

CHESHIRE EAST

GOVERNANCE AND CONSTITUTION COMMITTEE

Date of meeting: 1st December 2008
Report of: Interim Monitoring Officer
Title: Adoption of Council Procedure Rules

1.0 Purpose of Report

- 1.1 For the Committee to make recommendations to Council upon the Council's Procedure Rules which will apply with effect from 1st April 2009.

2.0 Decision Required

- 2.1 That, having considered the issues raised in this report, a recommendation be made to Council to adopt Council Procedure Rules which will take effect on 1st April 2009.

3.0 Financial Implications for Transition Costs

- 3.1 There are no implications for Transition Costs.

4.0 Financial Implications 2009/10 and beyond

- 4.1 There are no financial implications 2009/10 and beyond.

5.0 Legal Implications

- 5.1 The legal implications are taken into account in the body of this report.

6.0 Risk Assessment

- 6.1 As the recommended model of Procedure Rules largely follows the Modular Constitution format prepared by the Government Department, taking on board tried and tested provisions of Rules in use across Cheshire, no identifiable risks arise.

7.0 Background

- 7.1 The Council has adopted a Constitution, including Procedure Rules, which govern the way in which its Council meetings, Committees, Sub-Committees and Cabinet operate during the Shadow Council period.

- 7.2 These are currently in use and, with the exception of a small number of changes which have been considered by Members, have served the Council well.
- 7.3 Whilst the existing Constitution has been in operation since the Shadow Council came into being, this was prepared to serve the needs of the limited functions for which it was responsible. However, the Council will need to adopt a Constitution which will take effect on 1st April 2009 and which will serve the purposes of a unitary local authority.
- 7.4 The adoption of a new Constitution is therefore an opportunity for Members to consider whether the current Council Procedure Rules contain satisfactory provisions.
- 7.5 Attached to this report as Appendix B are the current Rules, containing minor amendments eg removal of references to "Shadow Council" and "Interim Monitoring Officer".
- 7.6 Appendix A is a schedule of key issues identified by officers. Some of these issues have been subject to Member comment or discussion during the Shadow Council's life, whilst others are included by way of a reminder of key provisions of the Rules.

8.0 Conclusions and Recommendation

- 8.1 The Committee is asked to give consideration to the issues raised in the schedule at Appendix A and to provide direction to officers upon the provisions which should be included in the Rules which will form part of the Constitution from 1st April 2009.
- 8.2 It is proposed that a series of reports of this nature will be brought to the Committee before Vesting Day in order for the Committee to recommend their adoption at Council on 28th February 2009 en bloc.

For further information:

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Background Documents:

- ***Cheshire East Shadow Council Constitution***
- ***Government Department Modular Constitution***
- ***Cheshire local authorities' constitutions***

Documents are available for inspection at:

Cheshire East Shadow Council Support Office
Westfields
Middlewich Road
Sandbach

Appendix A

Page/ref	Issue	Comment
Pg 5/R 1.3	Special Council meetings	Can be called by: resolution of the Council; the Chairman; 8 Members; or the Monitoring Officer in consultation with the Chairman
Pg 5/R 2.1	Appointment of Chairman/Vice Chairman	To be appointed at the Annual meeting each year
Pg 5/R 3.1	Quorum-Council meetings	21 Members (approx 25%)
Pg 6/R 7	Minutes of the last meeting to be confirmed at next ordinary meeting of Council	This is a standard provision
Pg 6/R 8	Record of decisions of Cabinet/minutes of Committees etc to be submitted to next ordinary meeting of Council. The Chairman is asked to sign the record of decisions/ minutes.	This is not mandatory but is a provision taken from the modular constitution prepared by the Government Department.
Pg 7/R 11.2	Questions may be asked to nominated/designated representatives of Cheshire Police and Fire Authorities about the responsibilities of their Authorities	This provision has been added as, until 1 st April 2009, there will be no formal representation on the Police and Fire Authorities.
Pg 8/R 11.8 (and Appx. 7)	Public Speaking Time: the current provision, which allows members of the public to speak at Council meetings, has been included.	No provision has been included to allow Members of the Council to use the 15 minute speaking facility at the beginning of Council meetings.
Pg 8/R 14.2	Recission motion not to be moved unless recommended by Cabinet/Committee, or requested by 8 Members.	This reflects the current provision.
Pg 8/R 15.2	Recorded Vote: the requirement is for the requesting Member and 8 others to stand when the request is made, not that	This reflects the current provision.

	Members stand whilst voting.	
Pg 10/R 15.7	The Chairman of the Council is not obligated to exercise a second and casting vote when there are equal numbers of votes for and against a motion.	This reflects the current provision.
Pg 10/R 17.1 & 17.3	Chairmen and Vice Chairmen of Committees and Sub-Committees are elected at the Annual Council meeting. Where a vacancy occurs, the election takes place at the next ordinary meeting	This reflects the current provision.
Pp 10 & 11/R 18.1 & 25. Also, Appendix 4, pg 34	Urgent business may be determined by the Chief Executive or her nominee, in consultation with certain Members	This issue has already been given consideration by the Committee
Pg 13/R 19	Names of Independent Remuneration Panel Members	These need to be added upon appointment
Pg 15/R 27	Quorum = 25% of membership of decision-making body, except where there are less than 11 Members. Where there are less than 11 Members, quorum will be 3	This reflects the current provision.
Pg 17/R 31.6	The Chairman of a Committee or Sub-Committee must exercise a second or casting vote where there are equal numbers of votes for and against a motion	This reflects the current provision.
Pg 18/R 36.6	Decisions of Committees/ Sub-Committees may be referred to Council or a parent committee for reconsideration.	This reflects the current provision.
Pg 20/R 40	The current drafting assumes a "Council-led" model of Leadership.	Officers await direction from the Council's political leadership upon whether the Council-led or Strong Leader model will apply
Pg 21/R 43.1	Quorum of Cabinet	50%. This reflects the current provision.
Pg 23/R 44.6	Urgent Key Decisions which haven't been included in the Forward Plan	Such decisions can only be taken if "agreement" has been obtained from the Chairman of Scrutiny
Pg 26/R 49.1	Documents supplied to	There is a presumption

	Members	that documents will be supplied electronically
Pg 29/R 56.1	Notices required to be given by Members may be given electronically	May be given electronically
Pg 32/Appx 2	Notices of Motion	Must be submitted 7 clear working days prior to Council
Pg 33/Appx 2, para 6	Time allocated for debate on executive functions	15 minutes
Pg 34/Appx 2, para 4	Time allocated for speeches	5 minutes (except where a protocol has been agreed for Budget Council)
Pg 36, Appx 3, para 11	Mover of an amendment	Has no right of reply before the mover of the original motion sums-up
Pg 41, Appx 5 (& PR 23)	Change of Committee Places	Council approval is needed for a reserve list of Members. Sufficient simply for the Chairman to be notified at the meeting?

Appendix B

PROCEDURE RULES

PART A –COUNCIL PROCEDURE RULES

1 Council meetings

- 1.1 The Council will decide when its meetings will take place. Details will be contained in a calendar of meetings which will be approved by the Council.
- 1.2 Meetings will be held at a time and a place (or places) to be agreed by the Council. The Chairman, or the Council, can agree to hold a meeting at a different place or time.
- 1.3 A special meeting can be called by resolution or by the Chairman, or 8 members of the Council can ask the Chairman, in writing, to call a special meeting. If the Chairman does not agree, then those Members can call the meeting by giving written notice to the Monitoring Officer. The Monitoring Officer, in consultation with the Chairman, may also call a special meeting.
- 1.4 Before the start and at the end of each meeting, Members and Officers will stand whilst the Chairman and the Vice-Chairman enter and leave the room.

2 Chairman and Vice Chairman of the Council

- 2.1 At its Annual Meeting, the Council will elect its Chairman and appoint its Vice-Chairman for the following year.
- 2.2 The Chairman of the Council, or in his absence the Vice-Chairman (who will have the same powers and duties as the Chairman), will preside at meetings of the Council. Where both the Chairman and Vice-Chairman are absent, the Council will appoint another Member, other than a Member of the Cabinet, to chair the meeting, who will have the same powers and duties as the Chairman.

3 Quorum

- 3.1 No business shall be dealt with at a Council meeting if there are fewer than 21 Councillors present. Where the meeting has started, and the number of Councillors present is fewer than 21, the Chairman will adjourn the meeting. Where the Chairman does not give a date and/or time, all business not completed will be considered at the next meeting.

4 What the Council can decide

- 4.1 The Council will decide such matters as required by the law, and those matters set out in Part 3 of this Constitution.

5 Order Of Business

- 5.1 Business shall be dealt with in the order in which it is set out in the agenda unless the Council decides otherwise.

6 Urgent Business

- 6.1 Business cannot be dealt with at a Council meeting unless it is included in the Summons or unless the Chairman has agreed that it is urgent and cannot wait until the next meeting. The Chairman must give the reasons for urgency, which must be recorded in the Minutes of the meeting.

7 Confirmation of Minutes

- 7.1 Minutes of the last Council meeting must be confirmed at the next ordinary meeting of the Council.
- 7.2 Only matters relating to the accuracy of the Minutes can be raised, which must be done by way of a motion which is proposed, seconded and voted upon. Where no issues are raised, or after the motion has been dealt with, the Chairman shall sign the Minutes.

8 Record of Cabinet Decisions and Minutes of Committees and Sub - Committees

- 8.1 The Record of Decisions of the Cabinet and the Minutes of any other Committees will be submitted to the next ordinary meeting of the Council.
- 8.2 The Record of Decisions will be noted and the Minutes will be received by a decision of the Council.
- 8.6 Any question about the accuracy of any matter before the Council from the Cabinet or a Committee must be considered and determined by the Cabinet or that Committee at its next meeting. It is not a matter for the Council.

9 Matters for Decision by the Council

- 9.1 All matters for decision by the Council (except any Notices of Motion under Procedure Rule 12 and any urgent items) shall be included with the agenda.

- 9.2 When the item is reached on the agenda, the appropriate Cabinet Member or the Chairman of the relevant Committee will, where appropriate, move the recommendation or advice of the Cabinet or Committee, or endorsement of a Cabinet or a Committee decision. Another Member may second the motion and may reserve the right to speak until later in the debate.
- 9.3 The Chairman cannot ask the Council to agree to withdraw a recommendation of the Cabinet or a Committee under, Appendix 3, paragraph No.10, unless new and relevant information has become available after the decision of the body concerned. The information must be disclosed to the Council.

10 Motions Moved Without Notice

- 10.1 Appendix 1 lists those motions and amendments which can be moved at a Council meeting without notice.

11 Public speaking and questions at Council meetings

- 11.1 A Member of the Council may ask the Chairman, the appropriate Cabinet Member or the Chairman of a Committee any question about a matter which the Council, the Cabinet or the Committee has powers, duties or responsibilities.
- 11.2 A Member may ask the nominated/designated representative of the Cheshire Fire Authority or the Cheshire Police Authority any question about the responsibilities of his/her respective Authority.
- 11.3 Questions must be sent in writing to the Monitoring Officer at least three clear working days before the meeting.
- 11.4 The Chairman may agree to take urgent questions where he considers that it has not been possible for a Member to give the required notice, provided that a copy of the question is given to the Monitoring Officer before the meeting starts.
- 11.5 Questions will be asked and answered without discussion. In replying, the Member responding will use their reasonable endeavours to address the matters raised in the question. The Member responding may decline to answer any question or may: reply direct, reply by reference to a publication, or reply by written answer with a copy to such other Members of the Council as the Council agrees, or refer the question to an appropriate committee or to the Cabinet.
- 11.6 Following the answer to each question, the questioner may ask a supplementary question which relates to the initial answer. A reply may not be given if the question is: not related to the initial answer; is unduly lengthy; or is inappropriate. The Member answering the supplementary question will decide whether or not to reply.

11.7 Where a question submitted under this Procedure Rule relates to a matter that appears on the agenda for that meeting, the question shall be put and answered in accordance with this Procedure Rule, at the start of the consideration of that matter.

11.8 A public speaking time and public question facility will apply to Council meetings, as detailed in Appendix 7.

12 Notices of Motion

12.1 A notice of motion must relate to matters for which the Council has responsibility or which affect its area.

12.2 The arrangements for submitting and dealing with notices of motion are set out in Appendix 2.

13 Rules of Debate

13.1 The rules of debate to be followed at Council meetings are set out in Appendix 3.

14 Rescission of Earlier Resolution

14.1 Subject to Rule 14.2, at a meeting of the Council, no motion or amendment shall be moved to rescind any resolution of the Council which was passed within the preceding six months or which is to the same effect as one which has been rejected within that period.

14.2 Such a motion may be moved if:

- (a) it is recommended by the Cabinet or a Committee; or
- (b) notice of such motion has been given under Procedure Rule 12 and signed by at least 8 elected Members of the Council.

15 Voting

15.1 Voting will be by a show of hands.

15.2 When a Member asks for a recorded vote to be taken, and 8 other Members stand in their places to support the request, the vote will be recorded to show whether each Member voted for or against the motion or abstained.

15.3 A recorded vote will not be taken if the vote has already begun to be taken by a show of hands.

- 15.4 Members must be in their designated seats for their vote to be counted. The Chairman may agree to waive this requirement before the vote is taken.
- 15.5 A Member may require, after a vote is completed, that the Minutes of the meeting record how he/she voted or abstained.
- 15.6 A Member may, immediately after the item of business is voted upon, request that a lost motion or amendment be recorded in the minutes.
- 15.7 Where there are equal votes cast for a motion or amendment the Chairman or the person presiding will have a second or casting vote.

16 Offices and Appointments

- 16.1 A secret ballot will be held to elect or appoint the Chairman and Vice-Chairman of the Council, the Leader and Deputy Leader of the Council or Members to any office or position where more than one person is nominated.
- 16.2 If a secret ballot is held and no person receives more than half of the votes cast, the name of the person with the least number of votes will be withdrawn. Further ballots will be held until one person receives a clear majority.
- 16.3 The Chairman, or person presiding, will have a second or casting vote where the votes are equal.

17 Election of Chairman of Committees and Sub-Committees

- 17.1 The Chairman and Vice-Chairman of every Committee and Sub-Committee will be elected at the Annual Meeting of Council each year.
- 17.2 The Member elected to each office must be a Member of the relevant Committee or Sub-Committee.
- 17.3 Where a vacancy occurs in any office, an election will be held at the next ordinary meeting of the Council unless the Council decides otherwise.
- 17.4 Unless the Council decides otherwise, the election will be conducted by a show of hands and may relate to a number of offices. Procedure Rule 16 will apply.
- 17.5 Where a Chairman and Vice-Chairman are absent from a meeting of the relevant body, a Chairman will be appointed from those Members of the body present, provided the meeting is quorate and subject to any restrictions on the eligibility of Cabinet Members for appointment.

18 Urgent Business – Non executive Matters

- 18.1 An item of urgent business which has to be decided before the next meeting of the Council and which does not fall within the Cabinet's functions and responsibilities can be determined by the Chief Executive or her nominee, subject to the procedure in Appendix 4.

PART B – COMMITTEE AND SUB-COMMITTEE PROCEDURE RULES

19 Committees and Sub-Committees

19.1 The Committees and Sub-Committees the Council and their membership size will be:-

Committees	Councillors
Scrutiny Committee	Councillor Gordon Baxendale Councillor Steve Conquest Councillor Paul Edwards Councillor Betty Howell Councillor Rod Menlove Councillor Lesley Smetham Councillor John Wray Councillor Andrew Barratt Councillor Stephen Broadhurst Councillor Matthew Davies Councillor Stella Furlong Councillor Olivia Hunter Councillor Allan Richardson Councillor Andrew Thwaite
Staffing Committee	Councillor Wesley Fitzgerald Councillor Roland Domleo Councillor Ainsley Arnold Councillor Rachel Bailey Councillor Dorothy Flude Councillor John Hammond Councillor Frank Keegan
Standards Committee	Councillor Rhoda Bailey Councillor Brian Dykes Councillor John Goddard Councillor John Hammond Councillor Margaret Hollins Councillor Margaret Martin Councillor Michael Parsons Councillor Lesley Smetham
Governance and Constitution Committee	Councillor Tony Ranfield Councillor David Topping Councillor Marc Asquith Councillor Chris Beard Councillor Sandy Bentley Councillor David Cannon Councillor Roy Cartlidge Councillor Shirley Jones Councillor Andrew Kolker

	Councillor Gillian Merry Councillor Arthur Moran Councillor Barry Moran Councillor Rodney Walker Councillor Paul Whiteley
Independent Remuneration Panel	(Not yet appointed)
Joint Liaison Committee	Councillor Ainsley Arnold Councillor Roland Domleo Councillor Paul Findlow Councillor Wesley Fitzgerald Councillor John Hammond
Advisory Panel – People	Councillor Carolyn Andrew Councillor Darryl Beckford Councillor David Brown Councillor Rod Fletcher Councillor Dorothy Flude Councillor Liz Gilliland Councillor Andrew Knowles Councillor Bill Livesley Councillor Howard Murray Councillor Michael Parsons Councillor Brian Silvester Councillor Christine Tomlinson Councillor Roger West Councillor Ray Westwood
Advisory Panel – Places	Councillor Derek Bebbington Councillor David Brickhill Councillor Jim Crockatt Councillor Harold Davenport Councillor Roland Domleo Councillor Derek Hough Councillor Jamie Macrae Councillor Andrew Martin Councillor Arthur Moran Councillor David Neilson Councillor Robert Parker Councillor Chris Thorley Councillor George Walton Councillor Jacqueline Weatherill
Advisory Panel – Performance and Capacity	Councillor Elise Alcock Councillor Gary Barton Councillor Terry Beard Councillor Paul Edwards Councillor Paul Findlow

**Councillor Stella Furlong
Councillor Les Gilbert
Councillor Martin Hardy
Councillor Frank Keegan
Councillor Peter Mason
Councillor John Narraway
Councillor Don Stockton
Councillor Diana Thompson**

19.2 Other Committees and Sub-Committees

The Council may appoint other Committees, Sub-Committees and Special Committees with delegated powers to act under specific terms of reference which must be set out in the Minutes.

20 Co-option

- 20.1 A Committee or Sub-Committee may co-opt any person as a Member.
- 20.2 A Scrutiny Committee or Sub-Committee may co-opt persons to advise and/or assist in the scrutiny of particular areas of the Council's functions.
- 20.3 Co-optees must not be elected Members of the Council. They shall not be entitled to vote at any meeting.

21 Appointment to Committees and Sub-Committees

- 21.2 Where a by-election takes place during the year, the Council will decide upon the composition of Committees and Sub-Committees to reflect any change in political balance in order to comply with legal requirements.

22 Term of Office – Committees and Sub-Committees

- 22.1 Committee and Sub-Committee Members will remain in office until their day of retirement as set out in the Cheshire (Structural Changes) Order 2008. The Council may, at any time, dissolve, alter or amend the membership of a Committee or Sub-Committee.

23 Change of Committee and Sub-Committee Places

- 23.1 A Political Group may vary its representation on a Committee or Sub-Committee as set out in Appendix 5.

24 Powers of Committees, Sub-Committees and Officers

- 24.1 Subject to Procedure Rule 4.1 relating to the Council (Matters Reserved for Decision by the Council), the functions, powers and

duties to be exercised by Committees, Sub-Committees and Officers on behalf of the Council are set out in Part 3 of this Constitution (Responsibility for Functions).

- 24.2 In discharging those functions, powers and duties, the Committees, Sub-Committees and Officers have full delegated powers to take those decisions, subject to any specific reservations or exceptions contained in Part 3.
- 24.3 A Committee, Sub-Committee, or Officer may, at any time, decline to exercise a delegated power. The matter must then be considered and determined by the Council, Committee or Sub-Committee, as appropriate.
- 24.4 Part C of these Procedure Rules and Part 3 of the Constitution deal with those functions which are the responsibility of the Cabinet.

25 Urgent Business – Committees, Sub-Committees and Cabinet

- 25.1 An item of urgent business which has to be decided before the next meeting of a Committee or Sub-Committee can be determined by the Chief Executive or her nominee, subject to the provisions of Appendix 4.
- 25.2 Appendix 4, suitably amended, will also apply to urgent Decisions in respect of all executive functions, including Key Decisions and non Key Decisions.

26 Changes to the Programme of Meetings

- 26.1 Meetings of Committees and Sub-Committees will be set out in the calendar of meetings approved by the Council under Procedure Rule 1.1. There will be a presumption against alterations to the date, time and venue for meetings.
- 26.2 When it is necessary to alter the date, time and/or venue of a meeting, or to arrange a special meeting, the Monitoring Officer will consult the Chairman and Spokesmen of the relevant Committee or Sub-Committee before any action is taken.
- 26.3 The Chairman of the Committee or Sub-Committee will then determine the matter.

27 Quorum at Committees and Sub-Committees

- 27.1 Business cannot be transacted at meetings of Committees and Sub-Committees unless there are at least one quarter of the Members of the body present. However, where the total membership of any Committee or Sub-Committee comprises eleven or fewer Members, the quorate number shall be 3. For the Standards Committee and Sub-

Committees, other provisions will apply. The Monitoring Officer will provide further information where this is required.

- 27.2 This may be varied because of a legal requirement or by the Council.

28 Minutes of Committees and Sub-Committees

- 28.1 The Minutes of a Committee or Sub-Committee must be confirmed at its next meeting.
- 28.2 Only matters relating to the accuracy of the Minutes can be raised. Where accuracy is questioned, this must be by a motion which is proposed, seconded and voted upon.
- 28.3 Where no issues of accuracy are raised, or after any motion has been dealt with, the Chairman shall sign the Minutes.
- 28.4 The Minutes of any Sub-Committee must be submitted to the next meeting of the parent Committee by the Sub-Committee Chairman.
- 28.5 Members may ask a question or comment on any Minute. The Chairman of the Sub-Committee will then reply. There will be no debate on any question or comment raised under this procedure and no further motions can be moved.
- 28.6 Where a Member has a question or comment on an exempt, private or confidential Minute, the question or comment must be given in writing to the Monitoring Officer at least one hour before the start of the meeting.
- 28.7 Any question about the accuracy of any Minute of a body must be considered and determined by that body at its next meeting.

29 Motions moved without Notice at Committees and Sub-Committees

- 29.1 Appendix 1 lists those motions and amendments which can be moved without notice.

30 Rules of Debate at Committees and Sub-Committees

- 30.1 Appendix 3 sets out the rules of debate.

31 Voting

- 31.1 Voting at Committee and Sub-Committee meetings will be by a show of hands.
- 31.3 A recorded vote will not be taken if the vote has already begun to be taken by a show of hands.

- 31.4 A Member may require, after a vote is completed, that the Minutes of the meeting record how he/she voted or abstained.
- 31.5 A Member may request that a lost motion or amendment be recorded in the minutes by requesting this immediately after the vote is taken.
- 31.6 Where there are equal votes cast for a motion or amendment, the person presiding at the meeting will have, and must exercise, a second or casting vote.

32 Offices and Appointments

- 32.1 A secret ballot will be held to elect or appoint Members to any office or position where more than one person is nominated.
- 32.2 If a secret ballot is held where more than two nominations are made and no person receives more than half the votes cast, the name of the person with the least number of votes will be withdrawn. Further ballots will be held until one person receives a clear majority.
- 32.3 Procedure Rule 31.6 will apply in cases where the votes are equal.

33 Mover of a Motion at Council under Procedure Rule 12: Attendance at Committee and Sub-Committee

- 33.1 Where a motion has been referred under Procedure Rule 12 from the Council to a Committee or Sub-Committee for consideration and report, the mover of the motion has the right to attend the meeting and to explain the motion.
- 33.2 The mover of the motion will be advised of the date and time of the meeting at which the matter is to be considered and he/she will be sent a copy of the relevant papers.

34 Requests by Members for items of business to be included on agendas of a Committee or Sub-Committee

Appendix 6 to these Procedure Rules sets out details of the process by which a Member of the Council can ask for an item of business to be included on the agenda of Committee or Sub-Committee meeting.

35 Questions Submitted by Members of the Public

- 35.1 The Council has a procedure to enable members of the public to submit questions at ordinary meetings of its Committees and Sub-Committees. This is set out in Appendix 7.

36 Reference of a Decision to the Parent Committee or Council

- 36.1 Where a decision is made by a Committee or Sub-Committee, the resolution may be referred, by notice, to the Council or parent Committee, as appropriate, for reconsideration.
- 36.2 The notice must be in writing and be signed by 8 Members of the Council. The notice must be given to the Monitoring Officer, in writing, not later than 5.00pm on the fifth full working day after the meeting.
- 36.3 No action must be taken on the decision prior to its determination by the Council or Committee. Where action is necessary before the relevant meeting, the Chief Executive will consider whether a special meeting of the Committee or the Council, as appropriate, should be convened.
- 36.4 No resolution of a Committee or Sub-Committee can be subject to a notice under this Standing Order if, in the preceding twelve months, a similar resolution had been the subject of a notice under this Standing Order.
- 36.5 These provisions do not apply to decisions taken by the Cabinet where the 'call in' procedure is set out in the Scrutiny Procedure Rules.

37 Committee and Sub-Committee Agenda - Urgent Items of Business

- 37.1 Generally, business will only be transacted at meetings of Committees and Sub-Committees which appears on the agenda and which has been available for public inspection at least five clear working days before the meeting or, where the meeting is convened at short notice, from the time the meeting is convened.
- 37.2 The Chairman of the Committee or Sub-Committee may agree to deal with an item of business at the meeting if, in his/her opinion, the matter is urgent given the circumstances requiring a decision. The Chairman's ruling and the reasons for urgency will be recorded in the Minutes of the meeting.

38 Attendance of Members at Committees and Sub-Committees of which they are not Appointed Members

- 38.1 Notwithstanding their rights as a member of the public, a Member may attend any meeting of a Committee or Sub-Committee to which he/she has not been appointed, for the purposes of performing his/her duties as a Councillor, including when exempt or private and confidential business is transacted.

- 38.2 A Member will be given, when he/she arrives at the meeting a copy of the agenda and relevant papers, subject to any restrictions imposed under Procedure Rule 49.
- 38.3 The Member has no right to vote, but may speak with the consent of the Chairman of the meeting.

39 Scrutiny Committees/Sub-Committees

- 39.1 In applying these Procedure Rules to Scrutiny Committees and Sub-Committees, regard shall be had to the Scrutiny Procedure Rules which are contained in Part 4 of this Constitution.

PART C – PROCEDURE RULES RELATING TO EXECUTIVE ARRANGEMENTS

General

This Part sets out the Council's executive arrangements. It should be read in conjunction with the appropriate paragraphs of Part 1 of this Constitution and the Cabinet Procedure Rules contained in the Constitution.

40 The Executive Framework

- 40.1 The Council shall have a Leader and Deputy Leader who will be Members of the Cabinet. The Council will make these appointments at its first meeting.
- 40.2 The Cabinet's responsibilities will consist of the following portfolios as agreed by the Council:-
- Leader (Community Leadership and Partners)
 - Deputy Leader (Community Empowerment)
 - Performance
 - Finance and Assets
 - Human Resources
 - Community Safety
 - Environment and Prosperity
 - Health and Wellbeing
 - Older and Vulnerable People
 - Children, Young People and Families
- 40.3 The Cabinet will comprise ten Members including the Leader and Deputy Leader. The Council will appoint an elected Member of the Council to each of the portfolios and will fill any vacancies which may arise from time to time.
- 40.4 The Leader and Deputy Leader may take a portfolio responsibility.
- 40.5 The Leader will chair meetings of the Cabinet or in his absence, the Deputy Leader will preside. Where both the Leader and Deputy Leader are absent, the Members present, may appoint one member of the Cabinet to chair that meeting.
- 40.6 The Cabinet cannot vary the portfolio responsibilities as listed in 40.2 above without the consent of the Council.
- 40.7 A member of the Cabinet can only be removed from office in year by a resolution of the Council. This does not preclude an office holder from resigning his/her position at any time. Where there is a delay between

a resignation being tendered and the date of the next Council meeting in the case of the Leader's resignation, the Deputy Leader will chair Cabinet meetings. Where both the Leader and the Deputy Leader resign, the Monitoring Officer in consultation with the Chairman of the Council will call a special meeting of the Council. Where a Member of the Cabinet resigns and holds a portfolio responsibility, the Cabinet will reallocate that responsibility within its number until the Council has appointed a replacement.

41 The Executive Role

- 41.1 The executive functions will comprise the executive responsibilities under the Local Government Act 2000, and associated legislation.
- 41.2 The role and responsibilities of the Cabinet are set out in more detail in Part 3 of the Council's Constitution.

42 Business Process and Decisions of the Cabinet

- 42.1 The Cabinet, must ensure, and be satisfied, that they have appropriate and adequate legal, financial and other relevant professional advice from officers before taking a decision on any matter before them. Advice from the Council's Monitoring Officer and Chief Finance Officer should always be obtained where there is doubt about vires or probity.
- 42.2 All items for decision by the Cabinet will be contained in a formal agenda as required by the Local Government Acts and Regulations in relation to confidential and exempt information.
- 42.3 Full agendas for meetings of the Cabinet will be made available, electronically, in advance of the respective meeting, to all Members of the Council and in accordance with the Council's current policy.
- 42.4 Cabinet decisions, including those taken under delegated powers, shall not take effect until they have been recorded in writing, as required under the Council's procedures, and shall not be implemented where the right of call-in has been exercised until the call-in process has been concluded.
- 42.5 A written record will be kept of all Cabinet decisions by the Monitoring Officer and these will be made available publicly as soon as practicable after the decision has been taken (excluding the disclosure of confidential and exempt information and in accordance with the Scrutiny Procedure Rules).

43 Procedural Matters Relating To Cabinet Meetings

- 43.1 No items of business shall be conducted at a Cabinet meeting where, at the beginning or during the meeting, there are fewer than 50% of Cabinet Members present.

- 43.2 Meetings of the Cabinet will be programmed into the Council diary prepared under Procedure Rule 1.1. The Cabinet can agree to change the date of any programmed meeting, to cancel a meeting or to arrange additional meetings as it sees fit.
- 43.3 The order of business at Cabinet meetings is a matter for the Cabinet to determine.
- 43.4 Records of Cabinet decisions must be confirmed at the next meeting.
- 43.5 In recording decisions of the Cabinet under Rule 42.4, the Monitoring Officer will set out the decision, the reasons for the decisions and alternative options considered as required under the Access to Information Procedure Rules in the Constitution.
- 43.6 An item of business which requires a decision cannot be dealt with by the Cabinet at a meeting unless it is included in the agenda for the meeting, or the Leader (or the person presiding) has agreed that it is urgent and cannot await the next meeting of the Cabinet. The reasons for taking the item as urgent business must be recorded in the Record of the Cabinet's meeting.
- 43.7 Voting at Cabinet meetings will be by a show of hands and any Member may require, after the vote is completed, that the Record of the meeting shows how he/she voted or abstained. Where there are equal votes cast, the Leader or the person presiding will have a second and casting vote. Voting for any office or appointment, including any paid appointment, where more than one person is nominated shall be by secret ballot conducted in accordance with Procedure Rule 16 in the Council Procedure Rules.
- 43.8 The Cabinet Procedure Rules set out the rights of the Chairmen and Spokespersons of Scrutiny Committees to attend Cabinet meetings and to speak.
- 43.9 The Cabinet may invite any person it/he/she consider appropriate, to its meetings to discuss matters of mutual interest or concern or to advise. Such persons may only be given access to confidential and/or exempt information on terms to be decided by the Monitoring Officer so as to ensure that the Council's obligations under the Local Government Acts in respect of Access of Information are observed.
- 43.10 A mover of a motion under Procedure Rule 12 which has been referred to the Cabinet for consideration shall have the right to attend the meeting when the motion is under consideration and to explain the motion. The mover of the motion will be advised of when the matter is to be considered and will be sent a copy of the papers. This does not affect the right of the mover of the motion to attend a Scrutiny body when his/her motion is being considered.

- 43.11 In the case of any dispute during the proceedings of any Cabinet meeting, the Council's Constitution will apply and, after considering the application of the relevant Procedure Rule, the person presiding at the meeting will rule on the issue in question as set out in Procedure Rule 55.

44 The Forward Plan and Key Decisions

- 44.1 The Leader will ensure that the requirements of the Access to Information Procedure Rules in relation to the publication of the Cabinet's Forward Plan of Key Decisions are met.
- 44.2 Those decisions which are Key Decisions are defined in **[Cross refer with relevant paragraph of Part 2]**.
- 44.3 Where the Cabinet as a body is making Key Decisions, that meeting shall be held in public. Where a matter is to be considered and Regulation 7 of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 is applicable then the meeting will be held in public. In both cases the public may be excluded from the meeting where confidential or exempt information is likely to be disclosed.
- 44.4 Where an officer exercising an executive function under delegated powers, receives a report which he/she intends to take into consideration when making a Key Decision that decision shall not be taken until the report has been made available for inspection by the public for three clear working days following receipt of the report by the decision taker. A copy of such report must be supplied as soon as reasonably practicable to the Chairman of the relevant Scrutiny Committee. The report must also include the list of background papers.
- 44.5 Where the inclusion of a matter in the Forward Plan is impracticable and the matter would be a Key Decision, that decision shall only be made:-
- (a) where the Monitoring Officer has informed the Chairman of the relevant Scrutiny Committee of the matter about which the decision is to be made;
 - (b) where the Monitoring Officer has made available for public inspection a copy of the notice given under (a) above; and
 - (c) after five clear working days have elapsed following the day on which the Monitoring Officer made available the notice referred to in (b) above.
- 44.6 Where the date by which a Key Decision must be made makes compliance with the requirements under 44.5 above impracticable, the

decision shall only be made where the decision maker has obtained agreement from:-

- (a) the Chairman of the relevant Scrutiny Committee; or
- (b) if there is no such person, or if the Chairman of the relevant Scrutiny Committee is unable to act, the Chairman of the Council; or
- (c) where there is no Chairman of either the relevant Scrutiny Committee or of the Council, the Vice-Chairman of the Council.

that the making of the decision is urgent and cannot reasonably be deferred. Such decisions when made are not subject to the provisions relating to call-in.

44.7 The Leader shall submit a quarterly report to the Full Council containing details of each Key Decision taken during the preceding three months under 44.6 above and agreed as urgent. The report will include particulars of each such Key Decision and a summary of the matters in respect of which each decision was made.

44.8 Where an executive decision which was not classified as being a Key Decision has been made and the relevant Scrutiny Committee is of the opinion that the decision should have been so classified that Committee may require the Cabinet to submit a report to the Full Council within such reasonable period as the Committee may specify, containing the following details:-

- (i) the decision and the reasons for it;
- (ii) the decision maker; and
- (iii) if the Cabinet is of the opinion that the decision was not a Key Decision, the reasons for it.

PART D – PROCEDURE RULES: GENERAL PROVISIONS

45 Records of Attendance

- 45.1 Members of the Council attending a meeting of which they are a Member must sign their name on the attendance sheet provided.

46 Disclosure of Confidential/Exempt Matters

46.1 Matters not open to the Public or Press

No Member shall disclose to any person the whole or any part of the contents of any agenda, report or other document which is marked “confidential” or “not for publication” unless and until the document has been made available to the public or the press by or on behalf of the Council, the Cabinet, a Committee or Sub-Committee.

46.2 Matters which may prejudice the interest of the Council

No Member shall disclose to any person other than a Member of the Council any matter arising during the proceedings of the Council, the Cabinet, any Committee, Sub-Committee, Panel or Board and which comes to his/her knowledge by virtue of his/her office as a Member where such disclosure would prejudice the interest of the Council or would be contrary to law.

46.3 Decisions or Proceedings of the Council, the Cabinet, Committees, Sub-Committees, Panels and Boards

No Member shall, without the consent of the Chairman of the appropriate body, disclose to any person any decision or proceedings of that body except:

- (a) when a report on the matter has been circulated to the Council by that body; or
- (b) when the decision has become public knowledge; or
- (c) when the matter comes within the powers of that body and a final decision has been made upon it;

provided that this paragraph shall not authorise any disclosure which would contravene paragraphs 46.1 or 46.2.

46.4 Prohibited Disclosure

The press and public shall be excluded during the consideration of any item of business which would be likely to disclose information which:-

- (a) has been furnished to the Council by a Government Department on terms which forbid disclosure; or

- (b) would be prohibited by law or by an order of the Court.

47 Disorderly Conduct

47.1 Motion to end Disorderly Conduct

If at a meeting any Member of the Council, in the opinion of the person presiding, misconducts themselves in any way, the person presiding or any other Member may move "That the Member be not further heard". The motion, if seconded, shall be put and determined without discussion.

47.2 Persistent Misconduct

If the Member continues the misconduct after a motion under the foregoing paragraph has been carried, the person presiding may: either move "That the Member do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion); or adjourn the meeting.

47.3 General Disturbance

In the event of general disturbance at any meeting which, in the opinion of the person presiding, renders the due and orderly dispatch of business impossible, the person presiding, will have the power to adjourn the meeting.

48 Disturbance by Members of the Public

- 48.1 If a member of the public interrupts the proceedings at any meeting, the person presiding shall warn him/her. If he/she continues, the person presiding shall order his/her removal from the meeting. In cases of general disturbance in any part of the meeting room open to the public, the person presiding shall order that part to be cleared.

49 Inspection of Documents

49.1 Supply of Agenda and Minutes to those Members who are not Members of that particular body

To help a member perform his/her duties as a member, agenda papers and records of decisions, or minutes of decision-making bodies will be made available to them electronically. Private, confidential and exempt reports will not be made available but may be requested from the Monitoring Officer who will have discretion to provide or withhold such reports.

49.2 Minutes of the decision making bodies - Open for Inspection

Subject to Procedure Rules 46 and 49.1 the Minutes of the Council, Committees or Sub-Committees, and Cabinet Decision Records shall be open for inspection by any Member of the Council.

50 Provisions relating to Personnel Matters

- 50.1 The recruitment and appointment of staff and the responsibilities for Personnel matters will be governed by the Staff Employment Procedure Rules.

51 Sealing of Documents

51.1 Authority

The Common Seal of the Council shall not be affixed to any document unless the sealing has been properly and lawfully authorised. A resolution of the Council (or of a Committee or Sub-Committee where such body has the power) or a decision of the Cabinet authorising the acceptance of any tender, the purchase, sale, letting, or taking of any property, the issue of any stock, the presentation of any petition, memorial or address, the making of any rate of contract, or any other matter or thing, shall be a sufficient authority for sealing any document necessary to give effect to the resolution.

51.2 Attestation

The seal shall be attested by the Monitoring Officer or his/her authorised deputy, designated for this purpose, as required by this Constitution and a record of the sealing of every document shall be kept.

52 Signature of Documents

- 52.1 Subject to special requirements relating to Contracts, where any document will be a necessary step in any legal process or proceedings on behalf of the Council it shall, unless any enactment otherwise requires or authorises, or the Council shall have given the necessary authority to some other person for the purpose of such process or proceedings, be signed by the Monitoring Officer or his/her authorised deputy (designated for this purpose).

53 Variation and Revocation of Procedure Rules

- 53.1 Any motion to vary or revoke these Rules shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

54 Suspension of Procedure Rules

54.1 Motion Required

Subject to Rule 54.2, any of the preceding Procedure Rules may be suspended in respect of any business at a meeting of the Council, a Committee or Sub-Committee where its suspension is moved.

54.2 Notice of Motion

A motion to suspend Procedure Rules shall not be moved without notice (that is under Procedure Rule 10) unless there shall be present at least one-third of the Members of the Council or that Committee or Sub-Committee respectively.

55 Interpretation of Procedure Rules

55.1 The ruling of the person presiding as to the construction or application of any of these Procedure Rules, or as to any proceedings of the Council, shall not be challenged at any meeting.

56 Submission of Notices by Members – Electronic Means

56.1 A Member of the Council may communicate, by electronic means, any notice under any of the Constitution's Procedural Rules to initiate any process or procedure provided it is clear that the notice has been originated by that Member.

APPENDIX 1

PROCEDURE RULES RELATING TO THE COUNCIL: PROCEDURE RULES 10 AND 29 - MOTIONS WHICH MAY BE MOVED WITHOUT NOTICE

1. Appointment of a Chairman of the meeting at which the motion is made.
2. Motions relating to the accuracy of the minutes of the Council, a Committee or Sub-Committee.
3. That an item of business specified in the summons should have precedence.
4. Reference to the Council, a Committee, Sub-Committee, or the Cabinet.
5. Appointment of or appointment to Committees, Sub-Committees, or the Cabinet occasioned by an item mentioned in the summons to the meeting.
6. Receipt of Records of Decisions and Minutes of Committees and Sub-Committees
7. Adoption of recommendations of the Cabinet, Committees and Sub-Committees and any consequent resolutions.
8. That leave is given to withdraw a motion.
9. Receipt of reports of officers and any consequent resolutions.
10. Extending the time limit for speeches.
11. Amendment to motions.
12. That the Council proceed to the next business.
13. That the question be now put.
14. That the debate be now adjourned.
15. That the Council do now adjourn.
16. Authorising the sealing of documents.
17. Suspending Procedure Rules, in accordance with Procedure Rule 54.
18. Motion under Section 100A(4) of the Local Government Act 1972 to exclude the press and public.

19. That a Member named under Procedure Rule 47 should not be heard further or should leave the meeting.
20. Giving consent of the Council where consent of the Council is required by these Procedure Rules.

**PROCEDURE RULES RELATING TO THE COUNCIL: PROCEDURE
RULES 12 - NOTICES OF MOTION**

1 Procedure

Notice of every motion (other than a motion which under Procedure Rule 10 may be moved without notice) shall be given in writing, signed by the Member(s) of the Council giving the notice, and delivered, at least seven clear working days before the next meeting of the Council, to the office of the Monitoring Officer by whom it shall be dated, in the order in which it is received.

2 Motions to be set out in Summons

The summons for every ordinary meeting of the Council will set out all motions of which notice has been duly given, unless the Member giving the notice has intimated in writing, when giving it, that he/she proposed to move it at some later meeting, or has since withdrawn it. The motions will be listed in the summons according to whether they relate to executive or non-executive functions but otherwise in the order in which they have been received.

3 Withdrawal of Motion which is before the Council

Where a notice of motion is before the Council having been formally moved and seconded and the mover wishes subsequently to withdraw it, he/she with the consent of the seconder may do so in writing and with the consent of the Chairman of the Council again in writing.

4 Motions Not Moved

If a motion set out in the summons is not moved either by a Member who gave notice of it or by some other Member on his/her behalf it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.

5 Automatic reference to Cabinet, Committee/Sub-Committee – Non executive Function

If the subject of any motion (which does not relate solely to any executive function or part of a function) comes within the powers, duties and responsibilities of any Committee or Sub-Committee or the Cabinet, it shall, when it has been moved and seconded, stand referred without discussion to such of those bodies as the Chairman may determine, for consideration and report. However, if the Chairman considers it conducive to the despatch of business, the motion may be dealt with at the meeting at which it is brought forward. Unless the Chairman has indicated that he/she proposes to deal with the motion at the meeting, the mover may formally move the motion and

reserve the right to speak until the report on the motion comes before the Council.

Advice to the Council on any referred Notice of Motion under this section will be formulated by the Cabinet and by such other bodies (Committees, Sub-Committees, or Panels) as are deemed appropriate. The report to Council will set out the views of all bodies consulted on the Notice of Motion. The Minutes of a Committee or Sub-Committee containing advice to the Council on any referred Notice of Motion shall be dealt with separately from the other Minutes of those bodies.

6 Automatic reference to the Cabinet – executive Function

If the subject of any motion of which notice has been duly given comes solely within the powers, duties and responsibilities of the Cabinet, it shall, when it has been moved and seconded, stand referred to the Cabinet to determine subject to the advice from any other body whose views are sought as determined by Council. The mover on formally moving the motion has the right to speak to the Motion. The seconder may also speak to the Motion. The Chairman will allow a period of fifteen minutes for a debate on any such notices of motion. This period shall include any speeches made by the mover and seconder of the motion in question. At the end of the debate if sooner or upon the expiration of the fifteen minutes, the appropriate Cabinet Member shall have an opportunity to respond. No speeches including the response shall exceed five minutes. No amendments to the motion may be moved. The motion will then stand referred to the Cabinet.

There are no rights of “call in” or “reference to the Council” where the Cabinet has discharged a motion submitted under this Procedure Rule.

7 Deferment of a Notice of Motion

Where a notice of motion has been moved and seconded, and referred for advice, the consideration of the motion may be deferred where the mover and seconder signify in writing his/her agreement to the deferral and the Chairman of the Council indicates, in writing, his/her agreement on behalf of the Council. The matter would then come to a subsequent meeting of the Council for report and decision.

**PROCEDURE RULES RELATING TO THE COUNCIL: COMMITTEES AND
SUB-COMMITTEES PROCEDURE RULES 13 AND 30 - RULES OF
DEBATE**

1 Motions and Amendments

No motion or amendment shall be discussed unless it has been proposed and seconded. Where required by the Chairman, motions or amendments shall be put in writing and handed to the Chairman before they are further discussed or put to the meeting. At meetings other than those of the full Council, the Chairman of that meeting may, at his/her discretion, allow a motion or amendment to be put which is not in writing, provided that the Chairman has concluded that the wording of the motion or amendment is understood by all members of the body concerned. This requirement does not apply to motions submitted under Procedure Rule 12.

2 Seconder's Speech

When seconding a motion or amendment a Member may advise the Chairman that he/she will reserve his/her right to speak until a later period in the debate.

3 Only One Member to Stand at a Time

When speaking at a Council meeting a Member shall stand and address the Chairman. While a Member is speaking the other Members will remain seated, unless rising on a point of order or in personal explanation.

4 Content and Length of Speeches

A Member will confine his/her speech to the question under discussion, a personal explanation or a point of order. Except as indicated below, in the case of speeches made by Members when the Council is agreeing a budget, or where the Council, Committee or Sub-Committee otherwise agrees, no speech will exceed five minutes.

In advance of the meeting at which the Council is due to agree a budget, the Council's Political Groups may agree a protocol which makes provision for a limited number of speeches to be made on behalf of each Political Group, and which exceed the five minute limitation contained in these Rules. The Chairman will have discretion as to how such a protocol will be implemented at the meeting and, where no agreement can be reached between the Political Groups, whether and (if so) how any extension of the five minute limitation might be permitted to operate.

5 When a Member may speak again

At a Council meeting a Member who has spoken on any motion shall not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another Member;
- (b) if the motion has been amended since he/she last spoke, to move a further amendment;
- (c) if his/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/she spoke was carried;
- (d) in exercise of a right of reply given by paragraph 11 or 13 of this Appendix;
- (e) on a point of order referring to the specific Procedure Rule;
- (f) by way of personal explanation;
- (g) to move one of the motions specified in 12(b) to (j), below when the procedure in those paragraphs shall be followed.

At Committees or Sub-Committees Members may, at the discretion of the Chairman, speak more than once.

6 Amendments to Motions

An amendment must be relevant to the motion and shall be either:

- (a) to leave out words;
- (b) to leave out words and add others;
- (c) to insert or add words;

but such amendment shall not have the effect of negating the motion before the Council.

7 Number of Amendments

Only one amendment may be moved and discussed at a time. No further amendment shall be moved until the amendment under discussion has been disposed of, although the Chairman may allow two or more amendments to be discussed (but not voted on) together if this would facilitate the proper conduct of the business before the meeting.

8 Status of Amendments

If an amendment is lost, another amendment may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

9 Alterations to Motions or Amendments

A Member may alter a motion or amendment of which he/she has given notice and may also, with the consent of the seconder, alter a motion or amendment which he/she has moved. In both cases, the consent of the Council (the Committee or Sub-Committee) is required. There should be no discussion on whether consent should or should not be given.

10 Withdrawal of Motion

A motion or amendment may be withdrawn by the mover provided the seconder and the meeting, without discussion, agree. Once the mover has asked for permission to withdraw, there should be no further discussion, unless the meeting refuses to agree to the request.

11 Right of Reply

The mover of the motion shall have a right to reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original motion shall have a right of reply at the close of the debate on the amendment but shall not otherwise speak on it. The mover of the amendment shall have no right of reply to the debate on his/her amendment.

12 Motions which may be moved during debate

When a motion is under debate no other motion shall be moved except the following:

- (a) to amend the motion;
- (b) to adjourn the meeting;
- (c) to adjourn the debate;
- (d) to proceed to the next business;
- (e) to suspend Procedure Rules;
- (f) to refer a matter to the Council, Cabinet, a Committee or Sub-Committee for consideration or reconsideration;
- (g) that the question be now put;
- (h) that a Member be not further heard;
- (i) by the Chairman under Procedure Rule 47, that a Member do leave the meeting;

- (j) a motion under Section 100A(4) of the Local Government Act 1972 to exclude the public.

13 Closure Motions

A Member may move, without comment, at the conclusion of a speech of another Member, "That the Council proceed to the next business", "That the question be now put", "That the debate be now adjourned", or "That the Council do now adjourn". When one of these Motions has been seconded the Chairman shall proceed as follows:

- (a) on a motion to proceed to next business - unless in his/her opinion the matter before the meeting has been insufficiently discussed, he/she shall first give the mover of the original motion the right of reply, and then put to the vote the motion to proceed to next business;
- (b) on a motion that the question be now put - unless in his/her opinion the matter before the meeting has been insufficiently discussed, he/she shall put to the vote the motion that the question be now put and, if it is passed, give the mover of the original motion the right of reply before putting the motion to the vote;
- (c) on a motion to adjourn the debate or the meeting - if in his/her opinion the matter before the meeting has been insufficiently discussed on that occasion he/she shall put the adjournment motion to the vote without giving the mover of the original motion the right of reply on that occasion.

14 Points of Order

A Member may rise on a point of order or in personal explanation and shall be entitled to be heard immediately. A point of order shall relate only to an alleged breach of a Procedure Rule or statutory provision, and the Member shall specify the Procedure Rule or statutory provision and the way in which he/she considers it has been breached. A personal explanation shall be confined to some material part of a former speech by him/her which may appear to have been misunderstood in the current debate.

15 Ruling of Chairman on a Point of Order/Personal Explanation

The ruling of the Chairman of the meeting on a point of order or on the admissibility of a personal explanation shall not be open to discussion and shall be final.

16 Respect for the Chair

At the Council meeting whenever the Chairman rises during a debate a Member then standing shall sit down and the Council shall be silent. In

Committee or Sub-Committee meetings, whenever the Chairman rises from his/her seat, the Members should remain in their seats and the Committee or Sub-Committee shall be silent.

**PROCEDURE RULES RELATING TO THE COUNCIL, COMMITTEES AND
SUB-COMMITTEES: PROCEDURE RULES 18 AND 25 - URGENT
BUSINESS**

Non-executive Functions

1 Approval of Urgent Business

Where any matter is urgent and cannot await the next meeting, the Chief Executive or her nominee may take the necessary action, provided that he/she has first consulted the relevant Chairman (or Vice-Chairman if he/she is not available).

2 Consultation

A copy of the consultation document shall be sent to the appropriate Cabinet Member, the Chairman and Spokespersons of the appropriate Scrutiny Committee, the party group leaders and the local Member.

3 Written Approval

Any such approval shall be in writing, consideration being given after consultation with the Chief Finance Officer and the Monitoring Officer.

4 Obligations of the Monitoring Officer

The Monitoring Officer shall forthwith supply a copy of any approval requiring a report to a Committee or Sub-Committee which has been given by him/her to the Chief Executive and the Chief Finance Officer.

5 Report to Committee

A report of any action under paragraphs 1 to 4 above shall be made available by electronic means to all Members of the Council.

Executive Functions

6 Consultation

Where any matter is urgent and cannot await the next meeting of Cabinet, the Chief Executive or her nominee shall have sole discretion to decide the matter, having first taken into account any views of Members consulted under this procedure. A copy of the consultation document under this Procedure Rule shall also be sent to the Chairman and Spokespersons of the appropriate Scrutiny Committee, the appropriate Cabinet Member and the local Member.

7 Written Approval

Any such approval shall be in writing, and shall only be given after consultation with the Chief Finance Officer and the Monitoring Officer.

8 Obligations of the Monitoring Officer

A copy of any approval which has been obtained under paragraphs 6 to 8 above shall be supplied forthwith to the Monitoring Officer and Chief Finance Officer.

9 Report to Cabinet

A report of any decision under paragraphs 6 to 8 above shall be made available by electronic means to all Council Members.

10 Access to Information

In processing and deciding any matter under paragraphs 6 to 10 above, the relevant requirements of the Access to Information Procedure Rules will apply, as set out in this Constitution.

PROCEDURE RULES RELATING TO COMMITTEES AND SUB-COMMITTEES: PROCEDURE RULE NO 23

Procedure Rule 23 - Change of Committee/Sub-Committee Places

- 1 A Political Group may, by notice to the Monitoring Officer, vary its representation on a Committee or Sub-Committee.
- 2 The Council may, from time to time, approve lists of reserve Members for each political group who may act as reserve members for each Committee and Sub-Committee. The following arrangements shall apply.
- 3 Members of the Cabinet shall not be nominated substitutes/reserve members for any Scrutiny bodies.
- 4 Where a political group intends to vary its representation on a committee or sub committee, the reserve member shall inform the chairman at the beginning of the meeting. The outgoing member shall cease to be the Political Group's representative on that Committee or Sub-Committee for the duration of that meeting or any adjournment of it, and that reserve Member shall become the representative on the Committee or Sub-Committee for the same period. At the end of the meeting, the outgoing Member shall resume his/her representation on the Committee or Sub-Committee in question and the reserve Member who had been appointed in his/her place shall revert to being a reserve Member.
- 5 The Monitoring Officer shall give notice and distribute agendas to all members of the Committee or Sub-Committee. Agendas will be made available to all other members by electronic means. Agendas will also be made available at the meetings in question.
- 6 On receipt of a Notice under this Procedure Rule the Monitoring Officer shall, at the meeting (prior to the commencement of the main business) inform the Committee or Sub-Committee.
- 7 Members of the Cabinet are not permitted to sit on any Scrutiny Committee or to be appointed as reserve Members.
- 8 For the avoidance of doubt, there are no change of places arrangements in respect of the Cabinet.

**PROCEDURE RULES RELATING TO COMMITTEES AND SUB
COMMITTEES: PROCEDURE RULE NO 34 - AGENDA ITEMS
SUBMITTED BY MEMBERS**

- 1 This facility does not apply to special meetings of Committees and Sub-Committees or to the Cabinet.
- 2 A Member of the Council may, by notice given to the Monitoring Officer no later than ten clear working days before the appropriate meeting, request that an item of business be included on the agenda of a Committee or Sub-Committee.
- 3 A Member may not give notice of more than one item of business for any one meeting. The notice shall state the nature of the business and shall include the signature of that Member.
- 4 This procedure shall not apply where the item of business, if agreed, would have the effect of rescinding or amending any resolution passed by a Committee or Sub-Committee of the Council within the preceding 12 months.
- 5 Items arising from such notices shall appear on the agenda at the end of the Part 1 or 2 business.
- 6 This procedure will apply to Members of Scrutiny Committees or Sub-Committees exercising their rights under Section 21(8) of the Local Government Act 2000 to have an item, within the remit of that particular body, included on the Agenda and discussed at the next meeting of that body. Where a Member is exercising their rights under Section 21(8), the restrictions in paragraph 3 on the number of items shall not apply.

**PROCEDURE RULES RELATING TO COUNCIL MEETINGS,
COMMITTEES AND SUB-COMMITTEES: PROCEDURE RULES NO 11
AND 35**

1. A total period of 15 minutes will be allocated for members of the public to speak at Council meetings.
2. A total period of 10 minutes will be allocated for members of the public to speak at meetings of the Cabinet, committees and sub committees.
3. Members of the public may speak on any matter relating to the work of the Council.
4. Members of the public will normally be allowed up to 5 minutes each to speak, but the Chairman will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers.
5. During public speaking time, members of the public may ask questions of the appropriate Cabinet member or Chairman of the committee or sub committee which has responsibility for the matter in question.
6. The Member responding to the question may answer the question, may decline to do so, may agree to reply at a later date or may refer the question to an appropriate committee, or to the Cabinet. Questions will be asked and answered without discussion.