

TITLE **CHOOSING TO CHANGE PROGRAMME
GOVERNANCE AND LEADERSHIP –
CONSTITUTIONAL REVIEW PHASE 1**

EXECUTIVE MEMBER: CHOOSING TO CHANGE BOARD
LEAD OFFICER: INTERIM CHIEF EXECUTIVE
REPORT AUTHOR: HEAD OF LEGAL AND DEMOCRATIC SERVICES

Summary: The purpose of this report is to advise the Council on the work carried out to date by the Constitutional Working Group on behalf of the Choosing to Change Board, and to make recommendations to amend the Council's Constitution and procedure governing Outside Bodies arising out of this work.

Recommendations:

1. That the Council agrees to the proposed changes to the current standing orders governing meetings of the Council attached at Appendix A, and to the consequent amendment of the Council's Constitution by the Head of Legal and Democratic Services
2. That the Council agrees that the proposed new Member/Employee protocol attached at Appendix B replaces the current Member/Officer Protocol, and to the consequent amendment of the Council's Constitution by the Head of Legal and Democratic Services.
3. That the Council agrees to the proposed procedure and protocol governing outside bodies and to the approved outside bodies list attached at Appendix C.
4. That the Council agrees to disband the Corporate Improvement Board and requests the Choosing to Change Board to review its terms of reference and report back to Council, on the understanding that in any event the Corporate Improvement Board, or its equivalent, is reinstated as appropriate by Council on the advice of the Choosing to Change Board at the end of the work of the Choosing to Change Board.

1. INTRODUCTION

- 1.1 A joint member/officer working group led by the Leader of the Council was appointed by the Council's Choosing to Change Board to look at how the Council's current governance arrangements (excluding scrutiny) could be improved to better equip the Council for its future challenges. It was agreed that a complete review would take time and should therefore be split into a number of phases. This report addresses aspects of phase 1 of the Review.
- 1.2 Phase 1 focused on 5 priority areas identified by the group, and agreed by the Choosing to Change Board, namely
 - Meetings of the Full Council (aiming to introduce modernised Council Procedure Rules and ideas around modernisation of meetings, overhaul the outside body system, engagement of the public, enhance Members understanding)
 - Identifying omissions from the Constitution, including governance around partnerships, locality working
 - Scheme of delegation – should this be extended to Portfolio holders, but in addition is it fit for purpose generally
 - Was there a need for greater budget engagement with Members and the Public
 - Member/Employee relations (update, translate and communicate the current Protocol)
- 1.3 The Choosing to Change Board also requested the group to consider whether it was appropriate to continue with the Corporate Improvement Board while the Choosing to Change Board was in operation.

2 ARGUMENT

- 2.1 Under the Choosing to Change Programme the changes recommended will assist the Council in addressing the concerns raised in September 2009 by Members around current Governance and Member/Employee relations, and identified by the Choosing to Change Board, and will help the Choosing to Change Programme to move forward.
- 2.2 This report is part of an ongoing constitutional review by the Choosing to Change Board which will continue to address those concerns in the next phases of its programme. This includes monitoring the effectiveness of any changes made by Council as a result of the recommendations in this report, and a review of the changes attached at Appendix A where periods are specifically stated within the rules.
- 2.3 The Head of Legal and Democratic Services is in event required as Monitoring Officer to keep the Constitution under regular review.

3 OPTIONS TO BE CONSIDERED

- 3.1 Continue with current arrangements
- 3.2 Agree recommendations set out in this report

4 CONCLUSIONS

- 4.1 Outcomes on developing improved governance processes seeking approval by Full Council on 13th April 2010 are
- Modernised Council Procedure Rules including compulsory training and development clauses, a planning panel pilot substitute scheme, a more focused business approach to public and member questions and member debates (Recommendation 1- Appendix A)
 - Revised Member/Employee protocol (Recommendation 2 - Appendix B)
 - Radicalised membership of outside bodies regime with schedule and protocol (Recommendation 3 - Appendix C)
- 4.2 There is a commitment to continue the debate around
- engagement of the Public and Members generally and around budget
 - further modernisation of Council proceedings
 - extension of delegations to Portfolio Holders
 - improvements in delegations which would improve the way the Council carries out its business
- 4.3 There is a commitment to embed any rules and protocols agreed on 13th April 2010 to take effect from that date.
- 4.4 There is no need at the moment for a Corporate Improvement Board, but its importance should not be lost sight of, and there should be a requirement for its work be reconsidered at the end of the Choosing to Change Programme.

List of Consultees:

Members and Officers of the Council

Background Papers:

Constitutional Working Group papers

Choosing to Change Reports to Council

APPENDIX A

Copeland Borough Council DRAFT COUNCIL PROCEDURE RULES (Standing orders relating to the Council)

These rules set out the way in which the Council conducts its business meetings where all Council members are required to attend to approve that business, together with any training requirements Members must meet on appointment to its Committees and the Executive

Definition: The term committee in these Rules includes committees, sub-committees, panels and any other bodies established by Council as a committee within the meaning of section 102(4) of the Local Government Act 1972.

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Meetings of the Council

The Council meets collectively for four types of meetings

- i) The Annual meeting
- ii) Ordinary meetings
- iii) Extraordinary meetings
- iv) Special meetings

Rule 1 Annual Meeting

1.1 Timing and Business

The Council will hold its Annual Meeting at a place and time and on a day in May which it will decide at or before its last meeting prior to the Annual Meeting. In the absence of decision or statutory provision to the contrary, the day will be the second Tuesday in May, but, in Borough Election year, the second Tuesday after the Council elections.

1.2 Order of Business at the Annual Meeting

1.2 The order of business at the Annual Meeting of the Council shall be:

- a) Election of Mayor and appointment of Deputy Mayor for the coming year.
- b) Signing of the Minutes of the last Ordinary Meeting.
- c) In the absence of the Mayor and Deputy Mayor, to choose a Chairman of the meeting.
- d) Appointment of the Leader of the Council on a four year cycle and acknowledgement of appointment of other political groups of the Council for the coming year, including the appointment of the Executive by the Leader, and their portfolios.
- e) Appointment and delegation of Council business to, and the number and naming of Panels, Standards Committee, Audit Committee and Overview and Scrutiny Committees for the coming year.
- f) Programme of meetings for the coming year.

2.2 No other business will be transacted at the Annual Meeting.

Rule 2 Ordinary Meetings

2.1 Ordinary Meetings will be held at such place and time as the Council may determine in accordance with a programme decided at the Annual Meeting. There will be a minimum of five Ordinary meetings in each year. The agenda for these meetings is set out at Rule 2.2.

2.2 Order of Business at an Ordinary Meeting

The order of business at every Ordinary Meeting of the Council will be:

- a) Choose a person to preside if the Mayor and Deputy Mayor are absent.
- b) Deal with any item required by statute to be done before any other business.
- c) Approve as a correct record and sign the minutes of the last meeting of the Council.
- d) Declarations of Interest
- e) Mayor's announcements.
- f) Dispose of business (if any) remaining from a previous meeting.
- g) Receipt of petitions.
- h) answer questions under Rule 12 from members of the public in the order received.
- i) Receive and consider all other reports and recommendations of the Executive Panels and Committees, and receive questions under Rule 13.1 in the order received.
- j) Answer other questions asked under Rule 13.2 from Members of the Council in the order received.
- k) Consider motions under Rule 14 in the order received.
- l) Other business, if any, specified in the summons.
 - a) m) Other business to be considered on grounds of urgency as agreed by the Mayor under Section 100B of the Local Government Act 1972.

- 2.3 The order of business, with the exception of items (a), (b) and (c), may be altered by the Mayor, or by a resolution following a motion moved, seconded and put to the meeting without debate.

3 Extraordinary Meetings

- 3.1
- a) Extraordinary Meetings of the Council may be called at any time by the Mayor, or by the Council by resolution. Where the Council calls the meeting it shall operate in the same way as that of a special meeting under Rule 4.
 - b) Five or more Members of the Council may call an Extraordinary Meeting of the Council if a requisition for such a meeting, signed by five or more Members of the Council, has been presented to the Mayor and either he/she has refused to call a meeting or, without his/her so refusing, no Extraordinary Meeting has been called within seven days of the presentation of the requisition.
 - c) No business shall be placed on the agenda for an Extraordinary Meeting held in pursuance of a requisition for such meeting other than that specified in the requisition.

- 3,2 Any power or duty of the Mayor or a Chairman in relation to the conduct of any meetings may be exercised by the person presiding at the meeting.

Rule 4 Special Meetings

- 4.1 The Council may, at the Annual Meeting, or the Council may at any other ordinary meeting make arrangements for a special meeting to be held. The principal business to be transacted at Special meetings will be matters of more than usual importance to the Council.
- 4.2 The meeting at which the Council Tax is set is agreed is a designated Special Council.
- 4.3 Special meetings of the Council shall deal with the following business in order:
- a) Choose a Member to preside as Mayor if the Mayor and Deputy Mayor is not present
 - b) approve as a correct record and sign the minutes of the last meeting of the last meeting of the Council
 - c) receive any declarations of interest from Members
 - d) receive any public announcements from the Mayor
 - e) receive any public questions which have been notified and which relate to the business to be transacted at the meeting
 - f) consider the special business for which the meeting has been called and which is specified in the summons for the meeting

Rule 5 Vacancies on committees

In the event of a vacancy occurring on any committee during any municipal year it shall be filled by the appointment of a Member from the political group to which the vacant seat is allocated as is notified in writing to the Chief Executive by the Leader of the Political Group so as to give effect to the wishes of the Political Group. In the event that the vacated seat was not allocated to a Member of a Political Group the Leaders of the Political Groups shall decide in accordance with the political balance rules and so notify the Chief Executive accordingly.

All such decisions shall be reported to the next full Council under Mayor's announcements.

Rule 6 Personal Development for Members on the Executive, Panels and Committees

- 6.1 No member of Council may act as a member of the Executive, Planning Panel, Licensing Committee, Standards Committee, Resource Planning Working Panel, Audit Committee or any Overview and Scrutiny Committee unless they have made a commitment to and undertaken within the year personal development to enable them to carry out that role. Personal Development includes training related to the subject.

- 6.2 For the purposes of determining whether a member has undertaken personal development to enable that Member to carry out his or her role it will be accepted that a Member has undertaken sufficient personal development for this purpose if that Member has undertaken to attend and attended a minimum of
- (a) one day's personal development in either the year of their appointment to committee, or the year preceding their appointment, and
 - (b) 5 hours personal development each year thereafter, or
 - (c) an appropriate alternative as agreed with the Council's Monitoring Officer.
- 6.3 In the event that a Member fails to attend 5 hours personal development in any year, that Member must attend 5 hours personal development in the following year to remain eligible to sit on the Executive or committee. The Head of Legal and Democratic Services will need to be satisfied that Members have met the requirements set out in Rule 6.
- 6.4 A review of this rule will take place in April 2011.

Rule 7 Substitutes for meetings (pilot for 2010 – 2011)

- 7.1 Where a member is unable to attend a meeting of the Planning Panel the nominated substitute as appointed at Annual Council for that member may attend in their place subject to the limitation that the substitute Member has undergone the training required of an appointed Member of the Committee under rule 6.
- 7.2 Powers and duties
- Substitute members will have all the powers and duties of any Member if the Planning Panel but will not be able to exercise any special powers and duties exercisable by the person they are substituting, such as chair or deputy.
- 7.3 Substitution
- A maximum of 2 substitute Members may attend a meeting in that capacity only:
- (a) To take the place of the member for whom they are substituting in accordance with Rule 7.2 above.
 - (b) Where the member will be absent for the whole of the meeting and If the Group Leader has notified the Chief Executive or the Head of Legal and Democratic Services of the intended substitution no later than seven days before the meeting
 - (c) Where they have attended a site visit
- 7.4 A review of this pilot will take place in February 2011.

Rule 8 Date time and place of meetings

The Council will approve a programme for annual, ordinary and designated special meetings of the Council for each year to be held at designated venues around the Borough at a time specified in the summons.

Rule 9 Notice of and summons to meetings

The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the access to information rules set out in this constitution. At least 5 clear working days before a meeting the Chief Executive will send a summons signed on his or her behalf to every Member of the Council. 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.

Rule 10 Quorum

- 10.1 The quorum at a meeting of the Council is one quarter of the voting Members. This is the number of members required for the meeting to go ahead. With regard to the Council meeting this number is 13. If the meeting lacks a quorum its business shall be adjourned to a fixed date and time, or to the next Ordinary Meeting.
- 10.2 If, during any meeting, the Mayor after counting the number of Members present declares that there are not at least one quarter of the Members present, the meeting shall stand adjourned.

Rule 11 Duration of meeting

If the business of a meeting of the Council has not been concluded within 3 hours of the start of the meeting, excluding the period taken up by public question time. The Mayor will call for a vote on whether the meeting should continue and if it is agreed to discontinue the meeting the Council must consider whether the outstanding business should stand adjourned to the next Council meeting or whether an extraordinary Council meeting should be called to dispose of that business, and whether the meeting should continue for a further specified length of time.

Rule 12 Questions by the Public at Council (30 minutes)

12.1 General

A member of the public may ask the Mayor or the Leader, or Executive Member or the chairman of any committee any question on any matter where the Council has powers or duties or which affects the Borough, or any representative on an outside body, and the Mayor may ask another Member or officer of the Council to answer a question on his/her behalf.

Public Question time will be limited to 30 minutes per meeting, provided that the Mayor shall allow for the question and/or answer which is in progress at the time limit to be completed. The time taken will not be taken into account for the purposes of calculating the 3 hours for other business to be conducted at the meeting.

12.2 Circulation

Where possible, the Head of Legal & Democratic Services will provide a copy of each question to every Member attending the meeting.

12.3 Notice

Notice to the public shall be as follows:

'No notice of the question need be given but it will help the Council prepare an answer to your question if you do submit it in writing before the day of the meeting. All questions should be in writing and handed to the Chief Executive before the start of the meeting.'

12.4 Scope of questions

The Head of Legal & Democratic Services, following consultation with the Chief Executive, may reject a question if it:

- (a) is not about a matter for which the local authority has a responsibility or which affects the borough; or
- (b) is defamatory, frivolous or offensive; or
- (c) is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- (d) requires the disclosure of confidential or exempt information.
- (e) Where appropriate may make a recommendation on who is the most appropriate member to answer a question.

For clarification this power will not be extended to the chairs of panels/committees which have plenary powers to grant licences or planning permissions.

12.5 Order of Questions

Questions will be asked and answered in the order they are received by the Chief Executive

12.6 Number of Questions

At any one meeting a questioner may usually ask only one question, which shall be of a length considered reasonable by the Mayor, and should be no longer than 3 minutes. A supplementary question to the question asked may be asked and answered at the discretion of the Mayor.

12.7 Record of Questions

The Chief Executive will enter each written question received in a book open for public inspection and on receipt will send a copy to the Mayor, Leader and/or the appropriate Committee Chair. Rejected questions will include reasons for rejection

12.8 Asking the Question at the Meeting

The Mayor will invite the questioner to read the written question. If a questioner who has submitted a written question is unable to be present a written reply will be sent to the questioner.

12.10 Answering the Question at the Meeting

Where a question relates to a function of the Executive the Leader of the Council will decide which Executive Member will answer a particular question.

12.11 Written answers

Any question which cannot be dealt with during Public Question Time will be dealt with by written answer.

Rule 13 Questions by Members (one hour 15 minutes)

13.1 A Member may put a written question to

The Mayor
The Leader
Executive Member
The Chair of any committee or
Member appointed to any outside body by the Council

on any matter where the Council has powers or duties or which affects the Borough, in accordance with paragraph 13.3 below, and if it does the Head of Legal and Democratic Services will provide a copy of each question to every Member attending the meeting (30 minutes).

13.2 A Member may put a question, not necessarily in writing, to

The Mayor
The Leader,
Executive Member

The chair of any committee or
Member appointed to any outside body by the Council

in relation to the content of an Executive Report, or the content of other recommendations or reports before the Council (45 minutes – any time remaining after 13.1 above will be added to this time allocation).

13.3 A question must:

- a) Be given in writing to the Head of Legal & Democratic Services at least 3 working days before the meeting; or
- b) relate to urgent business, in which case agreement of the Mayor to the question being put shall be required and, where possible, a copy of the question will be given to the Head of Legal & Democratic Services before 10.00 am on the day of the meeting; or
- c) if asked under rule 13.2 above, a question may be given in writing
- d) be a question not a statement.

13.4 Written questions will be put and answered in the order received by the Head of Legal and Democratic Services, and taken before questions asked at the meeting

13.5 A **written** question shall be put and answered without discussion, but the person to whom the question is addressed may decline to answer. The Member shall be allowed one further or supplementary question at the discretion of the Mayor which shall be dependent on the number of questions already received on notice, provided that it is relevant to the original question and does not introduce a new subject matter.

13.6 An **oral** question shall be put and answered without discussion, but the person to whom the question is addressed may decline to answer. The Member shall be allowed one further or supplementary question, provided that it is relevant to the original question and does not introduce a new subject matter.

13.7 Where a Member has given notice of more than one question, the first questions asked by all other Members shall be answered before second questions are answered, unless it is related, and then only at the Mayor's discretion.

13.8 The answer to a Member's question may be given orally and directly or by reference to published material of the Council or readily available to Members; or in writing to the Member concerned within five days (which shall be circulated to all Members).

13.9 The maximum time allowed for asking and answering questions under this rule shall be one hour and 15 minutes, provided that the Mayor shall allow the process of asking and answering a question which is in progress when the time limit is reached to be completed.

Rule 13.1 and 13.2 will be reviewed in October 2010.

Rule 14 Notices of Motion at Council

14.1 Notice

Except for motions which can be moved without notice under rule 15 written notice of every motion, signed by at least 1 Member,, must be delivered to the Chief Executive AT LEAST SEVEN CLEAR WORKING DAYS before the relevant meeting. They will be entered in a book for public inspection.

14.2 Motions set out in the Agenda

The Chief Executive shall set out in the summons for the Council meeting all motions which comply with the requirements of paragraph 14.1 of this rule in the order they have been received, unless the Member has in writing either withdrawn the notice or stated a wish to move the motion at a later meeting.

14.3 Scope

Such Motions must relate to matters where the Council has powers or duties or which affect the Borough.

14.4 Moving the motion

The Council will treat as withdrawn any such motion not moved at the meeting at which it appears upon the summons, unless its postponement is agreed.

14.5 Executive/committee matter

Any such motion, the subject matter of which comes within the province of the Executive or any committee(s), may:

- a) after a motion has been proposed and seconded, if the subject matter comes within the province of the Executive or any committee may be moved for referral without discussion to the Executive or such committee as the case may be, and
- b) the member moving that the matter be referred may include in their speech a response to the motion,

Where Council agrees that the subject matter of the motion be referred the Member who moved it must be notified by the Head of Legal & Democratic Services of the meeting(s) of the committee(s) to which it has been referred, and has the right to attend the meeting(s) and to explain the motion.

Rule 15 Motions without notice at Full Council

A Member may move without notice any of the following motions and amendments:

- a) To appoint a Chairman for that meeting or the remainder of the meeting.
- b) Motions relating to the accuracy of the minutes of a previous meeting of Council.
- c) To vary the order of the agenda.
- d) Subject to the limitation set out in paragraph (f) below of this rule, to move a motion arising out of consideration of an item on the agenda, but the motion must be relevant to that item and must not introduce any new subject matter.
- e) That a body be appointed, or a person appointed to a body.
- f) To adopt reports and recommendations of the Executive, committees, Panels or officers, but a Member cannot move a motion or amendment which amends a decision made under powers delegated to a committee or an officer by the Council, or a decision of the Executive.
- g) To give leave to withdraw a motion.
- h) To extend the time limit for speeches.
- i) Amendments to motions.
- j) To move on to the next item on the agenda.
- k) The Mayor may put the question immediately to the vote.
- l) To adjourn the debate.
- m) To adjourn the meeting.
- n) To suspend one or more council procedure rules.
- o) To exclude the public from the meeting under Section 100A(4) of the Local Government Act 1972.
- p) not to hear a Member further.
- q) by the Mayor to require a Member to leave the Meeting.
- r) To give any consent required by these rules
- s) That a matter be referred to the Executive or any committee in accordance with 14.5 above.

Rule 16 Rules of debate at Council

16.1 General rules of debate

- a). Each Member, on speaking, shall rise from his seat and address himself to the Mayor and not to any other Member of the Council, and the Members shall refer to each other during the transaction of business by the respective titles of 'Mayor' or 'Councillor' as the case may be.
- b). During the time when a Member is speaking no other Member shall rise or interrupt such Members speech , unless he rises to seek a ruling from the Mayor on a point

or order, or to seek permission to make a personal explanation in accordance with these rules.

- c). Whenever the Mayor rise to speak or give a ruling or call a Member to order no other Member shall continue standing or shall any other Member rise until the Chair is resumed.
- d). If two or more Members rise to speak at the same time the Mayor shall determine who shall speak first.
- e). Any Member shall be entitled to seek a ruling from the Mayor on a point of order at any time during the meeting.
- f) No Member shall speak except on the question before the Council unless it is to make a personal explanation by permission of the Mayor and any Member permitted to make such an explanation must confine his observations strictly to the personal point.
- g) If a Member rises to seek a ruling from the Mayor on a point of order or to ask for permission to make a personal explanation, the Member speaking at the time shall sit down. The Member so rising shall immediately sit down on the Mayor rising to give his ruling on the point of order or to admissibility of the proposed personal explanation.
- h) The ruling of the Mayor on a point of order or the admissibility of a personal explanation shall be final and not open to discussion.
- i). The Mayor shall decide all questions of order or procedure not provided for by these rules.
- j). If the Mayor considers a Member's conduct disorderly, and so states to the Council, then the Mayor or any other Member may move "Not to hear a particular Member further". If seconded, the motion shall be put to the vote without discussion. Disregarding the ruling of the Mayor, wilfully obstructing its proceedings, or behaving improperly, offensively or irregularly shall, for these purposes, be considered disorderly conduct.
- k). If the Member's disorderly conduct continues after the motion has been carried, the Mayor shall either:
 - (i) Require the Member to leave the meeting; or
 - (ii) with the Council's consent, adjourn the Meeting to an appropriate time.

16.2 Definition of Personal Explanation and Point of Order

- a) A personal explanation shall be confined to some material part of an earlier speech by the Member, on which a misunderstanding has occurred.
- b) A point of order is a request by a Member to the Mayor to rule on an alleged irregularity in the constitution of or procedure in the meeting. The Member must specify immediately a standing order or statutory provision, and say how it has been broken or infringed;

16.3 Content and length of speeches

- a) Speeches must be directed to the question under discussion or to a personal explanation or to a point of order. No speech shall exceed 5 minutes except with the consent of Council. The Council may consent to an extension of a speech by a further period not exceeding five minutes and only one extension is allowed.
- b) The Mayor will have overall control of the content and number of speeches and will decide when a matter has been discussed enough for the debate to be closed and a vote taken.
- c) If a motion under rule 15 (k) to put the question immediately to the vote is tabled it shall be at the Mayor's discretion as to whether the motion is accepted. Any such motion which is tabled during a Member's speech shall immediately be ruled out of order by the Mayor.

16.4 Debating Motions

a) Generally

A motion must be proposed and seconded at the meeting, and if the Mayor so requires, it must be put in writing by the proposer and handed to the Mayor.

The procedures for debate on a motion are attached to these procedure rules in the form of two flowcharts, with and without motions of amendments.

b) Motion moved

The mover of the motion may reserve their right of reply.

c) Motion seconded

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

When seconding a motion or an amendment, a Member may reserve their speech until later in the debate. Any Member who reserves their speech may not speak at the time of seconding their motion.

d) Debate

Members will proceed to debate the motion in accordance with the general rules of debate.

e) Voting on Motion

At the conclusion of the debate the Mayor will ask if there are any amendments to the motion, in the absence of a proposed amendment being put following the seconding of the motion. If there are none the Mayor will call for a vote on the motion.

16.5 Amendment to a motion

- a) An amendment must relate to the motion and:
 - i) Refer a matter to the Executive (where it relates to executive functions) or a committee, or refer back to the Executive or appropriate committee a matter recommended to the Council; or

- ii) leave out words; or
- iii) add or insert words; or
- iv) leave out words and add or insert words;

BUT an amendment cannot have the effect of introducing a new proposal into, or reversing the meaning of the motion, because if it does it becomes a new motion.

b).Procedure for amendments

Once a Member has moved an amendment it must be seconded by another Member otherwise the amendment will fail.

If the amendment is put before the debate on the motion, the Council must agree whether to accept it before the debate on the motion

The mover of the amendment will have a right of reply at the conclusion of the debate on the amendment.

The amendment will then be debated in accordance with the general rules of debate.

At the conclusion of the debate the Mover will reply.

The Mayor will then call for a vote on the amendment. If the amendment is lost the Mayor will ask if there are any other amendments and this procedure will repeat as above until all amendments have been dealt with.

If the amendment is carried then the amendment becomes the substantive motion and the Mayor will ask if there are any amendments to that motion.

16.6 Executive, Committee and any Reports received

A Motion for the approval of recommendations contained in an Executive or Committee Report must be proposed and seconded before it is discussed.

The Mayor or an appointee will then invite a motion to accept the Executive or Committee Report. Following the moving and seconding of a report, any Member may ask a question on or move an amendment to a recommendation or ask a question. When all questions and amendments have been dealt with, the Mayor will proceed to the next Report, as listed on the agenda, and no further motion or question can be taken on any preceding item of business.

16.7 When a Member may speak again

- a) A Member who has spoken on any motion or amendment (and for this purpose each recommendation of a particular committee or any group of recommendations being taken together will be regarded as a separate motion) must not speak again until the debate on the motion has finished EXCEPT:

(1)To speak once on an amendment moved by another Member; or

- (2) if the motion has been amended since the Member last spoke, to move a further amendment; or
- b) if the Member's first speech was on an amendment moved by another Member, to speak on the main issue, whether or not that amendment was carried; or
- c) in exercise of a right of reply given by rule 16.4; or
- d) on a point of order or by way of personal explanation in accordance with rule 16.1 (f) and (g) and rule 16.2; or
- e) to move or speak on a procedural motion set out in rule 16.8
 - (1) on a point of order; and
 - (2) by way of personal explanation

16.8 Motions which may be moved during debate

When a motion is being debated, the only other motions which may be moved (either singly or combined and with any necessary added words) are:

- a) To amend the motion.
- b) To adjourn the meeting.
- c) To adjourn the debate.
- d) To move on to the next business.
- e) To put the question immediately to the vote (see rule 16.9 below).
- f) Not to hear a Member further.
- g) By the Mayor, to require a Member to leave the meeting.
- h) To exclude the public from the meeting under Section 100A(4) of the Local Government Act 1972.
- i) To suspend one or more Council Procedure Rules.
- j) To extend the time limit for speeches.
- k) To give any consent required by these Council Procedure Rules .

16.9 Closure Motions

At the conclusion of a speech of another Member, a Member may move without comment that:

- a) The debate be adjourned; or
- b) the Meeting be adjourned; or
- c) the Council proceed to the next business; or
- d) the question be put.

If the motion be seconded, the Mayor shall proceed as follows, but only if in the Mayor's opinion the question before the meeting has been sufficiently discussed:

- e) In the case of a motion under (a), (b) or (c) above, invite the mover of the original motion to reply and then put the closure motion to the vote; or
- f) in the case of a motion under (d) above, put the closure motion to the vote.

If the motion is carried, the question before the meeting shall (subject to the rights of speech or reply) be put to the vote or be deemed to be disposed of or the meeting or debate shall stand adjourned as the case may be.

16.10 Alteration of Motion by Proposer

A Member may with the consent of the Council:

- a) Alter a motion of which the Member has given notice; or
 - b) with the further consent of the seconder, alter a motion which the Member has moved
 - c) Only alterations which could be made as an amendment may be made.
- The meeting's consent will be signified without discussion.

16.11 Withdrawal of Motion by Proposer

A motion or amendment may be withdrawn by the proposer with the consent of the seconder and of the Council.

No Member may speak on a motion or amendment after the proposer has asked to withdraw it UNLESS permission to withdraw has been refused.

16.12 Right of Reply - Proposer of Motion Only

Subject to the provision of Rule 16.9, Closure Motions, the proposer of a motion has the right to reply at the close of the debate on the motion immediately before it is put to the vote.

Subject to the provision of Rule 16.9, Closure Motions, at the close of a debate on an amendment:

- a) the proposer of the original motion has the right to reply; and
- b) the proposer of the amendment has no right to reply.

Rule 17 Voting

17.1 Majority

Any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put.

17.2 Chair's casting vote

If there are equal numbers of votes for and against, the person presiding at the meeting will have a second or casting vote. There will be no restriction on how the person presiding at the meeting chooses to exercise a casting vote.

17.3 Show of hands

Unless a ballot or recorded vote is demanded, the Mayor will take the vote by Members by a show of hands or if there is no dissent, by the affirmation of the meeting.

17.4 Recorded vote

If 6 Members present at the meeting demand it, by a show of hands, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. Each member will be required to respond to their name being called to give this information.

17.5 Right to require individual vote to be recorded

Where any Member requests it immediately after the vote is taken, their vote will be so recorded in the Minutes to show whether they voted for or against the motion or abstained from voting.

17.6 Voting on appointments

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list, and a new vote taken. The process will continue until there is a majority of votes for one person.

Rule18 Public Disturbance

Any member of the public continuing to interrupt proceedings after being warned shall, on the order of the Mayor, be removed from the building where the meeting is taking place. The Mayor may order clearance of any public part of the meeting place if general disturbance occurs.

Rule 19 Petitions and Councillor Calls for Action

19.1 All petitions addressed to the Council shall be considered by the Executive or relevant Committee at its next meeting.

19.2 Where petitioners specifically request that their petition shall go direct to Council, such petitions shall be considered by the Council with the prior agreement of the Mayor. The presenter of the petition (a member of the public or a Member of the Council) may address the terms of the petition for not more than five minutes and the petition shall then stand referred without discussion to the Executive or relevant committee but the Council may, upon motion duly made and seconded, order any petition to be dealt with in a different manner, including consideration and determination at the meeting at which it is presented.

- 19.3 Where a Petition has been considered by an Executive or a Committee and the presenter of the petition is not satisfied with the result of that consideration that person may request a Ward Councillor to instigate a Community Call for Action. Alternatively a member of the public may ask their Ward Councillor to instigate a Community Call for Action without presenting a petition. In either of those two circumstances the Ward Councillor may write to the Chairman of the relevant OSC Chairman requesting a Community Call for action clearly setting out what is being requested. This relevant OSC Chairman shall, provided he/she is satisfied, following consultation with the Chief Executive, that the request is reasonable, arrange for an OSC meeting to be held within 5 working days of such a request to consider how to deal with such a request.

Rule 20 Minutes of Council Meetings

- 20.1 The Mayor will move that the minutes of the previous meeting of the Council be approved as a correct record.
- 20.2 Only the accuracy of the minutes may be discussed and then only by motion. As soon as any motion has been disposed of (or if no motion is moved) the Mayor will sign the minutes subject to any amendment set out in any motion approved by the Council.
- 20.3 Minutes shall be submitted to and signed at the next following ordinary meeting of the Council.

Rule 21 Rescinding an Earlier Resolution

No motion or amendment by a Member to:

- a) Rescind a decision made, or which would have the effect of rescinding a decision made by the Council within the preceding six months; or
- b) pass a motion or amendment which has the same effect as one which has been lost during the preceding six months;

shall be proposed unless notice thereof has been given in pursuance of Standing Order 8 and bears the name of one quarter of the Members of the Council. When any such motion has been disposed of by the Council it shall not be open to any Member to propose a similar motion within a further period of six months.

Rule 22 Record of Attendances

The names of the Members present at a meeting of the Council or any of its committees or the Executive shall be recorded by the Head of Legal & Democratic Services or his/her representative in an attendance book provided for that purpose.

Rule 23 Suspension and amendment of these rules

All of these Council Rules of Procedure except Rule 17 .may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council are present, and only for the duration of the meeting. Suspension can only be for the duration of the meeting or for the particular item under discussion.

Only full Council on Notice and on advice from the Council's Head of Legal and Democratic Services can permanently amend these Council Procedure Rules in the Constitution.

APPENDIX B

Copeland Borough Council

DRAFT PROTOCOL ON MEMBER/EMPLOYEE RELATIONS

The purpose of this protocol is to guide Members and Employees of the Council in their relations with one another. It should be read in conjunction with the Members and Employees Codes of Conduct elsewhere in the Constitution and the standards of behaviour applying throughout the Council's service, for example, the dignity at work policy, those relating to the use of IT and those set out in overview and scrutiny protocols.

It identifies basic principles which are considered to be fundamental to the development and maintenance of good relations between Members and Employees of the Council.

Given the variety and complexity of such relations and the changes being brought about by Government through its various agendas this protocol does not seek to be exhaustive. It seeks simply to offer guidance on some of the issues which most commonly arise. It is hoped, however, that the approach which it adopts to these issues will serve as a guide to dealing with other issues.

1. Both Members and Employees of Copeland Borough Council are servants of the public and they are indispensable to one another. Their relationship is to be based on mutual respect, understanding and support of and for their respective roles, and this must be demonstrated at all times, whether at public meetings or in private discussions.
2. Members and Employees should always operate in accordance with the formalities appropriate to the meeting they are attending when addressing one another. For example, if they are attending a meeting to which the public or press may attend, they should address one another by their formal title, such as Councillor A, Mrs B, Mr C.
3. Personal attacks and unconstructive criticism must be avoided, and are in any event a breach of the Codes of Conduct referred to above. This includes statements made by Members about Employees to the press. Employees are not in any event permitted to make comments under their contract of employment, and they should refer any issues around this to their manager. Where questions are asked Members and Employees should always be allowed the opportunity to explain themselves.
4. Members are either responsible to the electorate and serve only so long as their term of office lasts, or they are co-opted by the Council to undertake specific tasks, for example, the Chairs of the Standards and Audit Committee .

5. Employees are responsible to the Council, their role being to give advice to Members and the Council, the Cabinet and Committees of the Council, and/or provide a service under their contracts of employment. Accountability is exercised by overview and scrutiny through their ability to investigate matters, question Members and Employees and to make comment, as appropriate, to the Executive and the Council.
6. It is important that Members and Employees recognise that they both have an essential role to play in the success of the Council and they should both seek to achieve the Council's Mission Statement and strategic objectives, core values and any stated vision in their work for the Council.
7. Close personal familiarity between individual Members and Employees can damage the mutual trust and respect which is essential to good Local Government. Members and Employees should, therefore, recognise the limitations to personal friendship and to the restrictions placed by National Statutory Provisions and agreed Codes of Conduct.
8. Members and Employees will work towards achieving the Council's objectives and must not undertake any actions which could be perceived as being designed to achieve personal as opposed to the Council's objectives.
9. A Member must not do anything which compromises or which is likely to compromise the political neutrality of an employee within the Council. All Officers apart from Political Assistants where they exist are expected to be politically neutral at all times in their work for the Council. Employees who hold politically restricted posts as required under the Local Government and Housing Act 1989 must be sensitive to their position and ensure that any advice given is entirely professional and not political.
10. Employees should conduct themselves with integrity, impartiality and honesty. They should give honest and impartial advice to the Leader, Executive and Members without fear or favour and make available to them all the information relevant to a decision. Employees should not deceive or knowingly mislead Members or the public or withhold information that may be relevant to a decision.
11. Information communicated to an employee by a Political Group in confidence should not be communicated to any other Political Group.
12. On occasions Chief Officers or Senior Employees may be invited to attend and brief Political Group meetings. Senior Employees are identified by their job descriptions. Senior Employees, or occasionally Junior Employees acting under the direction of and accompanied by their senior managers, may be required to attend to provide factual information and answer questions restricted to matters of fact and professional competence and should provide the same briefing where offered to other Groups. Employees should not be asked or expected to take part in any political discussion or

otherwise compromise their political neutrality. Employees must be particularly careful not to divulge any information confidential to the Council when in the presence of persons who are not Members or otherwise associated with the Council.

13. On occasion employees with professional responsibilities may hold a duty to observe codes and standards established by outside Professional Bodies. There may be occasions when these duties conflict with that of the Council and in such circumstances the advice of the Employee shall be recorded in accordance with the usual decision-making process. Employees should not, without authority disclose information communicated in confidence within the Council which is not within the public domain.
14. The Mayor of Copeland has a unique role in representing the Council and the Borough and is entitled to the highest level of respect from Members and Employees.
15. The Leader and Members of the Executive discharge the following functions:
 - (a) Proposing the budget to full Council
 - (b) Proposing to full Council new policies or amendments to existing policies which fall within the policy framework as defined within the Constitution.
 - (c) Adopting on behalf of the Council any plans or strategies which form part of the policy framework
 - (d) Implementing and delivering the agreed budget and policy framework
 - (e) Responsibility for local choice functions as set out in the Constitution
 - (f) Discharging the Council's responsibilities as an employer for health and safety
Appropriate officer support will be provided to them in discharging these functions but not to the detriment of support to the Council, Overview and Scrutiny, Standards and Audit Committees.
16. Members involved in overview and scrutiny are entitled within the relevant procedure rules to information, advice and support from Employees, but must always bear in mind that Employees may also be called upon to support, advise and inform the Executive and/or the Council from time to time.
17. Similarly, Members of the Executive, the Council and its committees must respect the multi functional/split role which is required of some Employees.
18. Chief Officers must ensure that Executive Members and Committee Chairs are kept informed of matters within their own area of responsibility. The Chief Executive and/or Chief Officers will ensure that any written or verbal response made to Members on matters affecting the Executive Member or Committee will be copied to that Executive Member or Chair, unless that is not possible for reasons of confidentiality (see paragraph 18 below). Officers should use common sense in deciding whether to copy correspondence entered into with members of the public.

19. All advice, discussion and correspondence between a Member and an Employee will remain confidential, unless a Member and Employee agree otherwise, or in the case of a Junior Employee reporting to their manager in accordance with their terms of employment. A junior Employee will be as identified in their job descriptions and they should take advice from their Manager if they are unsure of their position within the Council. In these cases confidentiality will also be maintained, unless issues around conduct or capability are raised, in which case the Head of Legal and Democratic Services will be consulted.
20. Elected Members are entitled to Employee support in representing their ward or individual constituents on matters within the control of the Council. This support will usually be limited to the provision of information and subject to the resources made available by the Council for this purpose.
21. Officers will facilitate access by Members to documents and information in accordance with common law and statutory principles. Members will not seek to obtain information outside of their entitlement as specified under statute. If an Employee who is requested to provide information to a Member believes that information to be either restricted or confidential they should seek clarification from the Chief Executive or the Head of Legal and Democratic Services.
22. The Chief Executive, Chief Officers and other nominated Senior Employees when requested to do so by an Executive Member or Committee Chair will keep that Member informed on issues. To not keep such a Member informed as requested will constitute a dereliction of duty in the absence of a reasonable explanation.
23. The Chief Executive must have the opportunity to evaluate an issue before it is brought before the Leader of the Council and then, as appropriate the Leaders of the other Political Groups. If the issue affects the Corporate Body (the Council) as a whole, the views of the Corporate Team should be sought and their views made known to the Leaders.
24. The Leader, Executive Members and Committee Chairs shall be provided with all relevant information prior to them making a decision on a particular issue. The provision of selective information does not make for good Local Government and should be avoided.
25. Co-opted Members shall be entitled to be treated and receive all appropriate support, advice and guidance as reflected in this protocol and extended to elected Members, and by the same token are expected to comply with the provisions set out in it.
26. Executive Members, Committee Chairs, and where appropriate, the Chief Executive, will be responsible for making all statements of a policy nature to the news media. The Chief Executive /Chief and Senior Employees are charged with making statements

through the Senior Communications Officer to the news media and, when necessary, explaining Council Policy. Any press release should be objective, factual and informative. Press releases in the name of the Council will normally be issued through the Press Office maintained for that purpose by the Chief Executive

27. There is a joint responsibility between Executive Members, Chairs and Chief Officers for considering the need for correction of material published in the press which may be inaccurate or misleading.
28. All Members and Employees are required to abide by the National Code of Recommended Practice on Local Authority Publicity, which precludes Councils from publishing material which appears to be designed to affect public support for a political party.
29. Whenever a public meeting is arranged to consider a local issue, all Members representing the Ward should be invited to attend the meeting.
30. Should a Member intend to attend a public meeting outside their Ward relating to a local issue when they know an Employee is to attend they should advise the Employee of their intention to attend.
31. Where a Member has concerns regarding the conduct or capability of an Employee they should raise their concerns only with the Employee's Head of Service in the first place, and then subsequently with the Chief Executive. If it involves a Head of Service, they should raise it only with the Chief Executive. If it involves the Chief Executive they should raise it only with the Group Leader, who will consider the most appropriate way forward, in accordance with the statutory protection afforded to statutory officers. The Council's formal disciplinary procedures may apply.
32. Where an Employee has concerns regarding the conduct or capability of a Member they should raise it with their Head of Service in the first place, and if their concerns are not adequately addressed, under the Council's Confidential Reporting Code. The Council's Standards Committee may become involved.

PRINCIPLES UNDERLYING MEMBER/EMPLOYEE RELATIONS

The principles which underline this protocol are:

Selflessness

Member and Employees should serve only the public interest and should never improperly confer an advantage or disadvantage on each other or any person.

Honesty and integrity

Members and Employees should not place themselves in official situations where their honesty and integrity may be questioned. They should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity

Members and Employees should make decisions on merit including making appointments, awarding contracts or recommending individuals for rewards or benefits.

Accountability

Members and Employees should be accountable to the public for their actions and the manner in which they carry out their responsibilities and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness

Members and Employees should be as open as possible about their actions and those of their authority and should be prepared to give reasons for those actions.

Respect for others

Members and Employees should promote equality by not discriminating unlawfully against any person and by treating people regardless of their race, age religion, gender, sexual orientation or disability. Members should also respect the impartiality and integrity of the authority's statutory officers and all other employees. Employees have a corresponding duty to respect Members and their role in the democratic process.

Duty to uphold the law

Members and Employees should uphold the law and on all occasions act in accordance with the trust that the public is entitled to place in them.

Stewardship

Members and Employees should do whatever they are able to do to ensure that their Authority has used its resources prudently and in accordance with the law.

Leadership

Members and Employees should promote and support these principles by leadership and by example and should always act in a way that secures or preserves public confidence.

APPENDIX C

CBC Representative on Outside Bodies

Members are appointed formally by the Council every four years to represent CBC on a range of outside bodies. These range from voluntary organisations, companies and local government partnerships.

In carrying out these varied roles Members act as both individuals and as representatives of the Council.

What does it entail?

Positively –

- To promote the Council's objectives in participating in the outside body
- It entails acting according to the rules and constitution and framework set out by the outside body
- It entails making independent and personal judgements in line with the Members duty of care to the outside body
- It entails reporting back at intervals to be agreed by the Council
- It entails behaving ethically and following as far as is applicable the Council's Code of Conduct and other codes and protocols
- It entails taking on active and informed roles in the management of the outside body's affairs
- To seek advice from the appropriate Council officers in the event of any doubt or concerns about the running of the organisation

IT DOES NOT –

- Entail representing the political party to which the member owes his/her political loyalty
- Entail avoiding taking part in the outside body's discussions and decisions – this is what the member is there for
- Entail looking at things simply from CBC's perspective
- Entail being there in name only and merely turning up for meetings

Outside Bodies

Council will formally make appointments to Outside Bodies :-

- To help secure any Copeland Borough Council objectives as identified within the Corporate Plan

- To safeguard the Council's interests on those organisations which are funded from or through the Council
- To meet any specific legal responsibility attached to the membership of the organisation

Expenses, Remuneration and Benefits

Members will only be able to claim expenses for those outside bodies to which Council has made a formal appointment and expenses should be claimed from the outside body if available, otherwise through the normal Council procedure.

As a general rule Members and Officers should not benefit personally from their appointment to outside bodies.

They may however receive remuneration from an outside body for the work they do as a Member appointed to the body by the Council.

The Code of Members Conduct must be followed at all times, and Members should ensure they register any appointment in their Council Register of Interests .

Reporting Back

Councillors are under a specific obligation as a result of the 1995 Local Authorities (Companies) Order to report back to the Council on their involvement in outside companies to which they have been nominated by the Council. While the law makes this a requirement for involvement in companies, it is self evident that the requirement to report back should apply to involvement in ALL outside bodies.

Proposed List of Outside Body Membership also Appendix C