

PART C - RULES OF PROCEDURE

C1. Council Procedure Rules

1. INTRODUCTION

- 1.1. The Rules in this Chapter regulate the business at Full Council meetings. Other member bodies are subject to other Rules of Procedure set out later in this Part.
- 1.2. The purpose of these Rules is to ensure that the Council meeting: -
 - 1.2.1. Provides a forum for the debate of matters of concern to Local Residents; and
 - 1.2.2. Acts as a place at which Members who are not on the Executive are able to hold the Executive and others discharging functions to account.

Commented [SG27]: This is a slightly odd formulation. The primary forum for scrutinizing and holding the executive to account is the Overview and Scrutiny Committee not full council. And the purpose of the rules is really to regulate and manage the Council as a decision making forum.

2. MEETINGS

2.1. Calling Annual and Ordinary Meetings.

Subject to Rule 3 on the timing of the Annual Meeting, these meetings shall take place in accordance with a calendar of meetings agreed by Council Resolution.

2.2. Calling of Extraordinary Meetings.

The Proper Officer shall call an Extraordinary Meeting of the Council where requested by: -

- 2.2.1. the Council by resolution;
- 2.2.2. the Mayor;
- 2.2.3. the Monitoring Officer; and
- 2.2.4. any five (5) Members.

Any meeting should be held within 21 days of the receipt of the requisition, unless a resolution of the Council requesting a meeting does so in respect of some future date.

In the event that the Mayor refuses to call or does not call a meeting within seven (7) days of receipt of such a requisition, those members of the council, on that refusal or on the expiration of those seven (7) days, as the case may be, may forthwith call an Extraordinary meeting of the Council.

2.3. Time & Place of Meetings

The time and place of meetings will be determined by the Proper Officer and notified in the summons.

2.4. Notice of and Summon to Meetings

The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five (5) clear working days before a meeting, the Proper Officer will publish on the Council's website and send a summons signed by him or her electronically to every Member (or on request by post or by leaving it at their usual place of residence or other address). 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. No business other than that specified in the summons to the meeting may be considered at a meeting of the Full Council.

2.5. Cancellation of Meetings

In exceptional circumstances the proper officer may cancel or alter the time or location of any meeting.

3. THE ANNUAL MEETING OF THE COUNCIL

3.1. Occurrence of the Annual Meeting.

In a year when there is an ordinary election of Members, the Annual Meeting shall take place within 21 days of the retirement of the outgoing Members. In any other year, the Annual Meeting will take place in March, April or May.

3.2. Business of the Annual Meeting.

The Annual Meeting will:

- 3.2.1. elect a person to preside if the Mayor and Deputy Mayor are not present, or if the Mayor is not present and the Deputy Mayor is to be a candidate for election as Mayor;
- 3.2.2. elect the Mayor;
- 3.2.3. consider whether any items should be taken in private because of the likely disclosure of Confidential or Exempt Information;
- 3.2.4. approve and sign the minutes of the last meeting;
- 3.2.5. appoint the Deputy Mayor;
- 3.2.6. receive any announcements from the Mayor;
- 3.2.7. receive congratulations from local scholars;

- 3.2.8. elect the Leader should the post have become vacant;
- 3.2.9. receive the Leader's appointment of Members to the Executive and scheme of delegation in respect of Executive Functions;
- 3.2.10. consider any motion moved by the Leader in respect of the Administration's Programme;
- 3.2.11. agree a Scheme of Seat Allocations for the Committees;
- 3.2.12. adopt the scheme of delegation in respect of non-Executive Functions;
- 3.2.13. consider any business set out in the summons convening the meeting; and
- 3.2.14. consider matters where confidential or exempt information may be revealed.

4. BUSINESS OF ORDINARY MEETINGS

Ordinary meetings will:

- 4.1. elect a person to preside if the Mayor and Deputy Mayor are not present;
- 4.2. receive any declarations of interest from Members and Officers and deal with any applications for dispensations;
- 4.3. receive any disclosures of lobbying by Members;
- 4.4. consider whether any items should be taken in private because of the likely disclosure of Confidential or Exempt information;
- 4.5. approve and sign the minutes of the last meeting;
- 4.6. receive any announcements from the Mayor;
- 4.7. receive any petitions or deputations;
- 4.8. receive questions from, and provide answers to, Local Residents in relation to matters which in the opinion of the Member presiding at the meeting are relevant to the business of the Council;
- 4.9. allow Local Residents to speak in accordance with Rule 13 on Public Speaking;
- 4.10. the following will receive and respond to questions from Members in chronological order of receipt:
 - 4.10.1. The Leader;

- 4.10.2. Member on the Executive with a portfolio to which the question relates,
- 4.10.3. Other Members who chair a Committee with terms of reference to which the question relates;
- 4.11. receive the Leader's Report on Current Issues and the Group Leaders' responses;
- 4.12. deal with any business from the last Council meeting;
- 4.13. consider any motion moved by the Leader in respect of the Administration's Programme where this has not hitherto been approved by the Council for the Municipal Year;
- 4.14. receive reports from the Executive or the Committees where there are recommendations for the Council to take a decision;
- 4.15. receive reports about the business of Joint Arrangements and external organisations which include matters for decision;
- 4.16. consider motions in the order in which notice has been received;
- 4.17. consider any other business specified in the summons to the meeting; and
- 4.18. consider matters where Confidential or Exempt information may be revealed.

5. QUORUM AT MEETINGS

The quorum of any meeting of the Council will be one quarter of the whole number of Members.

6. PRESIDING AT THE MEETING

- 6.1. The Mayor or in his or her absence the Deputy Mayor will preside at meetings of the Council.
- 6.2. If both the Mayor and the Deputy Mayor are absent, the Members present at the meeting will choose another Member to preside: -
 - 6.2.1. any power or duty of the Mayor to conduct a meeting including exercising a second or casting vote, may be exercised by the Member presiding at the meeting;
 - 6.2.2. if the Mayor or Deputy Mayor arrive after the start of the meeting the Member then presiding will vacate the chair and the Mayor or Deputy Mayor will take the chair.

7. DURATION OF MEETINGS

- 7.1. Each unfinished meeting will adjourn at 10.30 pm unless a majority of Members present vote to extend the meeting to 11.00 pm at which time the meeting will stand adjourned;
- 7.2. The time and date of the continuation of the adjourned meeting will be decided by a majority of those Members present, or if no decision is reached, by the Proper Officer in consultation with the Mayor and Leader, and it should normally take place within ten (10) working days of the meeting.

8. PRESENTATION OF PETITIONS

- 8.1. Appendix A sets out the nature of those petitions received by the Council that are to be considered by the Full Council.
- 8.2. No more than three (3) petitions may be presented per meeting.
- 8.3. Where a petition is presented: -
 - 8.3.1. Only one person may speak to a petition for a maximum of five (5) minutes. They should have signed the petition, be a Local Resident and be a supporter of the body submitting the petition. This may include someone acting for that petitioner in a professional capacity.
 - 8.3.2. At a Council meeting, at the conclusion of the speech of the presenter, a debate will take place on the petition for up to a period of twenty minutes or if the petition has at least 1,500 signatures, with no time limit on the debate. The debate should take place with the intention that the petition and the views of the Council will then be referred to the appropriate Committee. The debate will be subject to normal council debating rules with the exception that at the end of the debate no vote will be taken, but the petitioner will have an opportunity to speak for a further period of three (3) minutes responding to the issues raised in the debate.
 - 8.3.3. If the Mayor determines that it is inappropriate to debate the petition as a separate item at Full Council, then the petition will be considered later at the same Council meeting in conjunction with any report that has been placed on the agenda concerning the matter raised in the petition.
 - 8.3.4. Any report relating to the subject matter of the petition will be placed on the agenda immediately following the presentation of petitions or in the order petitions are presented if more than one petition is presented at the meeting.

- 8.4. Petitions which are not to be presented in person at meetings of the Council will be reported to it. Debate shall take place as per Rule 8.3 above, save that there will be no speeches by a presenter.

9. QUESTIONS ON NOTICE

- 9.1. At every Ordinary meeting of the Council, save for the Annual meeting, there shall be: -

9.1.1. A one (1) hour session for Local Residents; followed by

9.1.2. A half-hour session for Members

to pose Questions on Notice concerning the business of the Council.

- 9.2. The questions may be asked of: -

9.2.1. The Leader;

9.2.2. A Lead Member to whose portfolio the question relates;

9.2.3. Other Members who chair a decision-making Committee with terms of reference to which the question relates.

- 9.3. Appendix B on Questions from Notice sets out the process for giving notice of such questions prior to the Council Meeting and record keeping subsequent to the meeting.

9.4. Order of Questions

Questions will be asked of the relevant Members in the order that notice of them was received, except that the Mayor may group together similar questions.

9.5. Posing a Question at the Meeting

The Mayor will invite the questioner to put the question to the Member named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Mayor to put the question on their behalf, in which event the answer given by the relevant Member shall also be written and sent to the questioner.

9.6. Supplementary Questions

A questioner who has put a question in person may also put one supplementary question without notice to the Member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Mayor may reject a supplementary question if it would not have been allowed as a Question on Notice or because it does not arise directly out of the question or reply.

9.7. Nature of Reply

The form and content of reply to an original or a supplementary question will be at the discretion of the Member giving the reply, unless in respect of an original question a written request has been received specifying a specific form of reply or replies. He or she may decline to give a full or any reply if in his or her opinion to do so would involve an unreasonable amount of labour or cost.

10. LEADER'S REPORT ON CURRENT ISSUES

- 10.1. At every Ordinary Meeting of the Council except the Annual Meeting, the Leader shall report to the Council on current issues. The leaders of every other Political Group shall then have the right to respond, focusing primarily but not exclusively on the issues raised by the Leader. Each statement may last for up to five minutes.
- 10.2. After the Leader and the other Group Leaders have spoken, the Mayor will open the item to questions from Members for a period of fifteen (15) minutes. Questions may be on any subject relevant to the role of the Leader.

11. INVITATION OF THIRD PARTIES TO COUNCIL

- 11.1.1. An Ordinary Meeting of Council may invite, through the Leader or Mayor, a third party to attend a meeting to speak and answer questions on a particular item on the agenda.
- 11.1.2. An item on the agenda of an Ordinary Meeting of Council may be deferred if Council agrees that a third-party contribution to the discussion is necessary.

12. MOTIONS ON NOTICE

- 12.1. Subject to the exceptions listed in Rule 12.4 below, written notice of every motion must be delivered to the Proper Officer not later than six (6) clear working days before the meeting of the Council at which it is to be moved. Motions will be set out in the summons for the Council in the order received, with the names of the signatories, unless the Member giving notice states, in writing, that they propose to move it at a later meeting or withdraw it.
- 12.2. A Notice of Motion requires signing by at least one third of the Members of the Council where the matter is subject to the limitations in Rule 17.
- 12.3. Notices of Motions will be entered in a book open to public inspection.
- 12.4. Exceptions to the requirement for written notice include: -

- 12.4.1. Motions in respect of reports by Committees or the Executive as per Rule 14;
- 12.4.2. Procedural Motions as per Rule 15.
- 12.5. Proposals for the Administration's Programme for the Municipal Year must similarly be made in writing and submitted to the Proper Officer by 4pm three (3) Clear Days before the day of the meeting where this is listed as an agenda item. Such proposals may only be submitted by the Leader or by a Member identifying themselves on the public record as a candidate for election as Leader at the coming meeting.
- 12.6. Amendments to the recommended Budget, or alternative proposals, are to be made in writing and delivered to the Proper Officer by 4pm on the Monday before the meeting. In proposing any changes to the Budget any amendment must ensure that the proposal achieves a balanced budget.
- 12.7. If a motion set out in the summons is not moved at the meeting by a Member who gave notice, or by another Member, it will be deemed withdrawn unless deferred by the Council.
- 12.8. If the subject of a motion concerns a matter of a quasi-judicial nature, and the matter appears within the competence of a Committee or other Member body, at the meeting the Mayor shall declare the motion referred to that Committee or Member-body without debate, and the motion shall be so referred. If the subject of the motion is any other matter of a quasi-judicial nature, at the meeting the Mayor shall refer the matter to the relevant Officer(s) and declare the motion disposed of.
- 12.9. If the subject of a motion comes within the province of any Executive Function, at the meeting: -
 - 12.9.1. The Mayor shall first allow for a debate.
 - 12.9.2. If the Member moving the motion so proposes, and the Member seconding the motion is in agreement, the Mayor shall call a vote on whether to refer the matter directly to the Executive for consideration.
 - (a) Should Council so resolve, the motion shall be referred.
 - (b) Should Council refuse to so resolve, the motion shall be deemed to have fallen.
 - 12.9.3. If there is no proposal to refer the matter directly to the Executive, the Mayor shall refer the matter to the relevant Policy Advisory Committee.
- 12.10. If the subject of a motion concerns a matter within the competence of any other Committee: -

12.10.1. The Mayor shall first allow for a debate;

12.10.2. The Mayor shall then declare the motion referred to the relevant Committee for consideration.

12.11. For the purposes of Rule 12.10, any motion that seeks to amend any Provision within Part A of this Constitution, or any Rule within Part C of this Constitution, shall be regarded as within the competence of the Democracy & General Purposes Committee.

12.12. Every motion must be relevant to the Council's powers or duties or to a matter which affects the Borough.

12.13. Any motion which in the opinion of the Proper Officer after consultation with the Head of Legal Partnership is out of order, or illegal, will be submitted to the Mayor who will decide whether it is accepted and the Proper Officer will notify the Member(s) accordingly.

12.14. This Rule 12 is subject to the over-riding requirement that any motion before the Full Council concerning a Member's rights to access information or documents must be determined by the Full Council.

Commented [SG28]: This will need to be considered alongside the Access to Information Procedure Rules

13. PUBLIC SPEAKING AT COUNCIL

Where the meeting is open to the public, a Local Resident or a representative of a local organisation may speak at the invitation of the Mayor in respect of an item on the agenda. Notice of a request to speak must be given to Democratic Services by no later than 4pm one clear working day before the relevant meeting. Public speaking is subject to the following time limits:

13.1. The total time for speaking on an item on the agenda is twelve (12) minutes; within that twelve (12) minute period, each speaker has a maximum of three (3) minutes.

13.2. In addition to the twelve (12) minutes, a relevant Parish Council representative may be allocated a maximum of three (3) minutes each; where there are several such speakers, they will be asked by the Proper Officer to appoint a single spokesperson to represent all views.

13.3. When these times have expired, speakers will not be allowed to speak further unless asked by the Mayor to clarify a point of fact.

14. REPORTS BY COMMITTEES AND THE EXECUTIVE

14.1. The Council will consider reports by Committees who are empowered to make recommendations to the Council and also reports of the Executive making recommendations. Motions concerning such reports, where the

subjects of these reports are included in the Summons for the purposes of Rule 2.4, do not require notice for the purposes of Rule 12.

15. RULES OF DEBATE

15.1. No speeches until 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.

15.2. Right to require motion in writing

Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to him or her before it is discussed.

15.3. Secunder's speech

When seconding a motion or amendment, a Member may reserve their speech until later in the debate.

15.4. Content and length of speeches

Speeches must be directed to the matter under discussion or to a personal explanation or point of order. No speech may exceed three (3) minutes without the consent of the Mayor, except when moving a motion submitted in accordance with Rule 12 or Rule 14 above, when the mover will be entitled to speak for five (5) minutes, or except when a Group Leader is moving his or her Group's budget proposals at the Budget Making Council, or the Leader is moving the Administration's Programme, when the mover will be entitled to speak for ten (10) minutes.

15.5. When a Member may speak again

A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

15.5.1. to speak once on an amendment moved by another Member;

15.5.2. to move a further amendment if the motion has been amended since he or she last spoke;

15.5.3. if his or her first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he or she spoke was carried);

- 15.5.4. in exercise of a right of reply;
- 15.5.5. on a point of order; and
- 15.5.6. by way of personal explanation.

15.6. **Amendment to motions**

- 15.6.1. An amendment to a motion must be relevant to the motion and will either be:
 - (a) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (b) to leave out words;
 - (c) to leave out words and insert or add others; or
 - (d) to insert or add wordsas long as the effect of (b) to (d) is not to negate the motion.
- 15.6.2. Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- 15.6.3. If an amendment is not carried or accepted by the motion's proposer and seconder, other amendments to the original motion may be moved.
- 15.6.4. If an amendment is carried, or accepted by the motion's proposer and seconder, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- 15.6.5. If there are no further amendments the Mayor will put the substantive motion to the vote.

15.7. **Alteration of motion**

- 15.7.1. A Member may when moving a motion of which he or she has given notice under Rule 12, alter it with the consent of the meeting and the other signatories. The meeting's consent will be signified without discussion.
- 15.7.2. A Member may alter a motion which he or she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

15.7.3. Only alterations which could be made as an amendment may be made.

15.8. Withdrawal of motion

A Member may withdraw a motion which he or she has moved with the consent of the seconder. No Member may speak on the motion after the mover has withdrawn it.

15.9. Right of reply

15.9.1. The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

15.9.2. The mover of the amendment has a right of reply to the debate on his or her amendment (before the right of reply of the mover of the original motion).

15.9.3. If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, if he or she has spoken on it.

15.10. Motions which may be moved during debate

15.10.1. When a motion is under debate, no other motion may be moved except the following procedural motions:

- (a) to amend a motion;
- (b) a Closure motion (as below);
- (c) to move;
- (d) that the meeting continue until 11.00pm;
- (e) to exclude the public and press in accordance with the Access to Information Rules;
- (f) to not hear further from a Member named under Rule 16.3 or to exclude them from the meeting under Rule 16.4;
- (g) to suspend a particular Council procedure rule;
- (h) to give the consent of the Council where its consent is required by this Constitution;
- (i) to extend the time limit for speeches;
- (j) to determine the time and date of the adjourned meeting in accordance with Council procedure Rule 7.2; and
- (k) to put the motion in parts to the vote.

15.11. Closure motions

15.11.1. A Member may move, without comment, the following motions at the end of a speech of another Member:

- (a) to proceed to the next business;
- (b) that the question be now put;
- (c) to adjourn a debate; or
- (d) to adjourn a meeting.

15.11.2. If a motion to proceed to next business is seconded and the Mayor thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right to reply and then put the procedural motion to the vote.

15.11.3. If a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, he or she will put the procedural motion to the vote. If it is passed he or she will give the mover of the original motion a right to reply before putting his or her motion to the vote.

15.11.4. If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he or she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

15.12. Point of order

A Member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Council Procedure Rules, the rest of the Constitution, or the law. The Member must indicate the Provision, Rule or law and the way in which he or she consider it has been broken. The ruling of the Mayor on the matter will be final.

15.13. Personal explanation

A Member may make a point of personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member (whether or not made at the meeting) which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final.

16. CONDUCT OF ELECTED MEMBERS

16.1. Standing to speak

When a Member speaks at Full Council they must usually stand and address the meeting through the Mayor. If more than one Member stands, the Mayor will ask one to speak and the others must sit. Other Members must remain seated whilst a Member is speaking unless they wish to make a point of order or a personal explanation.

16.2. Mayor standing

When the Mayor stands during a debate, any Member speaking at the time must stop and sit down. The meeting must be silent.

16.3. Member not to be heard further

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

16.4. Member to leave the meeting

If the Member continues to behave improperly after such a motion is carried, the Mayor may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

16.5. General disturbance

If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as he or she thinks necessary, or may adjourn and re-convene elsewhere.

17. PREVIOUS DECISIONS & MOTIONS**17.1. Motion to rescind a previous decision**

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of Motion is signed by at least one third of the whole number of the Council.

17.2. Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least one third of the whole number of the Members.

18. VOTING

18.1. Unless this Constitution or the law provides otherwise, 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.

18.2. Mayor's casting vote

If there are equal numbers of votes for and against, the Mayor will have a second or casting vote, regardless of whether he or she has used his or her first vote. There will be no restriction on how the Mayor chooses to exercise a casting vote.

18.3. Means of Voting

Unless a recorded vote is demanded under Rule 18.4, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

18.4. Recorded vote

If five Members present at a Council meeting, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

18.5. 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.

18.6. Recorded votes at Budget meetings

Immediately after any vote is taken at a Budget Decision Meeting, on any decision related to the making of the calculation or the issuing of the Council Tax as the case may be there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.

18.7. 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.

19. MINUTES

19.1. Signing the minutes

The Mayor will sign the minutes of the proceedings at the next suitable meeting. The Mayor will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

19.2. No requirement to sign minutes of previous meeting at extraordinary meeting

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

19.3. Form of minutes

Minutes will contain all motions and amendments in the exact form and order the Mayor put them and shall record all questions and answers in accordance with Rule 9.

20. RECORD OF ATTENDANCE

All Members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

21. EXCLUSION OF PUBLIC & RECORDING OF MEETINGS

- 21.1. Members of the public and press may only be excluded in accordance with the Access to Information Rules in Part C of this Constitution or Rule 23 (Disturbance by Public).
- 21.2. Any member of the public or press attending meetings of the Council may record such meetings in open session using whatever non-disruptive methods that they consider appropriate, including filming, photographing, audio recording and use of social media. Anyone filming a meeting is asked to focus only on those actively participating
- 21.3. Recording of any part of a meeting held in closed session is not permitted.
- 21.4. All attendees should be made aware that they may be filmed or recorded whilst attending a meeting and that attendance at the meeting signifies consent to this.

22. DISCLOSURE OF INTERESTS

- 22.1. A Member with a Disclosable Pecuniary Interest or Other Significant Interest in a matter to be considered, or being considered at a meeting must:
- 22.1.1. disclose the interest; and
 - 22.1.2. explain the nature of that interest at the commencement of that consideration or when the interest becomes apparent (subject to Rule 22.3 below); and unless they have been granted a dispensation;
 - 22.1.3. not participate in any discussion of, or vote taken on, the matter at the meeting unless they have been granted a dispensation; and
 - 22.1.4. withdraw from the meeting room whenever it becomes apparent that the business is being considered; and
 - 22.1.5. not seek improperly to influence a decision about that business.
- 22.2. A Member with an Other Significant Interest, may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. The Member will withdraw from the meeting room immediately after making representations, answering questions or giving evidence.
- 22.3. Where a Disclosable Pecuniary Interest or an Other Significant Interest has been agreed by the Monitoring Officer as being a Sensitive Interest, the Member need only disclose the existence of the interest but not its nature.

23. DISTURBANCE BY PUBLIC

23.1. Removal of member of the public

If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor will order their removal from the meeting room.

23.2. Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Mayor may call for that part to be cleared and may adjourn the meeting and/or re-convene elsewhere.

24. SIGNATURES OF MEMBERS

Where any of these Rules require a Member to sign or consent to a document or requisition to be provided to the Proper Officer, an authentic email message from that Member shall suffice. Where there is a requirement for more than one (1) Member to sign or consent to a document or requisition, the Members may indicate the same to the Proper Officer through multiple counterparts.

25. SUSPENSION OF THESE RULES

All of these Council Procedure Rules except Rules **16.2, 18.5, 18.6** and **19.2** may be suspended by motion on notice or without notice if at least one half of the whole number of Members are present and the majority present approve. Suspension can only be for the duration of the meeting.

Appendix A: The Council's Petition Scheme

Para.

Appendix A: Petitions

1. The Council welcomes petitions from Local Residents. Subject to Para.2 below, all petitions received by the Council that are signed by at least 100 Local Residents will be presented or reported to the relevant Member body.
2. The Member body to which a petition is presented or reported shall depend on whether or not it pertains to an Executive Function and the number of signatories.
 - 2.1. For Executive Functions where the number of signatories is at least ~~2001,000~~ Local Residents, the petition shall go to the Executive.
 - 2.2. For Executive Functions where the number of signatories is fewer than ~~2001,000~~ Local Residents, the petition shall go to the relevant Committee.
 - 2.3. For non-Executive Functions where the number of signatories is at least ~~2001,000~~ Local Residents, the petition shall go to Full Council.
 - 2.4. For non-Executive Functions where the number of signatories is fewer than ~~2001,000~~ Local Residents, the petition shall go to the relevant Committee. Where the petition concerns a matter not otherwise within the competence of a Committee, the petition shall go to the Democracy & General Purposes Committee.
3. If so required by a signatory to a petition, it may be presented in person at meetings of the relevant Member body, subject to compliance with the following procedure:-
 - 3.1. The wording of the petition to be presented to be presented must be given in writing to the Proper Officer at least two (2) weeks before the day of the meeting. Ward Members will be notified of the wording of petitions when received;
 - 3.2. If a petitioner has submitted a petition of at least 100 signatures requesting a Senior Officer of the Council to attend, give evidence and provide information on activities for which they are responsible, then that Senior Officer will attend;

Para.**Appendix A: Petitions**

- 3.3. Petitions must be presented to the Proper Officer at least one (1) clear day before the day of the meeting (i.e. two days) of the relevant Member body;
 - 3.4. No more than three (3) petitions may be presented per meeting;
 - 3.5. If more than one petition is notified to the Proper Officer to the same meeting, they shall rank in order of priority according to the time of notice given;
 - 3.6. No petition may be presented relating to an application for a licence;
 - 3.7. No petition may be presented to the Annual Meeting of the Council or to any meeting of the Audit, Governance and Standards Committee.
4. Petitions which are not to be presented in person at meetings of the Council or appropriate Committee will be reported to that body.
 5. Provision will be made for a facility to submit petitions electronically.
 6. Any checking or sampling of signatories by Council Officers to verify the number of signatories shall give due consideration to the rights of younger Local Residents whose names may not yet appear on the Electoral Roll on account of their age.

Appendix B: Questions on Notice

Para.

Appendix B: Questions on Notice

1. **Notice of questions**

A question may only be asked if notice has been given by delivering it in writing (including by electronic mail) to the Proper Officer no later than close of the office one clear working day before the day of the meeting. Each question must give the name and address of the questioner and must name the relevant Member to whom it is to be put.

2. **Number of questions**

At any one meeting no person may submit more than one question.

3. **Scope of questions**

The Proper Officer may reject a question if in his or her opinion:

- 3.1. it is not about a matter for which the Council has a responsibility or that affects the Borough;
- 3.2. it is defamatory, frivolous or offensive;
- 3.3. it cannot be answered with sufficient accuracy without unacceptable disclosure of Confidential or Exempt information;
- 3.4. the Local Resident seeking to ask a question has previously withdrawn questions on three consecutive occasions, any further question from that person will be refused unless that person confirms in writing that they will be attending the meeting to ask the question. If that person does not attend the meeting after confirming they will do so, no further action will be taken with regard to that question.
- 3.5. the question has been asked at a previous meeting of the Council either in the exact or similar form and/or;
- 3.6. the question concerns a planning matter about which questions have been posed at the last two (2) meetings of the same Member body, or at two (2) out of the last three (3) such meetings;
- 3.7. the Council has resolved the issue raised and the question has been brought to a close.

Para. *Appendix B: Questions on Notice***4. Record of questions**

The Proper Officer will enter each question in a book open to public inspection and will immediately send a copy of the question to the Member to whom it is to be put. Rejected questions will include the reasons for rejection. Copies of all questions will be circulated to all Members and will be made available to the public attending the meeting.

6. Written answers

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Member to whom it was to be put, will be dealt with by a written answer that is sent to the questioner. The written response will be included in the minutes with a note that a written response was given either because of a lack of time or because the relevant Member was not present.

7. Response to Questions

- 7.1. Where the question is discussed and answered during the meeting, the responses to the questions will not be minuted, as the Council webcasts its meetings so there is already a full record of the response. The minutes will state whether the Member responded to the question or not and will refer the public to the webcast for the full response.
- 7.2. If the webcast has failed prior to the start of the meeting, a summary of the answer will be included in the minutes.

C2. Committee Procedure Rules

1. INTRODUCTION & PURPOSE

- 1.1. The Rules in this Chapter regulate the business of the Committees and may be cited as the Committee Procedure Rules. They also apply to any Sub-Committee with any such qualification or modification as may be specified or evident from the context.
- 1.2. The purpose of these Rules is to ensure that the Committees: -
 - 1.2.1. Function smoothly and efficiently;
 - 1.2.2. Reflect the political balance of the Council as whole, as far as possible and in accordance with the law;
 - 1.2.3. Act as a place at which Members, including those who are not on the particular Committee, are able to raise matters of concern;
 - 1.2.4. Enhance the quality & transparency of decision-making, especially in respect of Executive Functions;
 - 1.2.5. Are accessible directly to Local Residents.

2. APPOINTMENTS TO COMMITTEES

2.1. Appointments to Committees are made at the Annual Council Meeting or, when a vacancy occurs, at the next available meeting of the

2.1. Council, in accordance with the legislation and rules on political balance. The Proper Officer shall appoint Members to Committees in accordance with the wishes of the Group Leaders and the Scheme of Seat Allocations agreed by Full Council.

- 2.2. Any Member on a Committee may give notice to the Proper Officer of his or her resignation from a particular Committee of which he or she is on.
- 2.3. A Group Leader may request, and the Proper Officer shall give effect to, the removal from a particular Committee of a Member belonging to his or her Political Group, subject to the Group Leader also requesting that an alternative Member belonging to his or her Political Group be appointed to that Committee.
- 2.4. **Co-Option of Non-Members**

The Overview and Scrutiny Committee, the Audit, Governance & Standards Committee, or any sub-committee of either, shall be entitled to recommend to Council the appointment to it of people as [XX non-voting?] co-optees.

Formatted: No bullets or numbering

Commented [SG29]: Strictly Council appoints committees and members though it must give effect to the proportionality rules in the 1989 Act and regulations. The wording in the current constitution, "Appointments to Committees are made at the Annual Council Meeting or, when a vacancy occurs, at the next available meeting of the Council." Is a more accurate representation of the law.

2.5. Members as Substitutes on Committees

- 2.5.1. For each Committee, the Proper Officer shall appoint a minimum of the three (3) Members belonging to each Political Group, up to the number of committee seats allocated to that Political Group, who may act as Substitutes on that Committee.
- 2.5.2. A Member who acts as a Substitute on a Committee may sit at meetings of that Committee in place of a Member on that Committee belonging to the same Political Group ("Full Member"), where that Full Member is either absent from that meeting or opts to attend that meeting as a Visiting Member instead.
- 2.5.3. A Member attending a meeting as a Substitute will have all the powers and duties of a Member ordinarily on that Committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting for.
- 2.5.4. Members may attend meetings as Substitutes only:
- (a) if the substitution is notified when the item is called on the agenda;
 - (b) if the Full Member arrives after the substitution has been made, and opts to take his or her seat, and no other Full Members belong to that Political Group are absent, the substitution shall end and the Member attending as a Substitute shall cease to sit on the Committee and shall be deemed a Visiting Member.
 - (c) if the Full Member leaves before the conclusion of the meeting a substitution can be made if it has been notified when the item is called on the Committee agenda.

Commented [SG30]: What if a group does not have 3 members who can act as substitutes? In the current constitution it is up to 6. Also in my view it would be better if these were appointed by full council, though the law on substitutes generally is a little vague.

3. CHAIRING OF COMMITTEES

3.1. Committee Chairmen and Vice-Chairs to be Committee Members

No Member may serve as the Chairman or vice-Chair of any Committee unless he or she is on that Committee. Where a Member serves as Chairman or vice-Chair of a Committee, and then ceases to be on that Committee, he or she shall cease to be the Chairman or the vice-Chair (as the case may be).

3.2. Policy Advisory Committees

- 3.2.1. The Chairman of each Policy Advisory Committee for the Municipal Year shall be the ~~Member~~ appointed by ~~the Committee. the Executive in line with Provision 6.2, Chapter A2 of this Constitution.~~ The ~~Executive Committee~~ may revise this

Commented [SG31]: Whilst the law is not clear on this point it is in my view doubtful whether substitution for a single item or part of a an agenda as opposed to the meeting as a whole would be lawful. It is not a practice I am aware of other authorities adopting.

appointment during the course of the Municipal Year.

Commented [SG32]: See comment above re chairmen of PACs

- 3.2.2. The vice-Chair of each Policy Advisory Committee shall be elected by the Members on that Committee at their first meeting of the Municipal Year using the following procedure. The purpose of this procedure is to give preference to Members who belong to non-Administration Political Groups.
- (a) Nominations will open firstly to Members on the Committee who belong to non-Administration Political Groups.
 - (b) Should more than one Member be nominated at this stage, there shall be a vote amongst all Members on the Committee to elect the vice-Chair from those nominated.
 - (c) Alternatively, should just a single Member be nominated at this stage, the Member so nominated shall be declared elected vice-Chair.
 - (d) Alternatively, should no Members be nominated at this stage, nominations will then be opened to all Members of the Committee and a vice-Chair elected accordingly.

3.3. **Overview and Scrutiny Committee**

- 3.3.1. The Chairman of the Overview & Scrutiny Committee shall be elected by Members on that Committee at their first meeting of the Municipal Year using the following procedure. The purpose of this procedure is to give preference to Members belonging to the largest non-Administration Political Group.
- (a) Nominations will open firstly to Members on the Committee who belong to the largest non-Administration Political Group.
 - (b) Should more than one Member be nominated at this stage, there shall be a vote amongst all Members on the Committee to elect the Chairman from those nominated.
 - (c) Alternatively, should just a single Member be nominated at this stage, the Member so nominated shall be declared elected as Chairman.
 - (d) Alternatively, should no Members be nominated at this stage, the process shall be attempted again with nominations opened to Members on the Committee belonging to all non-Administration Party Groups.
 - (e) Should this stage also fail to attract any nominations, the process shall be attempted again with nominations opened to all Members on the Committee.

3.3.2. The vice-Chair of the Overview & Scrutiny Committee shall be elected by the Members on the Committee at their first meeting of the Municipal Year with nominations open to all Members on the Committee (save for the Chairman).

3.4. Other Committees

All other Committees shall elect a Committee Chairman and a vice-Chair at the first meeting of the Municipal Year with nominations open to all Members on the Committee.

3.5. Vacancies Arising

A vacancy arising during the Municipal Year in respect of a Committee Chairman or vice-Chair shall be filled using the same procedure for appointment or election applying at the beginning of the Municipal Year with any election taking place at the next meeting of the Committee.

3.6. Chairing Meetings

3.6.1. The Committee Chairman shall chair each meeting of that Committee. In his or her absence, the vice-Chair shall chair the meeting unless the vice-Chair opts to remain at the meeting but not take the chair.

3.6.2. Where the Committee Chairman is both absent from a meeting of the Committee, and the vice-Chair is also absent or is present but opts not to take the chair, and the meeting is nevertheless quorate, then: -

- (a) The Members on the Committee who are present shall elect of their number to chair the meeting;
- (b) Should the Committee Chairman or a previously absent vice-Chair subsequently arrive, he or she shall take the chair for the remaining duration of the meeting and the Member elected in (a) shall vacate the chair.

3.6.3. The process in Rule 3.6.2(a) shall apply where either the Committee Chairman or the vice-Chair has been chairing a meeting but had to leave resulting in both being absent or in the Chairman being absent and the vice-Chair opting not to take the chair.

4. HOLDING OF MEETINGS

4.1. Ordinary meetings of the Committees shall be held according to a calendar of meetings agreed by resolution of the Council.

- 4.2. The Proper Officer may, after consulting the Chairman and vice-Chair of a Committee, cancel or postpone any meeting of that Committee.
- 4.3. The Proper Officer may, after consulting the Chairman and vice-Chair of a Committee, call a special meeting of that Committee.
- 4.4. The Proper Officer shall call a special meeting of a Committee where one is requested by:
 - 4.4.1. the Chairman;
 - 4.4.2. Full Council; or
 - 4.4.3. The Monitoring Officer.
- 4.5. The Proper Officer shall call a special meeting of a Committee where: -
 - 4.5.1. At least three (3) Members on that Committee sign a requisition for such a meeting; and
 - 4.5.2. The requisition specifies matters for consideration that are within the terms of reference or competence of that Committee, and are: -
 - (a) sufficiently urgent such that it would be un-reasonable to wait until the next Ordinary meeting, or
 - (b) are of a size & significance relative to the forecast workload of the next Ordinary meeting such as to warrant a Special meeting.
- 4.6. The Proper Officer shall call a meeting of the Overview & Scrutiny Committee within five (5) working days of a call-in being received.

5. NOTICE OF MEETINGS AND BUSINESS TO BE DISCUSSED

- 5.1. The agenda for any Committee meeting shall be set following discussion between the Committee Chairman, the vice-Chair, and Officers.
- 5.2. The agenda shall accommodate: -
 - 5.2.1. For any Policy Advisory Committee, the Forward Plan set by the Executive;
 - 5.2.2. For all Committees, any: -
 - (a) Member Agenda Item Requests,
 - (b) Motions referred to that Committee following Full Council,
 - (c) Previous resolutions of that Committee in respect of its Work Programme;
 - 5.2.3. In respect of the Overview & Scrutiny Committee, any: -

- (a) Call-in by a Member,
- (b) Any Member "call for action".

5.3. **Summons & Notice**

- 5.3.1. The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five (5) Clear Days before a meeting (or if a meeting of a Committee or Sub-Committee is called at shorter notice, as soon as the meeting is called), the Proper Officer will publish on the Council's website and send a summons signed by him/her electronically to every Member of the Council (or on request by post or by leaving it at their usual place of residence/other address).
- 5.3.2. 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. Where not all of the reports are available with the summons they will be posted on the Council's website as soon as they become available and e-mailed or posted to Members.

6. **MEMBER AGENDA ITEM REQUESTS**

- 6.1. Any Member may ask that a particular matter is added as an item to the agenda of a Committee, subject to: -
 - 6.1.1. The matter being relevant to the Committee's terms of reference;
 - 6.1.2. Written notice of the request is provided to the Proper Officer by the ordinary deadline of 4pm, six (6) clear days before the meeting is to be held;
 - 6.1.3. Notice may be accepted after closure of the ordinary deadline where, in the opinion of the Committee Chairman and vice-Chair, the Member is able to demonstrate that the matter: -
 - (a) Only came to his or her attention around or after the ordinary deadline; and
 - (b) It is of an apparent immediacy or is likely to command sufficient public concern, that it cannot wait until the meeting of the Committee after the next one.
 - 6.1.4. The matter should not be such that it is judged by the Committee Chairman and vice-Chair, in agreement, as being

defamatory or offensive or otherwise unlawful, having consulted the Proper Officer and the Monitoring Officer.

- 6.2. A Member Agenda Item Request may also be contained within a requisition signed by three (3) Members on a Committee requesting a special meeting.
- 6.3. Where an item is added to the agenda of a Committee as a result of a Member Agenda Item Request:
 - 6.3.1. The Committee shall be able to debate the principles of the matter, with or without Officer input.
 - 6.3.2. The Member raising the Member Agenda Item Request shall have the right to both introduce the item and the right to reply to the debate at its conclusion as the last speaker on the item. This shall apply even where that Member is attending as a Visiting Member.
- 6.4. There is no expectation for Officers to provide a report concerning a Member Agenda Item Request ahead of the meeting at which the item is first discussed. Where one is provided however, the Committee has the freedom to deal with the matter like any other agenda item supported by an Officer's report.
- 6.5. Where a Member Agenda Item Request leads to consideration of the item by a Committee without an Officer's report, the Committee may only: -
 - 6.5.1. For any type of Committee, resolve to request that an Officer's report be provided to a future meeting of the Committee, on which occasion it may then be debated and dealt with by the Committee as any other agenda item supported by an Officer's report.
 - 6.5.2. For a Policy Advisory Committee, request that an Officer's report be prepared and submitted with the item directly to the Executive for consideration.
 - 6.5.3. Conclude the debate with no further action agreed for the time being.

7. ATTENDANCE AT MEETINGS

7.1. Committees Generally

- 7.1.1. A Committee shall be clerked by a Democratic Services Officer.
- 7.1.2. A Committee may invite such further Officers as are necessary for the presentation of Officer Reports or to inform discussion in respect of agenda items.

- 7.1.3. A Committee may invite a third party to attend a meeting to speak and answer questions on a particular item on the agenda.
- 7.1.4. An item on the agenda may be deferred if the Committee agrees that a third-party contribution to the discussion is necessary.

7.2. **At Overview & Scrutiny Committee**

- 7.2.1. The Overview and Scrutiny Committee or sub-committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any Member on the Executive, the Chief Executive and/or any senior Officer to attend before it to explain in relation to matters within their remit:
 - (a) any particular decision or series of decisions;
 - (b) the extent to which the actions taken implement Council policy; and/or
 - (c) their performanceand it is the duty of those persons to attend if so required.
- 7.2.2. The appropriate "senior Officer" shall be identified following consultation with the Chief Executive.
- 7.2.3. Where any member or Officer is required to attend the Overview and Scrutiny Committee under this provision, the chairman of that committee will inform the Chief Executive. The Chief Executive shall inform the member or Officer in writing giving at least 10 working days' notice of the meeting at which they are required to attend. (A shorter period of notice may be given with the agreement of the member or Officer in question.) The notice will state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced for the committee. Where the account to be given to the committee will require the production of a report, then the member or Officer concerned will be given sufficient notice to allow for preparation of that documentation.
- 7.2.4. Where, in exceptional circumstances, the member or Officer is unable to attend on the required date, then the Overview and Scrutiny Committee shall in consultation with the member or Officer arrange an alternative date for attendance.

7.3. **Visiting Members**

- 7.3.1. At each meeting of each Committee, it shall be an early agenda item for the Member chairing the meeting to ask any Visiting Members to introduce themselves and state the agenda item(s) to which he or she intends speaking.
- 7.3.2. Subject to Rules 7.3.3 & 7.3.4 below, any Member may attend any meeting of a Committee or Sub- Committee on which he or she does not sit on in order to speak on particular items provided he or she specifies those items at the point in the meeting when Visiting Members are asked to introduce themselves.
- 7.3.3. No other Member except for those on the Committee may attend and/or speak on: -
 - (a) Panels or sub-committees of any Member body relating to employment functions;
 - (b) hearings in respect of individual applications before the Licensing Committee or Sub-Committee, other than to observe proceedings only for training purposes with leave of the Member chairing the meeting having consulted the legal officer attending;
 - (c) the Hearings Sub-Committee of the Audit, Governance and Standards Committee when it is considering allegations of misconduct; or any other panel hearing or appeal.
- 7.3.4. To speak on an item at the Planning Committee, notice must be given to the Proper Officer by 4pm on the preceding working day.
- 7.3.5. Visiting Members speak after the Officer introduction on an item, but before the general debate.
- 7.3.6. Having spoken, the Visiting Member will not participate further unless:
 - (a) the Member chairing the meeting agrees, or
 - (b) the item arises from a motion that the Visiting Member moved at Full Council, or the item arises from a Member Agenda Item Request raised by that Visiting Member, in which event the Visiting Member shall have a right to reply at the end of the debate and immediately before any motion is put to the vote.

8. CONDUCT OF COMMITTEE MEETINGS

8.1. Quorum

The quorum of a meeting will be at least one quarter of the whole number of Members provided that: -

- 8.1.1. the quorum of the Trustee Committee is not less than three (3) Members;
- 8.1.2. the quorum of the Overview & Scrutiny Committee is not less than five (5) Members;
- 8.1.3. the quorum of any other Committee is not less than four (4) Members; and
- 8.1.4. The quorum of a Sub-Committee is not less than two (2) Members.

8.2. **Standing Items**

Before any substantive items are considered, the following items shall be considered at each meeting of any Committee: -

- 8.2.1. Apologies for absence;
- 8.2.2. Notification of substitute Members sitting;
- 8.2.3. Disclosures of interest;
- 8.2.4. Declarations of lobbying from interested parties or objectors in respect of any particular agenda item;
- 8.2.5. Minutes of the previous meeting(s);
- 8.2.6. Any petitions, in accordance with Rule 9;
- 8.2.7. Any Questions on Notice from Local Residents;
- 8.2.8. Any Questions on Notice from Members.

Save that petitions and questions maybe omitted at the first meeting of the Municipal Year if convened only for the purpose of electing the Chairman and/or vice-Chair.

8.3. **Recording of Meetings**

- 8.3.1. Any member of the public or press attending meetings of the Council may record such meetings in open session using whatever non-disruptive methods that they consider appropriate, including filming, photographing, audio recording and use of social media. Anyone filming a meeting is asked to focus only on those actively participating

- 8.3.2. Recording of any part of a meeting held in closed session is not permitted.
- 8.3.3. All attendees should be made aware that they may be filmed or recorded whilst attending a meeting and that attendance at the meeting signifies consent to this.

8.4. **Exclusion of the Public & Press**

In accordance with the Access to Information Procedure Rules, a Committee meeting: -

- 8.4.1. Shall go into closed session where Confidential Information is to be discussed
- 8.4.2. May go into closed session where Exempt Information is to be discussed

in relation to an item.

This means that the press and members of the public shall be excluded from the meeting. No such exclusion however shall apply to any elected Member, including any Visiting Member.

Commented [SG33]: See comments above re member access to information.

8.5. **Duration of Meetings**

- 8.5.1. Each unfinished meeting will adjourn at 10.30 pm unless a majority of Members present vote to extend the meeting to 11.00 pm at which time the meeting will stand adjourned;
- 8.5.2. The time and date of the continuation of the adjourned meeting will be decided by a majority of those Members present, or if no decision is reached, by the Executive in the case of a Policy Advisory Committee or the Proper Officer in the case of any other Committee, and it should normally take place within ten (10) working days of the meeting.

8.6. **Removal of member of the public**

If a member of the public interrupts proceedings, the Member chairing the meeting will warn the person concerned, and will order their removal from the meeting room should they continue to interrupt.

8.7. **Clearance of part of meeting room**

If there is a general disturbance in any part of the meeting room open to the public, the Member chairing the meeting may call for that part to be cleared and may adjourn the meeting and/or re-convene elsewhere.

8.8. **Minutes**

- 8.8.1. The Mayor will sign the minutes of the proceedings at the next suitable meeting. The Mayor will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.
- 8.8.2. Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.
- 8.8.3. Minutes will contain all motions and amendments in the exact form and order the Mayor put them and shall record all questions and answers in accordance with Rule 9.

9. PETITIONS AT COMMITTEES

- 9.1. Appendix A of the Council Procedure Rules on the Council's Petitions Scheme sets out the nature of those petitions received by the Council that are to be considered by a particular Committee.
- 9.2. No more than three (3) petitions may be presented per meeting.
- 9.3. Where a petition is presented: -
 - 9.3.1. Only one person may speak to a petition for a maximum of five (5) minutes. They should have signed the petition, be a Local Resident and be a supporter of the body submitting the petition. This may include someone acting for that petitioner in a professional capacity.
 - 9.3.2. A debate will take place on the petition.
 - 9.3.3. The petitioner will have an opportunity to speak for a further period of three (3) minutes responding to the issues raised in the debate.
 - 9.3.4. Where the petition relates to another item on the agenda, the matter should then be dealt with alongside that other agenda item.
 - 9.3.5. Where the petition is not dealt with by another item on the agenda, the Committee may resolve: -
 - (a) To request an Officer's Report be provided to a future meeting of the Committee;

- (b) Where the petition pertains to an Executive Function, to request that an Officer's report be prepared and submitted with the item directly to the Executive for consideration;
- (c) To conclude the debate with no further action agreed for the time being.

9.4. Petitions which are not to be presented in person at a meeting of the pertinent Committee will be reported to it. Debate and determination shall take place as per Rule 9.3 above, save that there will be no speeches by a presenter.

10. QUESTIONS ON NOTICE

10.1. At Ordinary meetings of any Committee, save for a meeting called at the start of the Municipal Year to elect a Committee Chairman and/or vice-Chair, there shall be: -

10.1.1. A 30 minute session for Local Residents; followed by

10.1.2. A 15 minute session for Members

to pose Questions on Notice concerning the business of the Council.

10.2. The questions may be asked of the Member chairing the meeting and any Lead Member who sits on the Committee.

10.3. Appendix B of the Council Procedure Rules on Questions on Notice shall apply to meetings of the Committees. It sets out the process for giving notice of such questions prior to the Committee meeting and record keeping subsequent to the meeting.

10.4. Order of Questions

Questions will be asked of the relevant Members in the order that notice of them was received, except that the Member chairing the meeting may group together similar questions.

10.5. Posing a Question at the Meeting

The Member chairing the meeting will invite the questioner to put the question to the Member named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Member chairing the meeting to put the question on their behalf, in which event the answer given by the relevant Member shall also be written and sent to the questioner.

10.6. Supplementary Questions

A questioner who has put a question in person may also put one

supplementary question without notice to the Member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Member chairing the meeting may reject a supplementary question if it would not have been allowed as a Question on Notice or because it does not arise directly out of the question or reply.

10.7. **Nature of Reply**

The form and content of reply to an original or a supplementary question will be at the discretion of the Member giving the reply, unless in respect of an original question a written request has been received specifying a specific form of reply or replies. He or she may decline to give a full or any reply if in his or her opinion to do so would involve an unreasonable amount of labour or cost.

11. COMMITTEE DEBATE

11.1. This Rule 11 applies to Committees generally save that Rule 14 takes precedence in respect of the proceedings of the Planning Committee.

11.2. **Order**

For any item on the agenda of a Committee meeting, the order of speaking shall be: -

11.2.1. Public speaking by Local Residents;

11.2.2. Any introduction to the item, typically by an Officer but by the relevant Member in the case of a Member Agenda Item Request;

11.2.3. Statements by Visiting Members;

11.2.4. Questions, statements and/or motions by Members on the Committee.

11.3. **Public Speaking by Local Residents**

Local Residents may speak to an agenda item at a Committee meeting subject to: -

11.3.1. Notice of wishing to speak on a particular item must be given to the Proper Officer by no later than 4pm the working day before the meeting.

11.3.2. Public speaking under this Rule shall take the form of making a statement only. Any questions from Local Residents should be made using the procedure in Rule 10.

11.3.3. The total time for Local Residents speaking on an item on the agenda is twelve (12) minutes; within that twelve (12) minute period, each speaker has a maximum of three (3) minutes.

11.4. Statements & Questions by Members on the Committee

Contributions by Members on the Committee may include statements, questions to the Officers present for the item, motions, amendments, procedural motions, and points of order.

Where questions are posed to the Officers present, the Member chairing the meeting shall invite those Officers to provide answers. Where matters are raised in statements that are not covered by the Officer's report, the Member chairing the meeting shall invite the Officers to comment.

11.5. Motions

Any motion must be proposed and seconded, including where recommendations are made within any Officer's report. Once a motion has been proposed and seconded, no other motion may be moved until that earlier motion has been dealt with.

11.6. Amendments

Any motion maybe subject to reasonable amendment with the agreement of the Committee and/or the Members proposing & seconding the motion.

11.7. Procedural Motions

A Member on the Committee may move any reasonable procedural motion, with a seconder. A procedural motion shall be dealt with immediately once it is moved and seconded.

11.8. Points of Order

A Member may raise a point of order at any time. The Member chairing the meeting will hear them immediately. A point of order may only relate to an alleged breach of the Constitution or the law. The Member must indicate the Provision, Rule or law and the way in which he or she consider it has been broken. The ruling of the Member chairing the meeting on the matter will be final.

11.9. Right of Reply

The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

12. VOTING AT COMMITTEES

- 12.1. Unless this Constitution or the law provides otherwise, 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.
- 12.2. If there are equal numbers of votes for and against, the Member chairing the meeting at the time will have a second or casting vote, regardless of whether he or she has used his or her first vote. There will be no restriction on how this casting vote is used.
- 12.3. Unless a recorded vote is demanded under Rule 12.4, the Member chairing the meeting will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.
- 12.4. If three (3) Members present at the meeting so request, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.
- 12.5. 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.
- 12.6. When voting on any 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.

13. REPORTS BY THE OVERVIEW & SCRUTINY COMMITTEE

- 13.1. In exercising its policy development remit, the Overview and Scrutiny Committee will prepare a formal report containing its recommendations. This will be submitted to the Proper Officer for consideration by:
 - 13.1.1. the executive if the proposals are consistent with the existing budgetary and policy framework, and/or
 - 13.1.2. the Council as appropriate e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework.
- 13.2. The report of the Overview and Scrutiny Committee shall be considered by the Council or by the Executive at its next appropriate meeting following submission to the Chief Executive, or such longer time scale as the chairman of the Overview and Scrutiny Committee may agree.

14. PROVISIONS RELATING TO THE PLANNING COMMITTEE

14.1. Call-in to Planning Committee

- 14.1.1. The following may call-in the determination of a Planning Application: -
- (a) A Ward Member of a Ward that the proposed development would have an impact upon;
 - (b) The Parish Council of a Parish that the proposed development would have an impact upon;
 - (c) For unparished areas, any three (3) Members of the Council.
- 14.1.2. The request for the application to be heard by the Planning Committee must be made in writing to the Proper Officer or the Case Officer to whom the application is assigned prior to the expiry of the Call-in Window.
- 14.1.3. For Rule 14.1.1 (a), the Call-in Window shall be the period of twenty-one (21) days from the date of the weekly list advising them of the application.
- 14.1.4. For Rule 14.1.1 (b), the Call-in Window shall be for a minimum period of twenty-one (21) days of the date of the letter of consultation advising them of the application.
- 14.1.5. For Rule 14.1.1 (c), the Call-in Window shall be for a minimum period of twenty-one (21) days of the date of the weekly list advising them of the application.
- 14.1.6. For Rules 14.1.1 (b) and (c), the Call-in Window shall extend to the period of six (6) weeks unless such a delay in exercising the call-in is likely, in all the circumstances known at the time of receipt, to cause a failure to determine the application in time, where that failure would not have occurred had the call-in been exercised within twenty-one (21) days.

14.2. Referral of Enforcement Matters to the Planning Committee

- 14.2.1. A Member may use a Member Agenda Item Request to refer to the Planning Committee an act or omission of the Council in respect of enforcement following an alleged breach of planning control.
- 14.2.2. Such a request may be rejected by the Proper Officer, in consultation with the Committee Chairman and vice-Chair where: -

- (a) Enforcement issues in respect of the matter complained of has already been addressed at the Committee, the Committee took no action and requested no further update, and there have been no clear material developments that might reasonably lead to a different conclusion by the Committee;
- (b) The matter complained of is the subject of an extant planning application, an appeal before the Planning Inspector, or proceedings have been issued in the Courts, unless the Chairman and vice-Chair judge that the matter nevertheless warrants discussion.

14.2.3. The procedure further differs from other Member Agenda Item Requests: -

- (a) Where reasonable notice is given of the Member Agenda Item Request, Planning Officers should endeavour to provide a short report.
- (b) The Member raising the matter, unless themselves a Member on the Planning Committee, is limited to addressing the meeting with a single three (3) minute statement.

14.3. Public speaking at Planning Committee meetings

14.3.1. If a planning application is to be determined by the Planning Committee and a speaker wishes to address the Committee in respect of that application he or she must give notice of that request to the proper Officer by 4 p.m. on the working day before the relevant meeting.

14.3.2. The following speakers will be allowed to address the Committee for each planning application or enforcement matter (except exempt reports) in the following order: -

(a) **Parished Areas**

An Objector	A petitioner, or a representative of a Residents' Association or Amenity Group, or an individual objector.
A representative of the appropriate Parish Councils	Where a representative of the Parish Council does not register to speak, a concerned resident may speak with the Chairman's discretion.

*The applicant or his/her representative	The applicant or his or her representative (incl. a supporter), or a petitioner, or a representative of a Residents' Association or Amenity Group.
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(b) **Non-Parished Areas**

A representative of a Residents' Association/Amenity Group	Where a representative of a Residents' Association or Amenity Group does not register to speak, a concerned resident may speak with the Chairman's discretion.
An Objector	A petitioner, or a representative of a second Residents' Association or Amenity Group, or an individual objector.
*The applicant or his or her representative	The applicant or his or her representative (including a supporter), or a petitioner, or a representative of a second or third Residents' Association or Amenity Group.

* The applicant or his or her representative would have priority.

- 14.3.3. In order to avoid repetition, a petitioner may present a petition but the appropriate speaker slot will be forfeited. A petitioner may speak for three minutes.
- 14.3.4. Each category of speaker will be limited to three (3) minutes to address the Committee. He or she will not be allowed to ask a supplementary question, make a supplementary statement and will not be cross examined. Also, no written material or photographs may be handed out at the meeting.
- 14.3.5. When more than one person wants to speak for or against a planning application or more than one amenity group or organisation or residents' association wishes to speak for or against a planning application, the first person or group to register their wish to speak will be afforded that right. However, the Proper Officer shall keep a reserve list of speakers for each application. If, at the meeting the original speaker is not in

attendance, a speaker from the reserve list, depending on if the original speaker was a supporter or objector, i.e. an objector replaces an objector, taken in the order which they registered their right to speak shall be invited to address the Committee.

14.3.6. In addition to the public speakers above, Visiting Members may address the Planning Committee for three (3) minutes on individual matters but should give the same notice of their intention to speak to the Head of Policy, Communications and Governance as members of the public. If they do not do so, the application will not be brought forward on the agenda.

14.3.7. Visiting Members should sit away from the body of the Committee.

14.3.8. An objector or applicant may be represented by an agent at the Committee.

14.4. **Visiting Members –Planning Committee**

In respect of the Planning Committee, if a visiting Member gives the requisite notification to the Proper Officer by 4.00 p.m. on the day preceding the meeting, the Chairman shall seek to give the relevant application some priority in the meeting, otherwise the application will be dealt with in the normal course of the meeting.

14.5. **Deferral of planning decisions**

It is likely that from time to time the Planning Committee will defer a decision to a future meeting of the Committee, in order to enable the Officers to report back on any areas of concern raised by the Committee. Minor applications should only be deferred if there is a need for additional information or if there are disputed facts within the report, otherwise they should be determined as reported with the proviso that there may be occasions when the Planning Officers may seek deferral/withdrawal of an application or to implement the agreed procedures for dealing with cases where they believe that the proposed reasons for refusal are unsustainable. On the second occasion that the matter is discussed at Committee, a decision must be made.

14.6. **Planning Decisions which have significant cost implications**

14.6.1. If during consideration of an application, after a motion has been proposed and seconded, the Head of Planning and Development or their representative, in consultation with the Legal Officer present at the meeting, believes that the Planning Committee's reasons to justify refusal/the imposition of conditions would not be sustainable at appeal and would more likely than not cause

significant costs to be incurred by the Council because of unreasonable behaviour, then they will inform the Committee that if the motion is agreed it will stand deferred to the next meeting of the Committee. Following the vote, if the motion is agreed the decision will be deferred to the next meeting of the committee. The Committee itself may also agree to defer consideration of an application for the same reasons.

- 14.6.2. For the purposes of this rule significant cost is defined as the Chief Finance Officer's virement limit set out in the Financial Procedure Rules within this Constitution and relates to any punitive award of costs granted against the Council by the Planning Inspectorate or Secretary of State for unreasonable behaviour.
- 14.6.3. For the purposes of this Rule 14.6, unreasonable behaviour is defined as set out in the National Planning Guidance and/or any Guidance issued by the Planning Inspectorate or Secretary of State.

C3. Executive Procedure Rules

1. INTRODUCTION & PURPOSE

- 1.1. The Rules in this Chapter regulate the business of the Executive and its decision-making. They may be cited as the Executive Procedure Rules.
- 1.2. The purpose of these Rules is to ensure that the Executive: -
 - 1.2.1. Functions smoothly and efficiently;
 - 1.2.2. Is transparent in its proceedings and its decision-making;
 - 1.2.3. Remains accessible to Members who are not on the Executive and to Local Residents;
 - 1.2.4. Makes most its decisions only after consideration by another Member body.

2. OPERATION OF THE EXECUTIVE

2.1. Background to Executive Decisions

The arrangements for the discharge of Executive Functions may be set out in the Executive arrangements adopted by the Council. If they are not set out there, then the Leader may decide how they are to be exercised. In either case, the arrangements or the Leader may provide for Executive Functions to be discharged by:

- 2.1.1. The Executive as a whole;
- 2.1.2. A committee of the Executive;
- 2.1.3. An individual Member on the Executive;
- 2.1.4. An Officer;
- 2.1.5. Joint Arrangements; or
- 2.1.6. Another local authority.

2.2. Delegation of Functions

- 2.2.1. At the Annual Meeting of the Council, the Leader will present to the Council for adoption a written statement of delegations in respect of Executive Functions. This shall be included in the Council's scheme of delegation in Part B of this Constitution. The document presented by the Leader shall specify the following in respect of Executive Functions in relation to the coming year:

- (a) the extent of any authority to be delegated to Executive Members individually, including details of the limitation on their authority;
- (b) the terms of reference and constitution of such Executive committees as the Leader recommends be appointed and the names of Members on the Executive to be appointed to them;
- (c) the nature and extent of any intended delegation of Executive Functions to any other authority or any Joint Arrangements and the names of those Executive Members to be appointed to any joint committee for the coming year; and
- (d) any changes in the delegation of Executive Functions to Officers and to any limitations on that delegation.

2.2.2. The Leader may amend the delegations at any time but must notify the Proper Officer who will report any changes to the Council and the Constitution will be amended accordingly.

2.3. **Sub-delegation of Executive Functions**

- 2.3.1. Where the Executive, a Committee of the Executive or an individual Member on the Executive is responsible for Executive Functions, they may delegate further to Joint Arrangements or an Officer
- 2.3.2. Even where Executive Functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated the functions.

2.4. **Conflicts of Interest**

Unless a dispensation to vote has been given:

- 2.4.1. Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Chapter D1 of this Constitution.
- 2.4.2. If every Member on the Executive has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Chapter D1 of this Constitution.
- 2.4.3. If the exercise of an Executive Function has been delegated to a Committee of the Executive, an individual Member or an Officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the

Council's Code of Conduct for Members in Chapter D1 of this Constitution.

2.5. **Manner of Decision Making**

- 2.5.1. Key Decisions and Other Material Decisions shall only be made by the Executive or by an individual Member of the Executive:
 - (a) At a public meeting of the Executive or other public meeting arranged for the purposes of an individual Member on the Executive making one or more such decisions.
 - (b) Save for urgent matters, where the matter has been considered and/or referred to the Executive by another Member body.
- 2.5.2. Where Executive decisions are delegated to a committee of the Executive, the rules applying to Executive decisions taken by them shall be the same as those applying to those taken by the Executive as a whole
- 2.5.3. Key Decisions and Other Material Decisions may only be made where the Access to Information Procedure Rules have been complied with.
- 2.5.4. The powers of an individual Member on the Executive shall be exercised by them personally save where they are unable to act owing to absence or illness, when they may be exercised on their behalf by another Member on the Executive who has been nominated for the purpose by the Leader and the Proper Officer has been given written notice of such nomination.
- 2.5.5. A Key Decision or Other Material Decision does not take effect until it has been signed by the Leader or a Member on the Executive and has been counter-signed by the Proper Officer

3. **CONDUCT OF MEETINGS OF THE EXECUTIVE**

3.1. **Time and Place of Meetings of the Executive**

The Executive will be scheduled to meet at least eight (8) times per year in the Calendar of Meetings to be agreed by resolution of the Council. The Executive shall meet at the Town Hall or any other location within the Borough to be determined by the Leader.

3.2. **Public Access to meetings of the Executive**

All meetings of the Executive will be open to the public, unless the item under discussion is likely to lead to the disclosure of Confidential or Exempt Information per the Access to Information Procedure Rules.

3.3. **Chairing of Meetings**

If the Leader is present they will chair the meeting. In his or her absence, then a person appointed to do so by those Members on the Executive present shall chair the meeting.

3.4. **Quorum**

The quorum of a meeting of the Executive, or a committee of it, shall be three Members of the Executive.

3.5. **Attendance**

3.5.1. Any Member of the Council may attend any Executive meeting. Members of the Council who are not members of the Executive may attend meetings of the Executive and any committee of the Executive including any part of any meeting closed to the public in accordance with the Access to Information Rules. Members may speak as Visiting Members to an item where they have given written notice of their intention to do so to the Proper Officer by 4pm on the day one (1) Clear Day before the meeting.

3.5.2. Members of the public may attend any Executive meeting, except when Confidential or Exempt Information is being discussed and, save for the Rules below in respect of Questions by Local Residents and Petitions, may address the meeting for up to three (3) minutes where they have given written notice of their intention to do so to the Proper Officer by 4pm on the day one (1) Clear Day before the meeting.

3.5.3. The Proper Officer, the Chief Finance Officer and the Monitoring Officer and their nominees are entitled to attend any meeting of the Executive or a committee of the Executive.

3.6. **Business of Meetings**

At each meeting of the Executive the following business will be conducted:

3.6.1. Consideration of the minutes of the last meeting;

3.6.2. Declarations of interest, if any;

3.6.3. Petitions;

3.6.4. Questions on Notice from Local Residents;

3.6.5. Questions on Notice from Members;

- 3.6.6. Matters referred to the Executive (whether by the Overview & Scrutiny committee or by the Council) for reconsideration by the Executive in accordance with the provisions contained in the Overview & Scrutiny Procedure Rules;
- 3.6.7. Issues arising from Overview & Scrutiny;
- 3.6.8. Matters referred by any other Committee;
- 3.6.9. Any matter relating to a serious service failure or Nuisance referred by at least three (3) Members of the Council, where written notice has other been given in accordance with Committee Procedure Rule 6.1 ("Member Agenda Item Requests");
- 3.6.10. Receipt of written representations from Members of the Council; and
- 3.6.11. Matters for decision set out in the agenda for the meeting, and which shall indicate which Key Decisions are and which are not in accordance with the Access to Information Procedure rules set out in Part C of this Constitution.

3.7. **Consultation**

All reports to the Executive from any Members of the Executive or an Officer on proposals relating to the Budget and Policy Framework must contain details of the nature and extent of consultation carried out with stakeholders, the Overview & Scrutiny Committee and the relevant Policy Advisory Committee(s), and the outcome of that consultation.

3.8. **Meeting Agenda**

- 3.8.1. Any Member on the Executive may require the Proper Officer to ensure that an item is placed on the agenda of the next available meeting of the Executive for consideration whether or not authority has been delegated to the Executive, a committee of the Executive, any individual Member on the Executive, or Officer in respect of that matter.
- 3.8.2. The Proper Officer will ensure that an item is placed on the agenda of the next appropriate meeting of the Executive where the Overview & Scrutiny Committee or the Full Council have resolved that an item be considered by the Executive.
- 3.8.3. If the volume of business for any one meeting appears excessive, the Leader, in consultation with the Proper Officer, may defer consideration to the next appropriate meeting except that items placed on the agenda by the Council may not be

deferred if the Council requires them to be considered at that meeting.

3.9. **Voting at Executive Meetings**

The Executive will decide all matters before it by simple majority. The Leader or, in his or her absence, other Member chairing the meeting, will have a second or casting vote in the event of a tie. There will be no restriction on how this casting vote is used. If any Member on the Executive present at the meeting demands it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

3.10. **Disturbance**

3.10.1. If a member of the public interrupts proceedings, the Leader (or other Member chairing the meeting) will warn the person concerned. If they continue to interrupt, the Leader (or other Member chairing the meeting) will order their removal from the meeting room.

3.10.2. If there is a general disturbance in any part of the meeting room open to the public, the Leader (or other Member chairing the meeting) may call for that part to be cleared.

3.11. **Substitution**

There shall be no substitution at any meeting of the Executive. Any Member on the Executive may, with the prior approval of the Leader which shall be notified to the Proper Officer, act as a substitute for another Member on the Executive at a meeting of a sub-committee of the Executive.

4. **PETITIONS AT EXECUTIVE MEETINGS**

4.1. Appendix A of the Council Procedure Rules on the Council's Petitions Scheme sets out the nature of those petitions received by the Council that are to be considered by the Executive.

4.2. No more than three (3) petitions may be presented per meeting.

4.3. Where a petition is presented: -

4.3.1. Only one person may speak to a petition for a maximum of five (5) minutes. They should have signed the petition, be a Local Resident and be a supporter of the body submitting the petition. This may include someone acting for that petitioner in a professional capacity.

4.3.2. A debate will take place on the petition.

4.3.3. The petitioner will have an opportunity to speak for a further period of three (3) minutes responding to the issues raised in the debate.

4.3.4. Where the petition relates to another item on the agenda, the matter should then be dealt with alongside that other agenda item.

4.3.5. Where the petition is not dealt with by another item on the agenda, the Executive may resolve: -

(a) To request an Officer's Report be provided to a future meeting, at which point it will be treated as any other agenda item with an Officer's Report;

(b) To conclude the debate with no further action agreed for the time being.

4.4. Petitions which are not to be presented in person at a meeting of the pertinent Committee will be reported to it. Debate and determination shall take place as per Rule 4.3 above, save that there will be no speeches by a presenter.

4.5. Where a Policy Advisory Committee has debated a Petition concerning an Executive Function and has resolved to send the matter to the Executive, that item shall be dealt with like any other agenda item.

5. QUESTIONS ON NOTICE AT MEETINGS OF THE EXECUTIVE

5.1. Appendix B of the Council Procedure Rules ("Questions on Notice") shall apply to meetings of the Executive. It sets out the process for giving notice of such questions prior to the Executive meeting and record-keeping subsequent to the meeting.

5.2. At any meeting of the Executive, the session for Questions on Notice from Local Residents shall be limited to 30 minutes and the session for such questions from Member shall be limited to 15 minutes.

5.3. The questions may be asked of the Leader or of any individual Lead Member and must concern the business of the Council in so far as it relates to Executive Functions.

5.4. Order of Questions

Questions will be asked of the relevant Members in the order that notice of them was received, except that the Leader may group together similar questions.

5.5. Posing a Question at the Meeting

The Leader will invite the questioner to put the question to the Member named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Leader to put the question on their behalf, in which event the answer given by the relevant Member shall also be written and sent to the questioner.

5.6. **Supplementary Questions**

A questioner who has put a question in person may also put one supplementary question without notice to the Member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Leader may reject a supplementary question if it would not have been allowed as a Question on Notice or because it does not arise directly out of the question or reply.

5.7. **Nature of Reply**

The form and content of reply to an original or a supplementary question will be at the discretion of the Member giving the reply, unless in respect of an original question a written request has been received specifying a specific form of reply or replies. He or she may decline to give a full or any reply if in his or her opinion to do so would involve an unreasonable amount of labour or cost.

6. CALL-IN

- 6.1. When a decision (other than a De Minimis decision) is taken by the Executive, an individual Member on the Executive, a committee of the Executive, or made by an Officer with delegated authority from the Executive, or an Area Committee or under Joint Arrangements, that decision shall be notified to all members of the Council as soon as possible after it is taken (normally within two working days) and shall be made available at the main offices of the Council.
- 6.2. That notice will bear the date on which it is published and will specify that the decision will come into force and may then be implemented on the expiry of five (5) working days after publication of the decision unless it is called in.
- 6.3. During that period the Proper Officer shall call in a decision for scrutiny by the committee if so requested by:
 - 6.3.1. the Chairman of the Overview & Scrutiny Committee; or
 - 6.3.2. any three (3) Members of the Council.

Such a request must be made in writing and must state the reason the call-in is believed to be necessary. On receipt of such a request within five (5) working days of publication of the decision, the Proper Officer

shall notify the decision-taker of the call-in and shall within five (5) working days of the decision to call-in, call a meeting of the Overview & Scrutiny Committee. Pending that meeting, the decision shall stand deferred and shall not be implemented.

- 6.4. If, having considered the decision, the Overview & Scrutiny Committee is still concerned about it, then it may refer it back to the decision-making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to Full Council. If referred to the decision maker they shall then reconsider it, amending the decision or not, before adopting a final decision.
- 6.5. If following a call-in of the decision, the Overview & Scrutiny Committee does not refer the matter either to Council or back to the decision-making person or body, the decision shall take effect on the date of the Overview & Scrutiny meeting.
- 6.6. If the matter was referred to Full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the Rule 6.7 below. However, if the Council does object, it has no locus to make decisions in respect of an Executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision-making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it.
- 6.7. If the Council does not decide to refer the decision back to the decision-making body or person, the decision shall take effect on the date of the Council meeting.
- 6.8. A decision-making person or body can be required to reconsider any particular decision only once.

7. Call-in and Urgency

- 7.1. The call-in procedure set out above shall not apply where the decision being taken by the Executive is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interest. The record of the decision and notice by which it is made public shall state whether, in the opinion of the decision-making person or body, the decision is an urgent one, and therefore not subject to call-in. The decision proposed shall be regarded as reasonable in all the circumstances and be treated as a matter of urgency unless the Chairman of Overview & Scrutiny and the political

group leaders by simple majority, disagree. Decisions taken as a matter of urgency must be reported to the next appropriate meeting of the Council by the Proper Officer, together with the reasons for urgency.

- 7.2. The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

8. CONSIDERATION OF REPORTS BY THE EXECUTIVE

- 8.1. If the Proper Officer refers an Overview & Scrutiny Committee report to Council, he or she shall also serve a copy on the Leader with notice that the matter is to be referred to Council. When the Council meets to consider any referral from the Overview & Scrutiny Committee on a matter which would have an impact on the budget and policy framework, it shall also consider the response of the Executive on the Overview & Scrutiny Committee proposals.
- 8.2. Overview & Scrutiny Committee will have access to the Executive's forward plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from the Overview & Scrutiny Committee following a consideration of possible policy/service developments, the committee will at least be able to respond in the course of the Executive's consultation process in relation to any key decision.