

REVIEW OF CONSTITUTION 2010-11

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Summary: The purpose of this report is to report to Council on a review of Council Procedure Rules 6, 7, 12 and 13 set out in Chapter 5 (Full Council) of the Council's Constitution and to agree to any consequential amendments it sees fit.

Recommendations: That

1. Rule 6:

- (i) That the Member Development Working Group be requested to work with key officers on the most appropriate way of administering this rule in time for the start of the next municipal year, approval of which should be delegated to the Leader of the Council and the Leader of the Opposition in consultation with the Head of Legal & Democratic Services.
- (ii) That Council consider whether the current 5 hour annual development requirement be taken out or increased.

2. Rule 7:

- (i) That the pilot substitute scheme for the Planning Panel be discontinued and removed from the Constitution.
- (ii) That the Constitutional Working Group revisit and consider during the next municipal year whether a further substitute scheme should be piloted with a different committee.

3. Rule 12:

(i) That Council decides either to

(a) leave the rule as currently drafted,

or

(b) amend Rule 12.2 to say

'Notice to the public shall be as follows: You must give **at least four hours notice** of the question before the Council meeting to ensure the best possible chance for a meaningful answer to be given. It will help the Council to prepare an answer to your question if you submit it before the day of the meeting. All questions should be in writing and sent by email, post or hand to the Head of Legal & Democratic Services, with a name, address and any other relevant contact details. If you submit a question you should attend the meeting in person to ask it'.

Or

(C) amend rule 12.2 as set out at (b) above, except to say ' you must give **at least thirty minutes notice** of the question....

(ii) That the Constitutional Working Group looks at Public Participation Schemes in other Councils and reports back to Council in the new municipal year.

4. Rule 13:

That Council decides to

(a) Leave the rule as currently drafted, on the basis that a workshop is held early in the new municipal year to which all Members will be invited and have the opportunity to contribute as to how this rule could be improved in practice.

1. **INTRODUCTION**

1.1 On 24th June 2010 Council agreed to amend the Council's Constitution, including it's own Council Procedure Rules (Standing Orders).

1.2 Rules 6, 7, and 13 were particularly radical, and so it was agreed that they would be kept under particular review during 2010-11. Rule 12 introduced a new public participation element,

which has also given rise to in year concern. For easy reference, the current rules are attached to this report at appendix A.

- 1.3 A position statement of the working of the rules at 1.2 is set out at 2 below.

2. POSITION STATEMENT

2.1 **Rule 6 - Personal Development for Members on the Executive, Panels, and Committees (Review to take place April 2011)**

- 2.1.1 Some members more than others have embraced the introduction of this rule, and whilst it is accepted the year is not yet over, there needs to be a higher level of engagement if it is to work effectively.

- 2.1.2 A record of training has been kept, which is in part dependent on members notifying Committee Services.

- 2.1.2 An improvement to this system may be to switch the emphasis onto member development, which would better reflect the intention of the rule, and encourage members to come forward with the development they have undergone outside the authority but which none the less counts where development of member skills is concerned. For example, chairing outside bodies is a form of development, and this should be declared not only on members' personal development logs, but also on central training records.

- 2.1.3 There remains a difference of opinion over the requirement for a minimum of 5 hours development for each member in-year. Some members continue to voice concerns about it, while others think it is a good initiative which should be increased to at least 10 hours a year, or even more. Council's views are requested.

2.2 **Rule 7 - Substitutes for Meetings (Pilot for 2010 -11) (Review to take place February 2011)**

- 2.2.1 This rule was introduced in June 2010 for the Planning Panel to pilot during the municipal year 2010 -11.

- 2.2.2 Out of the eight meetings between July 2010 and March 2011 there was one member absent at six meetings, and three members absent at one meeting. Out of the nine possible

occasions, a substitute was requested in five instances. One was requested within the seven day rule for notification, so was unable to attend, and three were unable to take part in some of the applications as they had not attended the site visit as required.

- 2.2.3 Members of the Planning Panel considered the pilot on 2nd March 2011.
- 2.2.3.1 The majority of members were unhappy with the principle of substitutes as they felt they served no meaningful purpose. There had never been a problem with quorum at a planning meeting, planning members needed to be knowledgeable, committed and dedicated, and it was unfair to ask a member to step in at relatively short notice to replace them.
- 2.2.3.2 A minority of members felt the pilot had not been given enough opportunity, and that the restrictions around its operation, in particular, around who should notify, the seven day notice requirement, and site visit attendance, inhibited it functioning as effectively as it might have done. Training was however necessary for all substitutes, although the point was made that for new members it was not always received before attendance at meetings.
- 2.2.4 The Constitutional Working Group also considered the outcome of the pilot, together with the Planning Panel's views. Whilst accepting that a substitute system should not be recommended for the Planning Panel if they were generally unhappy with it, some members were reluctant to abandon the concept entirely as it was a process designed to assist members, and was in use by many councils around the country.
- 2.3 **Rule 12 - Questions by the Public at Council (30 minutes)**
- 2.3.1 While no specific review date in year was given for this rule, it seemed sensible to look at it at this stage given its recent introduction.
- 2.3.2 In particular there appears to have been some administrative concerns around the no need for notice provision. It is of course important to strike a balance between genuine public participation and the efficient running of Council business, and where possible a question should be dealt with at the meeting.

- 2.3.3 In order to improve this facility in the short term it has been suggested that the rule be changed to require that half a day's notice be given, so for a meeting beginning at 2pm, the question should be submitted to the Chief Executive by 10 am that day. Similarly, a meeting beginning at 5 pm would require a question to be submitted by 1 pm that day.
- 2.3.4 This is not a view shared by all members, who consider that the public are best served by the spontaneity of the rule as it currently stands.
- 2.3.5 The issue around public participation is very important, as the Council recognises, and as part of its ongoing work programme, the Constitutional Working Group could look at Public Participation Schemes operating generally in other Councils and report back to Council in the new municipal year.
- 2.4 **Rule 13 - Questions by Members (one hour 15 minutes)**
- 2.4.1 An initial date for review was set for October 2010, but given the number of meetings to that date, meaningful data makes it more realistic to consider it now.
- 2.4.2 Differences of opinion have been expressed by Members of the two main political groups as to the effectiveness of this rule in practice, suggesting there may be concerns on party lines as to how this rule should operate.
- 2.4.3 All Members of the Constitutional Working Group have expressed concern as to how the rule has been used in practice, and therefore before any further amendments are made it may be sensible for all Members to sit down and discuss the details of the rule and how it could best contribute to improving Full Council in the future.

BACKGROUND DOCUMENTS TO THIS REPORT

The Council's Constitution; Council and Planning Panel Minutes 2010 - 11;
Members' Training Records 2010 -11; Record of Planning Pilot 2010 - 11

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CHAPTER 5

THE FULL COUNCIL

Functions / Terms of References of the Full Council

The Council will exercise the following functions which cannot be delegated, save by specific resolution of Council where these are not reserved to Council by law.

- i) **Constitutional**
 - a) To adopt and amend the Council Constitution (unless consequential amendments are required due to organisational changes and/or job roles);
 - b) To adopt or amend the terms of reference and delegations of the Executive and Committees, and the Officer Delegation Scheme;
 - c) To elect the Chair of the Council (the Mayor) and Deputy Chair of the Council (Deputy Mayor);
 - d) To appoint the Leader of the Council. The Leader appoints the deputy leader and members of the Executive;
 - e) To determine which Council Committees the Council will have for the next Municipal year and the number of seats on them;
 - f) Make decisions about any matter which is the responsibility of the Executive or other Committee but which is not in accordance, or not wholly in accordance with, the policy framework or budget;
 - g) To appoint Chairs and Deputy Chairs of certain Committees, Sub-committees and to make appointments to other internal bodies not affected by the political balance rules;
 - h) To receive notification of the appointment by the minority Political Group(s) on the Council of the Leaders and Deputy Leaders of these Groups;
 - i) To appoint representatives of the Council on the Lake District National Park Authority, outside bodies, and any joint

arrangements, and the spokespersons to answer any questions at Council on their functions ;

- j) To make arrangements for the discharge of the Council's functions by another local authority;
- k) To change the name of the area, to confer the title of Honorary Alderman or to grant the Freedom of the Borough;
- l) Where it relates to a Council function, any function under a Local Act;
- m) The determination of an appeal against any decision made by or on behalf of the authority;
- n) The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area;
- o) The appointment of any individual:
 - (a) to any office other than an office in which he or she is employed by the authority;
 - (b) to any body other than -
 - (i) the authority;
 - (ii) a joint committee of two or more authorities; or
 - (c) to any committee or sub-committee of such a body and the revocation of any such appointment;
- p) Where it relates to a Council function, the making of arrangements with other local authorities for the placing of staff at the disposal of those other authorities.
- q) To agree a programme of and format for debates on matters of significance.

ii) **Probity**

- a) To adopt the Council's Codes of Conduct for Members and Officers,
- b) To adopt or amend the Members Allowances Scheme based on the recommendations of the Remuneration Panel.

iii) **Policy**

- a) To approve or amend the Council's Policy Framework,

The policy framework means the following plans and strategies:-

- Corporate Improvement Plan
- Sustainable Communities Strategy
- Community Safety Strategy
- Local Development Framework
- Housing Strategy
- Food Law Enforcement Service Plan
- Licensing Policy
- Gambling Policy
- Financial Strategy, including the Treasury Management Strategy and Annual Investment Strategy

- c) To approve any application to the Secretary of State for the transfer of housing land;
- d) To promote or oppose any legislation or to make or amend byelaws;
- e) To approve any plans or strategies which require approval by a Secretary of State;
- f) The duty to approve and publish a statement of principles under Section 349 of the Gambling Act 2005;
- g) To resolve not to issue casino premises licences under Section 166 of the Gambling Act 2005.

iv) **Financial**

- a) To oversee the Council's budget including the allocation of resources to different services and projects;
- b) To approve the Council's Revenue Budget and Capital Expenditure Programme;
- c) To set a Council Tax and calculate the Council Tax Base;
- d) To make decisions regarding the council's borrowing requirements;

- e) To determine any matter involving expenditure not provided for in the Council's approved budget subject to any agreed virement arrangements;
 - f) To approve any plan or strategy for the control of the authority's borrowing or capital expenditure, including the adoption of a Treasury Management Policy Statement;
 - g) To approve policies and practices regarding the granting of discretionary rate relief or remission of rates in accordance with section 47 of the Local Government Finance Act 1988;
 - h) To deal with matters relating to Local Government Pensions referred to in the Local Authorities (Functions and Responsibility Regulations) 2000 (as amended) with the appropriate Officer who does not wish to exercise his or her delegated powers;
- v) **Electoral**
- a) To appoint a Returning Officer for Borough, Parish and Town Council elections;
 - b) To appoint an Electoral Registration Officer;
 - c) To make recommendations concerning district boundaries, ward or Polling Districts, or other electoral arrangements.
- vi) **Staffing**
- a) To confirm the appointment of the Head of Paid Service;
 - b) To deal with all aspects of discipline and dismissal of the Head of Paid Service, Section 151 Officer and Monitoring Officer in accordance with statutory provisions;
 - c) To designate the posts of Head of Paid Service, Section 151 Officer and Monitoring Officer;
 - d) To determine the terms and conditions on which staff hold the offices in c) above (including procedures for their dismissal as set out in the appropriate regulations).
- vii) **Reports in relation to Council functions**
- a) To consider a report of the Head of Paid Service in accordance with Section 4 of the Local Government and Housing Act 1989;

- b) To consider a report by the Monitoring Officer in accordance with Section 5 of the Local Government and Housing Act 1989;
- c) To consider a report by the Section 151 Officer in accordance with Section 115 of the Local Government and Finance Act 1988;
- d) To consider any report put to Council.

viii) **General**

- a) To take decisions on all matters which by law must be reserved for Council, but may not be delegated to a Committee or Officers.

Council Meetings

There are four types of Council meetings:

- (a) the Annual Meeting;
- (b) Ordinary Meetings;
- (c) Extraordinary Meetings.
- (d) Special Meetings

and they will be conducted in accordance with the Council Procedure Rules below.

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 Chair 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) receive and answer questions under Rule 12 from members of the public in the order received. (30 minutes)
- i) receive and answer questions under Rule 13.1 from members of the Council in the order received. (30 minutes)
- j) Receive reports for information
- k) Receive and answer questions under Rule 13.2 from Members of the Council in the order received. (45 minutes)
- l) Receive and debate reports for decision,
- m) Consider motions under Rule 14 in the order received.
- n) 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 Chair 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 of 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 vice.
- 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 Chair 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 Chair 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 Chair of the relevant OSC Chair requesting a Community Call for action clearly setting out what is being requested. This relevant OSC Chair 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