

Amendments to Chapter 7 of the Councils Constitution

Documents to be added to the supporting material

1. referral to Council process

- When a decision-referral request is made, in respect of a decision made by a service committee, the first and second named Members requesting the referral will be regarded as the lead Member, and seconder.
- As required by the Procedure Rules, the support of an additional seven Members will be needed, within the five working day period following publication of the relevant minute, to formally trigger the decision-referral process.
- Upon receipt of the decision-referral request, the Monitoring Officer will consider the request and determine whether it meets the criteria set out in the Constitution. Having done so, the Monitoring Officer will communicate his determination to those Members who have requested/supported the decision-referral.
- If the Monitoring Officer determines that an informal decision-referral meeting should be held in order to establish whether alternative options might be available which would remove the need for a referral of the matter to Council, such a meeting will normally take place within five working days.
- Where it is determined that the decision-referral process is no longer to be pursued, this will be confirmed to the Monitoring Officer by the lead decision-referral Member, and the seconder.
- Where a decision is to stand referred to Council, a full report upon the matter will be submitted to Council, together with the report to the originating Committee, and the minuted decision of the Committee. The lead Member and seconder must stipulate what decision they seek from Council, as an alternative to that which the Committee made.
- At full council the relevant committee chair will speak to the decision and explain the committee's decision. The lead decision referral member will speak as to the reasons for referral and thereafter the normal rules of debate will apply.
- At the conclusion of the debate there will be a single majority vote on whether full council wishes to adopt the proposal made by the lead decision review member. If the proposal is agreed at council, the original committee decision stands.

2. Group Administrator Responsibilities

1. Group Administrator – A Member approved as a Group Administrator by a political group.

2. Chapter 2 – Part 4- Functions of Committees

Paragraph 6

All Panels, Working Groups and ad-hoc meetings of Sub-Committees may be convened by the Head of Governance and Democratic Services under the normal processes for making appointments to committees (via Group Leader/ Group Administrator notification to the Head of Democratic Services and Governance).

3. Chapter 2 – Part 4- Functions of Committees

Investigation and Disciplinary Committee (IDC) Functions

Paragraph 1

Councillors shall be appointed to the Committee, as and when a Committee is required to be convened, under the normal processes for making appointments to committees (via Group Leader/ Group Administrator notification to the Head of Democratic Services and Governance). In accordance with the Model Disciplinary Procedure contained in the JNC Handbook for *Directors*, IDC meetings shall be convened by the Monitoring Officer (in consultation with the Chair of Corporate Policy Committee). Should the Monitoring Officer (MO) be unable to act, the Head of Paid Service or Deputy Monitoring Officer (DMO) can also convene the Committee. Subsequent meetings

4. Chapter 3 – Part 1: Section 1

Paragraph 1.70

The Chairs and Vice-Chairs of the Council's committees and sub-committees shall be appointed allocated to the political groups each year at the Annual Meeting of Council. Nominations to Chairs and Vice-Chairs shall be notified by the Council's Group Leaders or Group Administrators in writing or by email to the Head of Democratic Services and Governance and shall thereafter be published on the Council's website. Such nominations shall be in accordance with the relevant numerical allocations made by Council in relation to the body in question.

Paragraph 1.72

Where a vacancy occurs in the office of Chair or Vice-Chair, the relevant Group Leader or Group Administrator shall nominate a replacement.

5. Chapter 3 Part 1: Section 2 Paragraph 3.12.

The Group Administrator Party Whip

It is generally accepted that the Group Administrator Party Whip should be suspended in respect of Scrutiny matters. However, when considering any matter in respect of which a Member of the Scrutiny Committee is subject to a formal Group Administrator party whip, the Councillor must declare the existence of the Whip this, and the nature of it before the commencement of the Committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the Minutes of the meeting.

6. Chapter 4 - Paragraph 17

Where an Officer feels that s/he has not been properly treated with respect and courtesy by a Councillor, s/he should raise the matter with his/her Head of Service, Director, Executive Director or the Chief Executive as appropriate, especially if they do not feel able to discuss it directly with the Councillor concerned. In these circumstances the Head of Service, Director, Executive Director or Chief Executive will take appropriate action either by approaching the individual Councillor and/or Group Administrator/ group leader or by referring the matter to the Monitoring Officer.

3. Public Questions at Council meeting

Introduction

Cheshire East Council is strongly committed to the principles of democracy. The Council encourages the participation of its residents, businesses, and other stakeholders in the democratic process. Its Constitution, and its Procedure Rules, make provision for members of the public to address Full Council meetings, by asking questions, which will either be answered at the meeting, or in writing thereafter, where relevant information is not available on the day.

The Constitution contains certain principles which relate to the right of members of the public to ask questions. The purpose of this Guidance Note is to assist members of the public in understanding these principles in order for them to make best use of the public speaking facility.

The Council's Procedure Rules are summarised below and are fully reproduced in the Appendix to this Guidance Note.

Procedure Rules: a summary

Council Procedure Rules 1.19-1.29 are set out in full below. They deal with the subject of Councillor questions at Council meetings, and also questions from members of the public. This Guidance Note focusses only upon questions from members of the public.

Key elements of the rules which apply to public speakers are:

1. 1.21: 2 minutes is allowed for each member of the public to ask their question.
2. 1.24: questions must be brief, clear, and focussed.
3. 1.25: Questions must relate to Council functions. The Monitoring Officer may disallow questions if they are: inappropriate, frivolous, derogatory, offensive, vexatious, otherwise improper, or potentially defamatory.
4. 1.29: Questions must be submitted 3 clear working days before the meeting of Council.

Essentially, questions which offend public decency, or the equality framework, are disallowed. Questions or speeches are not excluded by the Council, simply because they might put forward “fringe” or unusual points of view, or because they challenge a policy or view held by the Council.

But the Council is also committed to the need for respectful and appropriate behaviour, not only by its own Members and officers, but also by members of the public.

The opportunity to speak at Full Council, not only enables a member of the public to address the Council’s 82 Members, but proceedings are also “live-streamed” to the public. The Council therefore sees it as most important for the proceedings of its meetings to reflect the principles referred to above.

How a member of the public can get the best out of the Council’s public question facility

Whilst the Rules stipulate that questions must be submitted 3 clear working days before the Council meeting, members of the public are asked to give the Council as much notice as possible of questions they propose to ask. The Council’s aim is to be able to answer questions in as much detail as possible at the Council meeting. By providing as much notice of questions as possible, there is more likelihood of a full answer being given at the meeting, rather than this being followed-up in writing.

Questions should be submitted to:

Katie.small@cheshireeast.gov.uk

Brian.reed@cheshireeast.gov.uk

A brief, well-crafted question will always be more effective in securing a clear response, than one which is lengthy and which lacks focus. This is why the Rules state that questions must be “brief, clear and focussed”.

In order to be fair to all members of the public who wish to ask a question, there is a 2-minute time limit for each member of the public to do so. A brief, clear and focussed question will ensure that the time allowed is used most-effectively, with a view to securing an informed response.

Questions must relate to those things, in respect of which the Council has powers, duties or responsibilities. Whilst it is acknowledged that members of the public sometimes have concerns about national issues, or even issues of international importance, these are most often not issues which the Council can influence. Council meetings are not the right forum for such questions to be asked.

In order to be fair to all members of the public wishing to ask a question, where a member of the public wishes to ask more than one question, it will be helpful for them to indicate which question is most important to them. In this way, if the Mayor needs to prioritise questions due to the number of people wishing to participate, he/she will be able to select the question of most importance to the questioner.

The Rules (Rule 1.25) indicate the types of question which are not appropriate for Council meetings. Council has given the Monitoring Officer, the power to disallow such questions. Early submission of questions will provide opportunity for officers to discuss any concerns which the Monitoring Officer may have and will enable officers to agree with members of the public how such questions might be amended, so as to ensure that they fall within the Rules.

Public question time at Council meetings is a facility for questions to be posed, and for answers to be provided. It is not a facility for debate, although the Mayor may allow a concise and focussed supplementary question to be asked. Members of the public are therefore asked to respect this provision of the Rules.

Appendix

What the Procedural Rules say in full

1.19 A Councillor may ask the Mayor or the Chair of a Committee any question about a matter which the Council, or the Committee has powers, duties or responsibilities.

1.20 A Councillor may ask the nominated/designated representative of the Cheshire Fire Authority or the Cheshire Police and Crime Panel any question about the responsibilities of his/her respective Authority.

1.21 There will be a maximum Councillor question time period of 30 minutes. A maximum period of 2 minutes will be allowed for each Councillor wishing to ask a question during Councillors' question time. The Mayor or person presiding will have discretion to vary this requirement where he/she considers it appropriate.

1.22 Those Councillors submitting more than one question in writing may indicate the priority of importance of each question.

1.23 Questions in writing will not be read out at Council meetings.

1.24 All Questions will be brief, clear and focussed.

1.25 Questions must relate to the functions of the Council and the area of Cheshire East. No questions will be allowed which, in the opinion of the Monitoring Officer are:

- inappropriate, frivolous, derogatory, offensive, vexatious, or otherwise improper;
- related to a Council employment or staffing matter;
- potentially defamatory; or
- substantially the same as any question submitted to a meeting of Council during the preceding 6 months.

1.26 Questions will be asked and answered without discussion. In replying, the Councillor responding will use all reasonable endeavours to address the matters raised in the question. The Councillor responding may: decline to answer any question; or may reply direct; reply by reference to a publication; or reply by written answer within 10 working days with a copy to all Councillors (except where the response contains exempt or confidential information) or refer the question to an appropriate Committee.

1.27 Following the answer to each question, the Mayor may permit the questioner to ask a concise and focussed supplementary question which relates to the subject matter of the initial question and answer.

1.28 Where a question relates to a matter that appears on the agenda for that meeting, the question shall be put and answered at the start of the consideration of that matter unless the Mayor considers otherwise.

1.29 There will be a maximum public question time period of 30 minutes. A maximum period of 2 minutes will be allowed for each person wishing to ask a question in public question time. The Mayor or person presiding will have discretion to vary this requirement where he/she considers it appropriate. Questions must be sent in writing to the Monitoring Officer at least 3 clear working days before the meeting. Rules 1.22 – 1.28 above will also apply to public question time