legally compliant and in line with up to date practices.
- 1.3 The review has been carried out and is a detailed piece of legal advice and guidance for the Council. Members of the Governance and Audit Committee have been offered a briefing prior to this Committee on the content of the document.

2. Health check review summary

2.1 The health check review can basically be divided up into three management sections which are:

A – Amendments which should be made as soon as possible as these relate to legal requirements. These are detailed at Appendix 1 and the Committee is asked to consider these and recommend them for approval at the full Council meeting on 3 March 2025.

B- Changes to Articles and Committees. This work is more involved as it results in changes to our Committees which affects political balance. This work is done annually at the AGM in any event, therefore it is proposed that the changes detailed in the health check review are also done at the May AGM. A separate report to this Committee will follow prior to the May 2025 AGM.

C – Matters that the health check has suggested are options for discussion, desirables but not necessities. For example, members may wish to consider introducing a provision to limit the length of the Council meeting, it may be that the order of the Constitution could be changed to make it more user friendly, and it may be that certain terms are defined to make matters clearer for the reader. It is suggested that these options are considered after May as they are not a priority to make the Constitution compliant and member direction will be sought.

2.2 Members will be aware that as West Lindsey District Council operates under a Committee governance system, there is no legal requirement to have an Overview and Scrutiny Committee. This is an option for discussion raised in the health check review as some Councils have chosen not to appoint a formal Overview and Scrutiny Committee. It is suggested that this would fall under the section “C” part above and is a discussion for a later date. Whilst the Council does operate an Overview and Scrutiny Committee, that Committee should comply with statutory guidance and this aspect will be considered at the May AGM when the Committees are reviewed. For avoidance of doubt this report is in no way suggesting the organisation should not have an Overview and Scrutiny, rather it is informing members that this is an optional committee.

2.3 Members should be assured that the external health check review does find the Constitution to be a “largely legally compliant” document, however it can be updated and improved in some areas and that is what this report (and subsequent reports) aims to do.

3. The Amendments

3.1 The required amendments that approval is sought for today are detailed at Appendix 1. These amendments are required by law and it is recommended they are accepted for recommendation to Full Council

at its meeting in March for approval and adoption . These amendments are those referred to in section A at paragraph 2 of this report.

4 Next steps

4.1 Prior to the May AGM the recommended health check amendments relating to the Constitution Articles and Committees will be brought before the Governance and Audit Committee in the usual way to seek approvals prior to the May AGM

4.2 Following the May AGM, the options detailed in C, above in Section 2, will be presented to the Governance and Audit Committee for discussion.

Appendix 1

HEALTH CHECK COMMENT	DETAIL	PAGES/ SECTIONS REQUIRING AMENDMENT
<ul style="list-style-type: none"> The public's right to film and record meetings (under the Openness of LG Bodies Regulation 2014) is not adequately captured: 	<p><i>where a member of the public is entitled to attend a meeting of the Council, or of any of its Committees or Sub-Committees, Cabinet or a Committee of Cabinet, that person may also "report on the meeting", by which it means – Filming, photographing or making an audio recording of the meeting; Relaying that video or audio recording to enable others not present at the meeting to see or hear it at the same time as the meeting; and Reporting or providing oral or written commentary on the meeting, so that others not present at the meeting may hear it at the same time as the meeting. However, authorities are given a discretion not to allow a person to make an oral report or commentary if he/she is actually present at the meeting (presumably to avoid disruption of the meeting).</i></p>	<p>This matter will need to be reflected in:-</p> <ul style="list-style-type: none"> Part II, Article 3 Pages 6-7. Red Text to be inserted to Reflect this right - Shown at Appendix 1a. Council Procedure Rules; and -Part V page 13 – Red Text to be inserted new rule making the public rights clearer around attendance and recording/ filming and participation. Appendix 1c Access to Information – Part V Pages 18 -21. Red text at paras 3.2 and 3.3 to be inserted. Show at Appendix 1b
<ul style="list-style-type: none"> Provisions concerning the 'right to report', as introduced by the changes to section 100A of the Local Government Act 1972, should be added. 	<p>As above</p>	<p>This matter will need to be reflected in:-</p> <ul style="list-style-type: none"> Council Procedure Rules, Red Text to be inserted new rule making the public rights clearer around attendance and recording/ filming and participation. Access to Information – Red text at paras 3.2 and 3.3 to be inserted. Show at Appendix 1b

<ul style="list-style-type: none"> • The duty of the Council to record and publish decisions made by an officer, as introduced by the Part 3 of the Openness of Local Government Regulations 2014 to be added. This is not expressed clearly This will require a local definition of materiality of financial position to be formed 	<p>7.—(1) The decision-making officer must produce a written record of any decision which falls within paragraph (2).</p> <p>1 (2) A decision falls within this paragraph if it would otherwise have been taken by the relevant local government body, or a committee, sub-committee of that body or a joint committee in which that body participates, but it has been delegated to an officer of that body either—</p> <p>2 (a) under a specific express authorisation; or</p> <p>3 (b) under a general authorisation to officers to take such decisions and, the effect of the decision is to—</p> <p>4 (i) grant a permission or licence;</p> <p>5 (ii) affect the rights of an individual; or</p> <p>6 (iii) award a contract or incur expenditure which, in either case, materially affects that relevant local government body's financial position.</p> <p>7 (3) The written record must be produced as soon as reasonably practicable after the decision-making officer has made the decision and must contain the following information—</p> <p>8 (a) the date the decision was taken;</p> <p>9 (b) a record of the decision taken along with reasons for the decision;</p> <p>10 (c) details of alternative options, if any,</p>	<p>These matters will need to be reflected in: -</p> <ul style="list-style-type: none"> • Part V – Rules of Procedure - Access to Information Pages 18 - 21. New Procedure Rule 8 to be inserted. Setting out the requirements and where to view such decisions Show at Appendix 1b • Part II - Article 12 – Decision Making – page 29 New Paragraph 12.7 relating to Officer Decision making added to cross reference information. Show in Appendix 1e
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	<p>11 <i>considered and rejected; and</i> <i>(d)where the decision falls under paragraph (2)(a), the names of any member of the relevant local government body who has declared a conflict of interest in relation to the decision.</i></p> <p>12 <i>(4) The duty imposed by paragraph (1) is satisfied where, in respect of a decision, a written record containing the information referred to in sub-paragraphs (a) and (b) of paragraph (3) is already required to be produced in accordance with any other statutory requirement.</i></p>	
<ul style="list-style-type: none"> The listing of the classes and conditions in respect of exempt information has not been updated as there are now only seven descriptions 	<p>N/A</p>	<p>These matters will need to be reflected in: -</p> <ul style="list-style-type: none"> Part V – Rules of Procedure - Access to Information - Part V Pages 18 -21. Categories 8 – 10 to be removed and references to 10 paragraphs edited to 7. Show at Appendix 1b
<ul style="list-style-type: none"> The Constitution Directive requires the Officer Code of Conduct to be included in the Constitution. 	<p>N/A</p>	<p>This document will need to be reflected in: -</p> <ul style="list-style-type: none"> PART III – Codes and Protocols (although a hyperlink is suggested rather than the full document). Officer Code of Conduct to be listed in the Index and a New page created as shown in Appendix 1d

Article 3

The Public and the Council

Explanatory Note

This Article sets out what citizens can expect from the council and what rights they have. However, with rights come responsibilities and it is also the role of the Constitution to show how the council expects to be treated in return.

3.1 Rights of the Public

The public have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Procedure Rules in Part V of this Constitution.

3.2 Voting and petitions

Electors on the electoral roll for the district have the right to vote for their local Councillor(s) and sign a petition to request a referendum for an elected mayor form of Constitution. For a petition to be valid to require a referendum, the number of signatories to it must equate to no less than five percent of the local government electorate of the district. Electors will have a right to vote for an elected mayor in the event of a referendum being held.

3.3 Information

The public have the right to:

- (a) attend meetings of the Council and its committees, except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- (b) see committee reports and background papers, except where confidential or exempt information is likely to be disclosed, and any records of decisions made by the Council and its committees;
- (c) inspect the Council's accounts and make their views known to the external auditor; and
- (d) information pursuant to a request made in accordance with the provisions of the Freedom of Information Act 2000 and other relevant legislation.

3.4 Participation

The public can participate in the following ways:

- (a) The agenda for every ordinary meeting of the Council includes an item for questions/statements from the public. The question/statement must relate to matters which are within the powers and functions of the Council or which affect the district. Questions/statements will be dealt with on a first come first served basis and should be submitted in writing at least three clear working days before the meeting.
- (b) The Council has adopted a petition scheme under which petitions with 300 or more signatures will be debated at a council meeting.
- (c) The Council also has arrangements in place for the public to participate in meetings of Committees which consider Policy and Regulatory functions.
- (d) The West Lindsey Citizens Panel of about 1,200 residents provides ideas, opinions and feedback to the council on its services.

3.5 *Right to Film, Record and Report at Meetings*

Where a member of the public is entitled to attend a meeting of the Council, or of any of its Committees or Sub-Committees, a person may also "report on the meeting", which includes: -

- *Filming, photographing or making an audio recording of the meeting; and*
- *Relaying that video or audio recording to enable others not present at the meeting to see or hear it at the same time as the meeting.*

Local authorities are given a discretion not to allow a person to make an oral report or commentary of proceedings (at the same time as the meeting is in progress) if he/she is actually present at the meeting and WLDC have exercised this discretion to avoid disruption of the meeting.

Full details of these various forms of public participation (and others that may be agreed by the Council) are available from the Council and on its website.

3.6 Complaints

The Public have the right to complain to:

- (a) the Council itself under its complaints scheme;
- (b) the Local Government Ombudsman, but should normally only do this after using the Council's own complaints scheme;
- (c) the Monitoring Officer about a breach of the Members' Code of Conduct.

3.7 The Responsibilities of the Public

A healthy democracy depends upon active citizenship. The public are encouraged to make conscientious use of their roles as both voters and members of a wider community.

Members of the public must not be violent, abusive or threatening to Councillors or officers and must not harm property owned by the Council, Councillors or officers.

Appendix 1b

Access to Information Procedure Rules

1. Scope
 - 1.1 These Rules apply to all meetings of the Council, the Overview and Scrutiny Committee, policy and other committees and the Standards Sub-Committee (together called meetings). **They also set out the duty of the Council to record and publish certain decisions made by Officers.**
2. Additional Rights to Information
 - 2.1 These Rules do not affect any more specific rights to information contained elsewhere in this Constitution or in the law.
3. Rights to Attend Meetings, **Speak at Meetings, and Film and Record Meetings**
 - 3.1 Members of the public may attend all meetings subject only to the exceptions in these Rules.
 - 3.2 **Members of the public, may participate in meetings of the Council and Committees. Full details of these various forms of public participation (and others that may be agreed by the Council) are available from the Council and on its website.**
 - 3.3 **Members of the Public attending meetings may also film, photograph or make an *audio recording of the meeting; and relaying that video or audio recording to enable others not present at the meeting to see or hear it at the same time as the meeting.***

Local authorities are given a discretion not to allow a person to make an oral report or commentary of proceedings (at the same time as the meeting is in progress) if he/she is actually present at the meeting and WLDC have exercised this discretion to avoid disruption of the meeting.
4. Notices of Meeting
 - 4.1 The Council will give at least five clear working days' notice of any meeting by posting details of the meeting. Working days means days when the offices are open so weekends and public holidays do not count.
5. Access to Agenda and Reports before the Meeting
 - 5.1 The council will make copies of the agenda and reports open to the

public available for inspection at least five clear working days before the meeting. Clear days means not counting the day the agenda was made available nor the day of the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to Councillors) will be open to inspection from the time the item was added to the agenda.

6. Supply of Copies

6.1 The Council will supply copies of -

- a) any agenda and reports which are open to public inspection;
- b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- c) if the Head of Paid Service thinks fit, copies of any other documents supplied to Councillors in connection with an item to any person on payment of a charge for postage and other costs.

7. Access to Minutes etc. after the Meeting

7.1 The council will make available copies of the following for six years after a meeting -

- a) the minutes of the meeting excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- c) the agenda for the meeting; and
- d) reports relating to items where the meeting was open to the public.

8. Background Papers

List of Background Papers

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

- a) disclose any facts or matters on which the report or an important part of the report is based; and
- b) which have been relied upon to a material extent in preparing the

report but does not include published works or those which disclose exempt or confidential information (as defined by Rule 10).

Public Inspection of Background Papers

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

9. Summary of Public's Rights

9.1 A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept available to the public at The Guildhall, Gainsborough.

10. Exclusion of Access by the Public to Meetings Confidential Information – Requirement to Exclude Public

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

Exempt Information – Discretion to Exclude Public

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

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

Meaning of Confidential Information

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

Meaning of Exempt Information

10.4 Exempt information means information falling within the following 10 7 categories (subject to any condition):

Category	Condition
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1. Information relating to any individual.	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
2. Information which is likely to reveal the identity of an individual	Exempt information if and so long, as in all the circumstances, of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
6. Information which reveals that the authority proposes - a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or b) to make an order or direction under any enactment	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	Exempt information if and so long, as in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Exempt Information Relating to Standards Committee Only

8. Information which is subject to any obligation of confidentiality	Exempt information if and so long, as in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
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9. Information which relates in any way to matters concerning national security	Exempt information if and so long, as in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
10 The deliberations of a Standards Committee or of a sub-committee of a Standards Committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of section 60 (2) or (3) 64 (2) 70 (4) or (5) or 71 (2) of that Act.	Exempt information if and so long, as in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

10.5 Information falling within any of the paragraphs 1 to 7 10 is not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

11. Exclusion of Access by the Public to Reports

11.1 If the Monitoring Officer thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked “not for publication” together with the category of information likely to be disclosed.

To be inserted as new Rule 8.

8 Requirement to record and publish decisions made by an Officer

8.1 Certain decisions are delegated to Officers (these are set in the Part IV Responsibility for Functions (pages 24-64) , however when a decision would have otherwise been taken by a Committee, Sub Committee, Joint Committee, but it has been delegated to an officer of that body either—

- (a) under a specific express authorisation; or
- (b) under a general authorisation to officers to take such decisions

and, the effect of the decision is to—

- (i) grant a permission or licence;
- (ii) affect the rights of an individual; or

(iii) award a contract or incur expenditure which, in either case, materially affects that relevant local government body's financial position. Materiality has been set by the District Council's External Auditor at £585k

A written record of that decision must be produced as soon as reasonably practicable after the decision-making officer has made the decision.

8.2 The Decision must contain the following information—

- (a) the date the decision was taken;
- (b) a record of the decision taken along with reasons for the decision;
- (c) details of alternative options, if any, considered and rejected; and
- (d) the names of any member of the relevant local government body who has declared a conflict of interest in relation to the decision.

All such decisions notices can be viewed at <https://www.west-lindsey.gov.uk/council-democracy/decision-making-council-meetings/officer-decisions>

Council Procedure Rules – Page 13

New Rule

17 Public's Right to attend Meetings, Speak at Meetings and Film and Record Meetings.

- 17.1 Members of the public may attend all meetings so long as the information been discussed does not fall with a category defined in the Access to Information Procedure Rules in Part IV of this Constitution
- 17.2 Members of the public, may participate in meetings of the Council and Committees, in accordance with the agreed schemes. Full details of these various forms of public participation (and others that may be agreed by the Council) are available from the Council and on its website.
- 17.3 Members of the Public attending meetings may also film, photograph or make an audio recording of the meeting; and relaying that video or audio recording to enable others not present at the meeting to see or hear it at the same time as the meeting.
- 17.4 Local authorities are given a discretion not to allow a person to make an oral report or commentary of proceedings (at the same time as the meeting is in progress) if he/she is actually present at the meeting and WLDC have exercised this discretion to avoid disruption of the meeting.

Note: - remainder to be renumbered from here

17 Exclusion of Public

- * 17.1 Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Part IV of this Constitution or Rule 19 (Disturbance by Public).

18 Members' Conduct Speaking at meetings

- *18.1 When a Member speaks at Council, he/she must address the meeting through the Chairman. If more than one Member wishes to speak, the Chairman will ask one to speak and the others must refrain. Other Members must remain silent whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.

Chairman standing

- * 18.2 When the Chairman stands during a debate, any Member

speaking at the time must stop. The meeting must be silent.

Member not to be heard further

- * 18.3 If a Member persistently disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructs business, the Chairman may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.

Member to leave the meeting

- * 18.4 If the Member continues to behave improperly after such a motion is carried, the Chairman may move that either the member leaves the meeting or that the meeting is adjourned for a specific period. If seconded, the motion will be voted on without discussion.
- * 18.4.1 Any Member required to leave the meeting room under Procedure Rule 18.4 should on leaving ensure they are not visible to the remaining committee members, or attempt to contact those taking part in the meeting via electronic means. This also applies to those Members who leave due to pecuniary/prejudicial interest.

General Disturbance

- * 18.5 If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he/she thinks necessary.

19 Disturbance by Public

Removal of member of the public

- * 19.1 If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If he/she continues to interrupt, the Chairman will order his/her removal from the meeting room.

Appendix 1 (d)

Codes and Protocols.

New Page: -Officer Code of Conduct

Officers of the Council are bound by a Code of Conduct. The Officer Code of Conduct can be viewed at xxxxxx

Complaints regarding an Officer's behaviour should be made to the relevant service Director in the first instance or to the Chief Executive if the complaint relates to the behaviour of a Director.

Article 12

Decision Making

Explanatory Note

Some decisions are for the Council to make or to delegate to committees, sub-committees and/or officers, or to joint committees, joint arrangements or other authorities. Those delegations must be recorded in the Council's Constitution, which must be kept up to date.

12.1 Responsibility for decision making

The Council will issue and keep up to date a record of what 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 IV of this Constitution.

12.2 Principles of decision making

All decisions of the Council, its committees and those with delegated powers will be made in accordance with the following principles:

- (a) proportionality - the action proposed must be proportionate to the desired outcome;
- (b) due consultation and the taking of professional advice from officers;
- (c) respect for Human Rights;
- (d) in accordance with the law;
- (e) a presumption in favour of openness;
- (f) contribute to the well-being of the area; and
- (g) clarity of aims and desired outcomes.

12.3 Decision making by Council

Subject to Article 12.6, the Council meeting will follow the Council Procedure Rules set out in Part V of this Constitution when considering any matter.

12.4 Decision making by the Overview and Scrutiny Committee

The Overview and Scrutiny Committee will follow the Overview and Scrutiny Procedure Rules set out in Part V of this Constitution when considering any matter.

12.5 Decision making by other committees and sub-committees established by the Council

Subject to Article 12.6, other council committees and sub-committees will follow those parts of the Council Procedure Rules set out in Part V of this Constitution as apply to them.

12.6 Decision making by council bodies acting as tribunals

The Council, a Councillor or an officer acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

12.7 Decision Delegated to Officers.

Where a decision is delegated to Officers. and it meets certain criteria, there is a duty to record and publish such decisions in accordance with the information contained within the Access to Information Rules Set out in Part V of this constitution.