



REPORT TITLE:	Proposed Amendments to the Council's Constitution
REPORT OF:	Monitoring Officer and Constitution Working Group (CWG)

REPORT SUMMARY

This report seeks approval from the Audit & Governance Committee to endorse and approve recommendations put forward by the Constitution Working Group (CWG) relating to proposed amendments to the Council's current Constitution.

The recommendations relate to amendments to the Articles of the Constitution, and Council Procedure Rules.

This Committee is encouraged to provide feedback on the recommendations before recommending these to Full Council for approval and implementation.

RECOMMENDATIONS

That the Committee recommends to Full Council for the reasons contained within the report:-

- R1 - That the revisions to Articles of the Constitution as attached at Appendix A be approved.**
- R2 - That the revisions to Council Procedure Rules as attached at Appendix B be approved.**

SUPPORTING INFORMATION

1.0 BACKGROUND INFORMATION

- 1.1 The Council has a statutory duty to maintain an up to date Constitution (Local Government Act 2000). The Constitution must cover standing orders, delegations and Code of Conduct for Members. The Monitoring Officer (MO) has the responsibility to ensure that the Council's Constitution is reviewed regularly and maintained.
- 1.2 In order to facilitate this, the Council under Article 12 of its Constitution makes provision for a Constitution Working Group (CWG) which is a cross party working group that enables the MO to consult with Members on changes necessary to ensure an effective and up to date Constitution.
- 1.3 At the 2 July meeting of the Audit & Governance Committee, it was resolved that a CWG be constituted with the following membership:-
- Cllr D S Efde, Cllr R Lambourne, Cllr J E Newport and Cllr Mrs V A Wilson.
- 1.4 The CWG submitted a report to the Audit and Governance Committee held on 3rd December 2024 setting out recommendations from its initial work which were considered and the majority approved at the Full Council meeting held on 17th December.
- 1.5 This report presents recommendations arising from the further work undertaken by the working group which require the Committee's approval to be recommended to Full Council for adoption. The recommendations and reasons for them are outlined in the subsequent paragraphs.

2.0 REASONS FOR RECOMMENDATIONS

- 2.1 Revision of the Council's Articles of the Constitution:-
- 2.2 At its meeting on 7 August 2024, the CWG reviewed the Articles of the Constitution in order to enhance and provide clarity of various matters and include references to other parts of the Constitution as appropriate, as opposed to any changes in actual practice. This included introducing some additional Articles.
- 2.3 The Working Group were asked to take away the proposed revisions and consult with Members of their Political Groups before the final approval of the Working Group at the subsequent meeting.

- 2.4 Members of the WG expressed that no suggestions were made by their Party Colleagues and were content with the recommendation for Committee approval.

The proposed revisions and updates are set out in Appendix A.

These were included in the report to this committee held on 3rd December but were deferred as the proposed changes were not visible in the published agenda.

2.5 Revision of the Council's Procedure Rules

- 2.6 The Council recently approved some amendments to Council Procedure Rules following recommendations from CWG and this committee. These included -

- i) Allowing announcements at Council meetings by Policy Committee Chairmen and the Chairman of the Audit and Risk Committee in addition to the Leader of the Council and introducing a time limit for announcements;
- ii) Bringing forward the deadlines for Motions on Notice and Questions on Notice for Full Council in order that they were the same and all questions and motions can be set out in the public agenda and published at the same time, and;
- iii) Addressing an anomaly in current rules regarding questions on reports.

- 2.7 The CWG have subsequently undertaken a comprehensive review of Council Procedure Rules and recommend a number of amendments as set out in Appendix B. These changes are proposed for varying reasons but primarily seek to address any anomalies and provide more clarity

3.0 OTHER OPTIONS CONSIDERED

- 3.1 The report sets out alternative options as appropriate.
- 3.2. The main alternative option would be for the proposed changes to not be approved and for the Constitution to remain unchanged and no further action taken which would not address the areas identified to ensure the Council has an up to date and effective Constitution.
- 3.3. The option also exists to refer matters back to the working group for further consideration.

4.0 RELEVANT RISKS

- 4.1 There are none attributed to this report.

5.0 ENGAGEMENT/CONSULTATION

5.1 Members of the Constitution Working Group were encouraged to consult their Party Members on any proposals discussed by the CWG.

6.0 FINANCIAL IMPLICATIONS

6.1 There are none attributed to this report. Existing officer resources have been used to support the working group.

7.0 LEGAL/GOVERNANCE IMPLICATIONS

7.1 The Council has a statutory duty to maintain an up to date Constitution as per the Local Government Act 2000; however, there are no direct legal implications associated with the contents of this report.

8.0 EQUALITY & HEALTH IMPLICATIONS

8.1 There are none attributed to this report.

9.0 ENVIRONMENT & CLIMATE IMPLICATIONS

9.1 There are none attributed to this report.

10.0 ECONOMIC IMPLICATIONS

10.1 There are none attributed to this report.

REPORT AUTHOR: Name: Paul Burkinshaw
Title: Monitoring Officer
Email: paul.burkinshaw@rochford.brentwood.gov.uk

APPENDICES

Appendix A – Proposed Revisions to Articles of the Constitution

Appendix B – Proposed Revisions to Council Procedure Rules

BACKGROUND PAPERS

None

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Audit & Governance Committee	2 July 2024
Audit & Governance Committee	3 December 2024
Full Council	17 December 2024

Appendix A

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PART 2

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ARTICLES OF THE CONSTITUTION

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Articles of the Constitution

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Article 1 – The Constitution

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1.01 Powers of the Council

~~This article sets out the fundamental provisions of the Council. It confirms that~~~~The the~~ Council will exercise all its powers and duties in accordance with the law and ~~the provisions of this Constitution. this Constitution.~~

1.02 The Constitution

This Constitution, and all its ~~parts~~~~appendices~~, is the Constitution of the Rochford District Council.

1.03 Purpose of the Constitution

The purpose of the Constitution is to:-

1. ~~Set out the Council's overall governance arrangements.~~
2. enable the Council to provide clear leadership to the community in partnership with residents, businesses and other organisations.
3. support the active involvement of residents in the process of local authority decision making.
4. assist Councillors to represent their constituents more effectively.
5. enable decisions to be taken efficiently, effectively and transparently.
6. create a powerful and effective means of holding decision-makers to public account.
7. ensure that no-one will review or scrutinise a decision in which they were directly involved.
8. ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
9. provide a means of improving the delivery of services to the community.

1.04 Interpretation and Review of the Constitution

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose the option which it thinks is closest to the purposes stated above.

The Council may call upon the Monitoring Officer to provide an interpretation of any aspect of the Constitution from time to time.

The Procedural Rules provide mechanisms for interpreting and operating the Constitution. The Chairman of any particular meeting will have the final decision on the correct application of the procedure rules to said meeting, having taken into account ~~the advice of the Monitoring Officer~~ [relevant advice](#).

The Council will monitor and evaluate the operation of the Constitution as set out in Article [134](#).

Article 2 – Members of the Council

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a.01 Composition and Eligibility

- (a) **Composition.** The Council will comprise 39 Members, otherwise called Councillors. One or more Councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Boundary Commission for England and approved by the Secretary of State.
- (b) **Eligibility.** Only registered voters of the district, ~~or~~ those living or working there or those that occupy as tenant or own land or property in the district will be eligible to hold the office of Councillor.

2.02 Election and Terms of Councillors

Election and Terms. The regular election of at least one third of Councillors will generally be held on the first Thursday in May each year (for three out of four years, with the County Council elections being held on the fourth year). The terms of office of Councillors, subject to them making a declaration of office, will start on the fourth day after their election and will finish on the fourth day after the date of the regular election four years later.

2.03 Roles and Functions of All Councillors

- (a) **Key Roles.** All Councillors will: -
 - (i) collectively be the ultimate policymakers and carry out a number of strategic and corporate management functions.
 - (ii) contribute to the good governance of the area and actively encourage community participation and residents' involvement in decision-making.
 - (iii) effectively represent the interests of the Council and their ward and ~~of~~ individual constituents as a community leader.
 - (iv) respond to constituents' enquiries and representations, fairly and impartially and assist in the resolutions of concerns and grievances.
 - (v) contribute to the governance and effective management of the Council's business at meetings of the Council and other Committees. participate in the governance and management of the Council; and
 - (vi) maintain the highest standards of conduct and ethics.
- (b) **Rights and Duties**
 - (i) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.

- (ii) Councillors will not make public information that is confidential or exempt without the consent of the Monitoring Officer Council or divulge information given in confidence to anyone other than a Councillor or officer entitled to know it.
- (iii) For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in Part 4 of this Constitution.

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2.04 Conduct

Councillors will maintain the highest standard of conduct and ethics and at will all times observe the Members' Codes of Conduct and have proper regard for the Code of Conduct on Planning Matters and the Protocols on Member/Officer Relations set out in Part 4 and 55 of this Constitution.

2.05 Allowances

Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 6 of this Constitution.

2.06 Training

The Council will ensure that Councillors have the opportunity for adequate training for their roles and duties.

Members are to must have received appropriate training in the case of planning of the Development Committee and sub-Committees of the and Licensing matters & Regulatory Committee which will be refreshed annually, the Stanadrds Sub-Committee Audit & Governance Committee (when considering Code of Conduct Hearings/complaints) and the relevant Committee when determining employment related matters, i.e., senior officer appointments, dismissals and staff appeals.

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2.06 Political Groups

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a) Application

As required by law, the Members of the Council are to be treated as divided into different political groups when there is at least one political group constituted in accordance with paragraph (b) below.

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a)b) Constitution

- (i) A political group shall be treated as constituted when there is delivered to the Head of Paid Service a note in writing which:-

- a. is signed by two ore more Members of the Council who wish to be treated as a political group; and
- b. complies with the provision in paragraph (iii).

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- (ii) A political group shall cease to be constituted if the number of persons who are to be treated as members of that group is less than two.

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(iii) A notice under paragraph (i) shall state:-

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- a. That the Members of the Council who have signed it wish to be treated as a political group;
- b. The name of the group;
- c. The name of one member of the group who has signed the notice and who is to act as leader.

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(iv) A notice under paragraph (i) may specify the name of one other member of the group who has signed the notice and who is authorised to act in the place of the leader of that group.

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(v) The Local Government (Committees and Political Groups) Regulations 1990 as amended applies and its provisions are supplemental to the above.

Chairman and Vice-Chairman of Committees and Leader and Deputy Leader of the Council

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(a) Chairman and Vice-Chairman of Committees

The Council shall appoint at each Annual Meeting of the Council the Chairman and Vice-Chairmen of all the Council's Committees.

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The role of the Chairman (and in their absence, the Vice-Chairman) is as follows:

- Ensure effective conduct of committee meetings.
- Maintain a good understanding of the nature of the business of the committee and key issues within its remit.
- Act as a Council spokesman as appropriate on matters within the committees remit, including responding to questions at Full Council relating to the business and functions of the committee, media enquiries etc.
- Maintain good communication with each other to ensure the co-ordination and efficient management of all committee activity.
- Represent the Council in connection with matters within the committee's remit, for example other local authorities etc. and positively promote the Council within the media.

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The Chairmen and Vice-Chairmen shall remain in office until the Annual Meeting following their appointment unless they resign, cease to be elected or are removed by a resolution passed by a majority of the Council.

Chairmen of Policy/Service committees shall assume the role as 'Lead Member' for issues within their committees remit.

(b) Procedure for Appointments

Appointments to the positions of Chairman and Vice-Chairman of Committees shall be conducted in accordance with Council Procedure Rules in Part 4 of this Constitution.

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(c) Leader and Deputy Leader of the Council

A Leader and Deputy Leader of the Council shall be appointed at each Annual Meeting and shall remain in office until the Annual Meeting following their appointment unless they resign, cease to be elected or are removed by a resolution passed by a majority of the Council.

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The role of the Leader of the Council is to:

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- Provide a focal point for political leadership and strategic direction for the Council
- Represent the interests of the Council
- Ensure effective decision making including working with all political groups to seek to achieve, where possible, cross party co-operation
- Be the key political contact for outside organisations (including Central Government, Local Authority Associations and Council partners) and internally for the Council's Management Team
- Be the representative of the Council, for example, in its dealings with Central Government, other local authorities etc. and positively promote the Council within the media
- Promote the long-term financial, business and economic stability of the Council

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The Deputy Leader of the Council will assist the Leader generally in the conduct of the role and will assume the full role of the Leader in any circumstances in which the Leader of the Council is unable to act or is unavailable.

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Article 3 – Residents and The Council

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3.01 Residents' Rights

Residents have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this Constitution: -

~~(a) (a) — **Voting and Petitions.** Residents on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected Mayor form of governance. The Council's petitions scheme (Part 5, page 5.31) enables residents in the District to submit a petition on an issue of concern.~~

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~~(i) People on the Electoral Register for the District have the right to vote in elections in their ward and sign a petition to request a referendum for a change from one form of governance to another. For a petition to be valid to require a referendum, the number of signatures to it must equate to no less than 5% of the electorate of the area. If there is such a referendum, registered electors will have a right to vote.~~

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~~(ii) Other petitions~~

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~~The Council has adopted a petitions scheme which is set out in Part 5 of this Constitution available on the Council's website. A petition can, amongst other outcomes, lead to a Council debate or the matter being considered by one of the Council's Committees. The Council only accepts signatures to a petition from those who live, work or study in the District.~~

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(b) **Information.** Residents have the right to: -

~~(i) attend meetings of the Council, Committees and Sub-Committees, with the exception of task and finish groups and working groups or forums set up outside of the Committee structure, other than by invitation. However, where confidential or exempt information is likely to be disclosed, the meeting of part of the meeting may be held in private with the press and public excluded, and its Committees, except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private.~~

~~(ii) see reports and background papers and any records of decisions made by the Council; and~~

~~(iii) (iii) — inspect the Council's accounts as published by law and make their views known to the External Auditor.~~

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~~Further information is detailed in the Access to Information Procedure Rules set out in Part 4 of this Constitution.~~

~~(c) (c) **Consultation and Participation.** Residents have the right to participate in the Council's question time and to contribute to investigations by the Scrutiny and Performance Committee.~~

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~~Article 8 sets out the range of consultation and participation opportunities available to the local community. In summary, the opportunity exists or local people to:-~~

- ~~(i) be consulted on proposals for service delivery~~
- ~~(ii) contribute to ~~S~~scrutiny reviews at the appropriate time~~
- ~~(iii) Ask questions at Council and Committee meetings, as set out in the Council and Committee Procedure Rules~~
- ~~(iv) Submit a petition, as set out in the Council's Petitions Scheme in Part 5 of the Constitution~~

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(d) **Complaints.** Residents have the right to complain to :-

(i) the Council itself under its complaints procedure either by submitting a complaint via the Council's website or by completing the Council's complaints form scheme.

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(ii) ~~the~~The Local Government and Social Care Ombudsman after using the Council's own complaints scheme.

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(iii) ~~(iii)~~ the Council's Monitoring Officer about an alleged breach of the Councillors' Code of Conduct which sets out the standards of behaviour expected of a Councillor and is contained within Part 5 of this Constitution.

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They may also contact their local Councillor or Member of Parliament about any matters of concern to them-

3.02 Residents' Responsibilities

Residents must not be violent, abusive or threatening to Councillors or officers and must not wilfully harm things owned by the Council, Councillors or officers.

Article 4 – The Full Council

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4.01 Meanings

(a) Policy Framework.

The policy framework means the following plans and strategies: -

- (i) those required by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) to be adopted by the Council: -

- Community Safety Partnership Action Plan
- Development Plan documents
- Licensing Authority Policy Statement
- Plans and alterations which together comprise the Development Plan
- Plans or strategies for the control of the Council's borrowing or capital expenditure.
- Plans or strategies or draft plans or strategies of any of the above descriptions which must be submitted to the Secretary of State or a Minister for approval.

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- (ii) other plans and strategies of a kind recommended by guidance to be adopted by the Council as part of the Policy Framework: -

- Council's Business Plan
- Local Code of Corporate Governance
- Corporate Equality Policy

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(b) Budget.

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council Tax base, setting the Council Tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits, but does not include the approval of supplementary estimates, the setting of fees and charges and other minor variations to budget or capital programme, so far as these are delegated to an officer or a Committee.

4.02 Functions of the Full Council

Only the Council will exercise the following functions: -

- (a) adopting and changing the Constitution other than set out in Article 11;

- (b) approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of any Housing Land Transfer.
- (c) appointing the Leader and Deputy Leader of the Council.
- (d) removal of the Leader and Deputy Leader of the Council.
- (e) receiving any resignation of the Leader or Deputy Leader of the Council.
- (f) appointing the Chairman of the Council.
- (g) receiving any resignation of the Chairman of the Council.
- (h) agreeing and/or amending the terms of reference for Committees, deciding on their composition and making appointments to them (except for authorised substitutions to Committees under Rule 2 of the Committee and Sub-committee Procedure Rules in Part 4 of this Constitution);
- (i) appointing representatives to outside bodies unless the appointment has been delegated by the Council.
- (j) adopting an allowances scheme under Article 2.05 (details of which can be found under Part 6 of this Constitution).
- (k) adopting a Members' Code of Conduct.
- (l) changing the name of the district.
- (m) conferring the title of Honorary Alderman.
- (n) approving the appointment or dismissal of Statutory Officers.
- (o) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills; and
- (p) all other matters which by law must be reserved to Council.

4.03 The Full Council is not required to approve: -

- (i) amendments or revocations of any plan or strategy necessary to give effect to the requirements of the Secretary of State or Minister made when he was asked to approve it;
- (ii) amendments or revocations to any plan or strategy if the Council has delegated the power to amend or revoke it to a committee or sub-committee or officer, either in this constitution or at the time it approved the plan or strategy.

4.04 Council Meetings

There are three types of Council meeting: -

- (a) the Annual Mmeeting.
- (b) Ordinary mMeetings.
- (c) Extraordinary mMeetings

All meetings and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

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4.05 Responsibility for Functions

The Council will maintain the provisions in Part 3 of this Constitution setting out the responsibilities for the Council's functions including those responsibilities which have been delegated to committees, sub-committees or officers.

4.06 Setting the budget and approving policy

The process for setting of the budget and determining policy is set out in the Budget and Policy Framework Procedure Rules in Part 4 of this Constitution.

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Article 5 – Chairing The Council

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Whilst this constitution refers to the person Chairing the Council as 'The Chairman' the person elected to that post may use such other title as fits their personal preference, provided that said title does not misrepresent the role and responsibilities. Examples of suitable alternatives include 'Chair', 'Chairwoman' or 'Chairperson'.

5.01 Role and Function of the Chairman

The Chairman of the Council and, in their absence, the Vice-Chairman, will have the following roles and functions: -

Ceremonial Role ~~EREMONIAL ROLE~~

The Chairman acts in a non-political capacity as a symbol of the Authority. On civic and ceremonial occasions, the Chairman represents the district and its inhabitants and fulfils the role of ambassador for the Council in its relationship with society at large.

The role shall include: -

1. to promote public involvement in the Council's activities.
2. to be the conscience of the Council; and
3. to attend such civic and ceremonial functions of the Council as they determine appropriate.

CHAIRING THE COUNCIL MEETING ~~Chairing the Council Meeting~~

The Chairman will be elected by the Council annually. The Chairman will have the following responsibilities: -

1. to uphold and promote the purposes of the Constitution and to interpret the Constitution when necessary.
2. to preside over meetings of the Council in an impartial fashion so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community. The ruling of the Chairman as to the construction or application of this Constitution or as to any proceedings of the council shall not be challenged at any meeting of the council. Such interpretation will have regard to the aims of this Constitution contained in Article 1.
3. to ensure that the Council meeting is a forum for the debate of matters of concern to the local community so that its business can be carried out efficiently in accordance with the law and this Constitution with regards to the rights of councillors and the interests of the community.
- ~~4. to promote public involvement in the Council's activities.~~
- ~~5. to be the conscience of the Council; and~~

~~6. to attend such civic and ceremonial functions of the Council as they determine appropriate.~~

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Article 6 – ~~Regulatory and Other Committees~~

6.01 ~~Appointment of Committees~~

~~Roles and Functions~~

~~1. Committees~~

~~The Council will establish such committees as it requires for efficient and effective decision making and as required by law. Such committees will include a Policy and Resources Committee~~

~~2. Roles and Functions~~

~~The roles and functions of Committees and any Sub-Committees established are set out in Part 3 of this Constitution.~~

~~3. Proceedings~~

~~Committees will conduct their proceedings in accordance with the relevant Procedure Rules set out in Part 4 of this Constitution.~~

~~4. Membership~~

~~The size, membership and the Chairmen and Vice-Chairmen of all committees and sub-committees established is set out in Part 7 of this Constitution. All committees of the Council will be subject to the political balance rules as set out in s.15 of the Local Government and Housing Act 1989.~~

~~The Council will appoint the committees set out in Part 3 of this constitution to discharge the functions as detailed in each committee's terms of reference. All committees of the Council will be subject to the political balance rules as set out in s.15 of the Local Government and Housing Act 1989.~~

6.02 ~~Sub-committees~~

A committee may appoint a sub-committee of its members for a specific function within that Committee's terms of reference. A Sub-committee will be subject to the political balance rules and all usual rules of procedure applicable to an ordinary committee.

6.03 ~~Working Groups~~

A committee can form a working group to consider a topic informally and at pace. The membership of the working group will be decided by the Committee, which may include non-committee members and people from outside the Council. Working groups will not be subject to the political balance rules nor will substitutions be allowed as continuity of membership is important. Meetings of the working group will not be held in public, and all agendas and

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minutes will not be publicly available. The working group will report back to the parent committee with its findings.

Article 7 - Standards Arrangements

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1. Introduction

a) Under Section 28(6) and (7) of the Localism Act 2011, the Council must have “arrangements” in place which set how a complaint that an elected or co-opted Member of this Council (or of a Parish/Town Council within its area) has failed to comply with the Councillors’ Code of Conduct can be made, and sets out how the Council will deal with allegations of a failure to comply with the Councillors’ Code of Conduct.

b) The Council has adopted a Members Code of Conduct and “arrangements’ for complaints to be made and investigated which can be found in Part 4 of this Constitution.

2. Roles, Functions and Membership

The Audit and Governance Committee will promote and maintain high ethical standards of conduct by Councillors in their public life shall form a sub-committee to consider standards complaints referred by the Monitoring Officer. Further details on the role and functions of the Audit and Governance Committee and the role, functions and membership of the Standards Sub-Committee are set out in Part 3 of this Constitution.

3. Independent Persons

(a) The “arrangements” made under Section 28(6) and (7) of the Localism Act must provide for the Council to appoint at least one Independent Person, whose views must be sought by the authority before it takes a decision that the Code of Conduct has been breached, and whose views may be sought by the Council at any other stage in the process, or by a Member (or a Member or co-opted Member of a Parish/Town Council) against whom an allegation has been made.

(b) The Council shall appoint * Independent Persons

(c) The Standards Sub-Committee shall oversee the recruitment of Independent Persons and make recommendations for appointments to the Full Council

4. Proceedings

The Standards Sub-Committee will conduct its proceedings in accordance with the relevant Committee and Sub-Committee Procedure Rules and the Code of Conduct Complaints Process and Standards Sub-Committee Procedure Rules set out in Part 4 of this Constitution

Article 8 - Community Consultation and Participation

1. Community consultation and participation The Council will promote community consultation and participation through a range of opportunities as set out in the table below and has adopted a Consultation and Engagement Policy:

<u>Consultation and Participation Opportunity</u>	<u>Form, Function and Scope</u>
<u>Asking Questions</u>	<u>Members of the public can ask a question at meetings of Full Council and other committees. The arrangements for this is set out in Part 4 of the Constitution</u>
<u>Local Councils</u>	<u>Autonomous local authorities within a set area able to raise funds through the Council Tax to provide local services (i.e. Town, Parish and Village Councils).</u>
<u>Petitions</u>	<u>The Council has approved and published a Petitions Scheme detailing how it will respond to petitions received from the community which is set out in Part 5 of the Constitution</u>
<u>Surveys and Consultations</u>	<u>Throughout the year a number of surveys and consultations are undertaken to seek residents' views.</u>
<u>Participation in Overview and Scrutiny Reviews</u>	<u>Reviews undertaken by the Overview and Scrutiny Task and Finish Groups may include consultation with the local community, where appropriate.</u>

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Article 97 – Joint Arrangements

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7.01 Arrangements to Promote Well-Being

The Council, in order to promote the economic, social or environmental well-being of its area, may: -

- (a) enter into arrangements or agreements with any person or body.
- (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- (c) exercise on behalf of that person or body any functions of that person or body.
- (d) create partnerships and partnership bodies.

Subject in all cases to compliance with any relevant statutory provisions.

7.02 Joint Arrangements

- (a) The Council may establish joint arrangements with one or more Local Authorities to exercise functions in any of the participating Authorities or advise the Council. Such arrangements may involve the appointment of a joint Committee with these other Local Authorities.
- (b) A joint committee is a committee set up with one or more local authorities, or with a combination of one or more local authorities and another body or bodies for purposes in respect of which they are jointly interested.
- (c) The political balance requirements do not apply to such appointments.
- (d) Details of any joint arrangements including any delegations to Joint

Committees will be found in the Council's scheme of delegations in Part 3 of this Constitution.

7.03 Access to information

- (a) The Access to Information Rules in Part 4 of this Constitution apply.

7.04 Delegation to and from Other Local Authorities

- (a) The Council may delegate functions to another Local Authority or, in certain circumstances, the Executive of another Local Authority.
- (b) The decision whether or not to accept such a delegation from another Local Authority shall be reserved to the Council meeting.

7.05 **Contracting Out**

The Council may contract out to another body or organisation functions which may be exercised by an officer, and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

Article ~~108~~ – Officers

TERMINOLOGY

8.01 Management Structure

- (a) General.

The Full Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

- (b) Chief Officers. The ~~Full~~ Council will engage persons for the following posts, who will be designated Chief Officers: -

Post	Functions and Areas of Responsibility
Chief Executive (And Head of Paid Service)	Overall corporate management and operational responsibility (including overall management responsibility for all officers) as set out in the management structure contained in Part 7 of the Constitution. Ensuring appropriate professional advice to all parties in the decision-making process. Together with the Monitoring Officer, responsibility for a system of record keeping for all the Council's decisions. Representing the Council on partnership and external bodies (as required by statute or the Council).

- ~~(c) Head of Paid Service, Monitoring Officer and Chief Finance (S.151) Officer.~~

~~The Council will designate the following posts as shown: -~~

Post	Designation
Chief Executive	Head of Paid Service
Strategic Director (Deputy Chief Executive)	Monitoring Officer
Director of Resources*	Chief Finance (S.151) Officer

*or successor in title

Such posts will have the functions described in Article 8.02 – 8.04 below.

- (d) **Structure.** The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers.

8.02 Functions of the Head of Paid Service

- (a) **Discharge of functions by the Council.** The Head of Paid Service will report to Full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- (b) **Restrictions on Functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if they are a qualified accountant.

8.03 Functions of the Monitoring Officer

- (a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up- to-date version of the Constitution and will ensure that it is widely available for consultation by Members, staff and the public.
- (b) **Ensuring lawfulness and fairness of decision-making.** After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the Full Council in relation to executive functions if they consider that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

- (c) **Supporting the Standards Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- (d) **Conducting investigations.** The Monitoring Officer will conduct investigations into matters of conduct and make reports and recommendations the Standards Committee.
- (e) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors.
- (f) **Restrictions on posts.** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.
- (g) **Designation of Deputy.** An officer will be designated by the Monitoring Officer to deputise for them during any absence.

8.04 Functions of the Chief Finance Officer

- (a) **Ensuring lawfulness and financial prudence of decision-making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the Full Council and the Council's external auditor if they consider that any proposal, decision or course of action will involve incurring unlawful expenditure or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- (b) **Administration of financial affairs.** The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to corporate management.** The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing advice.** The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors and will support and advise Councillors and officers in their respective roles.
- (e) **Give financial information.** The Chief Finance Officer will provide financial information to the media, members of the public and the community.

8.05 Duty to Provide Sufficient Resources to the Monitoring Officer and Chief Finance Officer

The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

8.06 Conduct

Officers will comply with the Officers' Code of Conduct and the Member and Officer Protocol set out in Part 5 of this Constitution.

8.07 Employment

The recruitment, selection and dismissal of officers will comply with the Officer Employment Procedure Rules set out in Part 4 of this Constitution.

8.08 Pay Policy Statement

The Council is required by the Localism Act 2011 to annually approve and publish a pay policy statement that sets out:

- (a) the remuneration of its chief officers
- (b) the remuneration of its lowest paid employees, and
- (c) the relationship between –
 - (i) the remuneration of its chief officers and
 - (ii) the remuneration of its employees who are not chief officers.

Article 119 – Decision Making

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9.01 Responsibility for Decision-Making

The Council will issue and keep up to date a record of what part of the Council or which individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

9.02 Principles of Decision-Making

All decisions of the Council will be made in accordance with the following principles: -

- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) due consultation and the taking of professional advice from officers.
- (c) respect for human rights.
- (d) a presumption in favour of openness.
- (e) clarity of aims and desired outcomes.
- (f) consideration of all options available.
- (g) only relevant matters to be taken into account.
- (h) due weight to be given to all material considerations and
- (i) proper procedures shall be followed.

3. Type of Decision

- a) Decisions Reserved to Council - Decisions relating to the functions listed in Article 4 will be made by the Council and will not be delegated.
- b) Decisions made by committees appointed by the Council – power to make such decisions is delegated by the Council as set out in the terms of reference contained in Part 3 of this Constitution, in accordance with Section 101 of the Local Government Act 1972.
- c) Decisions made by sub-committees appointed either by Full Council or the main committees with power delegated to them to make decisions in accordance with the terms of reference contained in Part 3 of the Constitution.
- d) Decisions made by officers in accordance with the scheme of delegation contained in Part 3 of the Constitution.

9.04 Decision-Making by the Full Council

The Council meeting will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.

9.07 Decision Making by Committees and Sub-committees Established by this Council

Council committees and sub-committees will follow those parts of the committee and sub-committee Procedure Rules set out in Part 4 of this constitution as apply to them.

9.08 Decision Making by Council Bodies Acting as Tribunals

The Council, a Councillor or an officer acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

Article 120 – Financial, Contracts and Legal Matters

10.01 Financial Management

The management of the Council's financial affairs will be conducted in accordance with the Financial Regulations set out in Part 4 of this Constitution.

10.02 Contracts

Every contract made by the Council will comply with the Contract Procedure Rules set out in Part 4 of this Constitution.

10.03 Legal Proceedings

The Monitoring Officer is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Monitoring Officer considers such action is necessary to protect the Council's interests.

10.04 Authentication of Documents

Where any document is necessary for any legal procedure or proceedings on behalf of the Council, it will be signed by the Monitoring Officer or other person authorised by them, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

Any contract shall be entered into on behalf of the authority and will be in accordance with the Contract Procedure Rules set out in Part 4 of this Constitution.-;

10.05 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Monitoring Officer. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Monitoring Officer should be sealed. The affixing of the Common Seal will be attested by the Monitoring Officer, or some other person authorised by them.

Article 134 – Review and Revision of the Constitution

11.01 Duty to Monitor and Review the Constitution

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect and will make recommendations for ways in which it could be amended in order to better achieve the purposes set out in Article 1. to bring forward any recommendations that are necessary.

In undertaking this task, the Monitoring Officer may:-

- (a) Observe meetings of different parts of the Member and Officer structure
- (b) Undertake an audit trail of a sample of decisions
- (c) Record and analyse issues raised with him/her by Members, Officers, the public and other relevant stakeholders
- (d) Compare practices in the Authority with those in other comparable Authorities, or national examples of best practice

and recommend changes to the Constitution.

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The Chief Finance Officer shall be responsible for keeping under review the Financial Regulations and Contract Procedure Rules set out in the Constitution and shall make any necessary amendments and revisions as are required from time to time. If revisions are made they should be reported to Council for approval.

11.02 Changes to the Constitution

Changes to the constitution shall only be approved at a meeting of the Council after consideration of the proposal by the Audit & Governance Committee unless in the reasonable opinion of the Monitoring Officer a change is:

- (a) a legislative requirement.
- (b) a minor variation which is of a non-substantive nature.
- (c) required to be made to remove any inconsistency or ambiguity; or
- (d) required to be made so as to put into effect any decision of the Council or its committees, in which case the Monitoring Officer may make such a change and publicise such changes on the council's website.

Any such change made by the Monitoring Officer shall come into force with immediate effect but shall be referred to Full Council as soon as is reasonably possible and shall continue to have effect only if Full Council agrees.

Other changes to the constitution shall come into effect at such a date as the Council may stipulate.

The Council should review the constitution at least annually.

Article 142 – Interpretation and Publication of the Constitution

12.01 Suspension of the Constitution

- (a) **Limit to suspension.** The Articles in Part 2 of this Constitution may not be suspended. The Rules in Part 4, except for rules 17.5, 18.2 and 23.1 of the Council Procedure Rules and of the committee and sub-committee Procedure Rules may be suspended to the extent permitted within those Rules and the law. Other parts of the Constitution may be suspended in any lawful manner from time to time.
- (b) **Procedure to suspend.** A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of Councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the constitution set out in Article 1.

12.02 Interpretation

The ruling of the Chairman of the Council as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this constitution contained in Article 1.

12.03 Publication

- (a) The Monitoring Officer will give details of the website address for this Constitution to each member of the authority upon delivery to them of that individual's declaration of acceptance of office on the member first being elected to the Council and will provide a hard copy if requested by the elected member.
- (b) The Monitoring Officer will ensure that copies are available for inspection at council offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.
- (c) The Monitoring Officer will ensure that the Constitution is published on the Council's website.
- (d) The Monitoring Officer will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary

PART 4

RULES OF PROCEDURE

Council Procedure Rules

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1. ANNUAL MEETING OF THE COUNCIL

1.1 Timing and Business

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

The [order of business at the](#) annual meeting will: -

- (i) ~~accept that the Chief Executive or Monitoring Officer will preside over the election of the Chairman of the Council if the outgoing Chairman or Vice-Chairman of Council is not present.~~
- (ii) elect the Chairman of Council for the municipal year [\(accepting that the Chief Executive or Monitoring Officer will preside over the election of the Chairman of the Council if the outgoing Chairman or Vice-Chairman of Council are not present\).](#)
- (iii) elect the Vice-Chairman of Council for the municipal year.
- (iv) receive apologies for absence.
- (v) receive declarations of interests.
- (vi) approve the Minutes of the last Council meeting.
- (vii) receive any announcements from the Chairman of the Council and/or Head of Paid Service.
- (viii) elect the Leader of the Council for the municipal year.
- (ix) elect the Deputy Leader of the Council for the municipal year.
- (x) respond to questions on notice from ~~Councillors or~~ members of the public in accordance with Council Procedure Rules.
- (xi) consider any business set out in the notice convening the meeting.

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1.2 Annual Meeting following an Ordinary Election

In a year of ordinary elections of Members to the Council, the Council shall at its annual meeting, in addition to the requirements set out above:

- (i) receive a report of the Chief Executive on the return of members elected.
- (ii) receive notification of the memberships of political groups.
- (i) receive notification of the names of Group Leaders and their Deputies.

[These shall be dealt with after item \(vii\) above](#)

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1.3 Selection of Councillors on Committees

At the annual meeting, the Council will : -

- (i) ~~appoint~~ establish Committees and Sub-committees as the Council considers appropriate to deal with matters that are not reserved to the Council
- (ii) elect Chairmen and Vice-Chairmen of Committees and Sub-Committees.
- (iii) decide the allocation of seats to Committees and substitutes of political groups in accordance with the political balance rules made under the Local Government and Housing Act 1989;
- (iv) receive nomination and appoint Councillors to serve on each Committee by giving effect to the wishes expressed by political groups-

2. ORDINARY MEETINGS

Ordinary meetings will: -

- (i) elect a person to preside if the Chairman and Vice-Chairman are not present.
- (ii) receive apologies for absence.
- (iii) receive declarations of interest.
- (iv) approve the Minutes of the last Council meeting for signing by the Chairman, subject to any agreed amendments.
- ~~(v) receive any announcements from the Chairman, Leader of the Council, Chairmen of Policy/Service Committee and Audit and Governance Committee, or Head of Paid Service.~~
- ~~(iv) receive any announcements from the Chairman, Leader or Head of Paid Service.~~
- (vi) receive petitions in accordance with the Council's Petitions Scheme contained in Part 5 of the constitution.
- ~~(vi) receive a report back on action taken in response to motion(s) agreed at previous Council meetings, not to be subject to debate.~~
- (vii) respond to questions on notice from Councillors or Members of the Public in accordance with Council Procedure Rules 11 and 13.
- (viii) deal with any business deferred from the last Council meeting.
- (ix) receive and consider any reports from the Council's Committees, the Chief Executive, Monitoring Officer or Chief Financial Officer and reports from the Chairmen of Committees and receive questions and answers on any of those reports ~~and on their work~~ in accordance with Council Procedure Rule 13.

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~~(x) receive reports about, and receive questions and answers on, the business of joint arrangements and external organisations.~~

(xi) consider any other business specified in the summons to the meeting.

(xii) consider motions on notice received in accordance with Council Procedure Rule 14.

~~(xiii) consider any changes to Councillor placings on committees.~~

At the Ordinary Council Meeting held each year for the purposes of setting the Council budget as set out in Article 4 and council tax levels, the order of business shall be as follows:

(i) Choose a person to preside if the Chairman or Vice-Chairman are not present.

(ii) Receive any apologies for absence.

(iii) Receive any declarations of interest from Members.

(iv) Approve the minutes of the last Ordinary Meeting of the Council and of any Extraordinary Meetings held since the last Ordinary Meeting.

(v) Receive any announcements from from the Chairman, Leader of the Council, Chairmen of Policy/Service Committee and Audit and Governance Committee, or Head of Paid Service.

(vi) Deal with any business remaining from the last Council meeting which in the opinion of the Chairman is urgent and should be dealt with at the meeting.

(vii) Receive a report back on action taken in response to motion(s) agreed at previous Council meetings, not to be subject to debate.

(viii) Receive and consider reports regarding the budget and council tax setting and Housing Revenue Account Budget

(ix) Receive and consider any reports from the Council's Committees, the Chief Executive, Monitoring Officer or Chief Financial Officer and receive questions and answers on any of those reports in accordance with Council Procedure Rule 13.

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3. EXTRAORDINARY MEETINGS

3.1 Calling Extraordinary Meetings

Those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings: -

- (i) the Council by resolution.
- (ii) the Chairman of the Council.
- (iii) the Monitoring Officer; and

~~(vii)~~ ~~(iv)~~ any five Members of the Council if they have signed a requisition ~~setting out the reasons and~~ presented to the Chairman of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition. ~~The meeting is not required to be held within seven days however the Chairman shall not unreasonably delay the meeting being held and shall fix a date for the meeting to be held at the earliest convenient opportunity. A requisition for an Extraordinary Council Meeting received after 5.00pm on any working day will be acted upon, in terms of the timescales set out in the procedure rule, at 9.00am on the next working day. An Extraordinary Meeting shall not be convened to consider a motion that does not comply with the requirements of the Council Procedure Rules.~~

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3.2 Business

The order of business at Extraordinary Meetings of the Council will be as set out below, except in instances where legislation dictates the format of the agenda, and in such circumstances the agenda shall be in accordance with that legislation:

- ~~(i) Choose a person to preside if the Chairman and Vice-Chairman are absent.~~
- ~~(ii) Receive any apologies for absence.~~
- ~~(iii) Receive any declarations of interest from Members.~~
- ~~(iv) Receive any announcements from the Chairman, Vice-Chairman, Leader of the Council, Chairman of Policy/Service Committees or Audit and Risk Committee or the Chief Executive.~~
- ~~(v) Deal with any business remaining from the last Council Meeting.~~
- ~~(vi) Deal with any items included in the requisition of the Meeting.~~
- ~~(vii) Deal with any other business specified in the summons.~~

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4. ~~SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES~~

~~4.1. Substitute Members may be nominated for Committees or their Sub-committees by each political group represented on the Committee or Sub-Committee and shall comprise a number no greater than the number equal to the number of~~

~~ordinary Members nominated by a political group to that Committee or Sub-committee.~~

~~4.2 A Substitute Member attending a meeting of a committee or sub-committee has the same powers and responsibilities as a full member of the committee or sub-committee.~~

~~4.3 A substitute member attending a meeting is expected to have read all relevant papers and to be fully prepared to participate in the meeting.~~

~~4.4 A member or substitute member first in attendance at a meeting of a committee or sub-committee cannot be substituted or replaced during the course of that meeting.~~

~~4.5 Substitute members may attend meetings in that capacity only:~~

~~(i) to take the place of the ordinary member for whom they are the designated substitute.~~

~~In the event of the ordinary member of the committee or sub-committee being present at the start of the meeting, the substitution shall not take place.~~

~~4.6 Substitute Members are not appropriate in the case of working parties.~~

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5.4. TIME AND PLACE OF MEETINGS

5.1 An annual calendar of meetings will be agreed by the Council. The Chief Executive will convene ordinary meetings of the Council in accordance with this calendar and determine the time and place of such meetings, which will be notified in the summons. Meetings will usually commence at 7:30pm.

5.2 The Chief Executive may, with the approval of the Chairman, give notice to all Members of the cancellation of a scheduled ordinary meeting of the Council if there is insufficient substantive business to be transacted or if some other special circumstance would render the convening of a meeting impossible or inappropriate. The Chief Executive will endeavour to consult with the Group Leaders before such a cancellation.

6.5. NOTICE OF AND SUMMONS TO MEETINGS

6.1 The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules.

6.2 At least 5 clear working days before a meeting, the Chief Executive will send a summons signed by him or her by first class post or electronic delivery to every Member of the Council or leave it at their usual place of residence. 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.

7.6. URGENT BUSINESS

76.1 No business shall be transacted at a meeting of the Council other than that specified in the agenda except business brought before the meeting as a matter of urgency as certified by the Chairman for specific reasons which are to be included in the minutes.

8-7. APPOINTMENTS

78.1 Appointment and Removal of the Chairman or Vice-Chairman

78.1.1 The Council will appoint a Chairman and Vice-Chairman of the Council for the municipal year at the Annual Council meeting.

~~7.1.2 The Chairman shall remain in office until the election of a new Chairman at the following Annual Council Meeting, unless they resign or are disqualified from office of Councillor.~~

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~~8.1.2 The Chairman may be removed from the office of Chairman of the Council by motion on notice to an ordinary meeting of the Council or an extraordinary meeting convened for that purpose. The vote will succeed by simple majority.~~

~~8.1.3 A successful vote to remove the Chairman will take immediate effect and the Vice-Chairman will assume the chair until a new Chairman is appointed at the next ordinary meeting of the Council or at an extraordinary meeting convened for that purpose.~~

78.1.4 At any time, by motion with or without notice, the Council may take a vote of no confidence in the Chairman or Vice-Chairman. If the vote succeeds, the Chairman will consider their position and provide their response to the next ordinary meeting of the Council.

8.2 ~~Appointment and Removal of the Vice-Chairman~~

~~8.2.1 The Council will appoint a Vice-Chairman of the Council for the municipal year at the Annual Council meeting.~~

~~8.2.2 The Vice-Chairman may be removed from the office of Vice-Chairman of the Council by motion on notice to an ordinary meeting of the Council or an extraordinary meeting convened for that purpose. The vote will succeed by simple majority.~~

~~8.2.3 A successful vote to remove the Chairman will take immediate effect. A new Vice-Chairman will be appointed at the next ordinary meeting of the Council or at an extraordinary meeting convened for that purpose.~~

~~8.2.4 At any time, by motion with or without notice, the Council may take a vote of no confidence in the Vice-Chairman. If the vote succeeds, the Vice-Chairman will consider their position and provide their response to the next ordinary meeting of the Council.~~

78.23 Appointment and Removal of the Leader and or Deputy Leader of the Council

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~~7.2.18-3.1~~ The Council will appoint a Leader of the Council and a Deputy Leader of the Council for the municipal year at the Annual Council meeting to carry out the role set out in Article 2 of this Constitution.

~~7.28-3.2~~ The Leader may be removed from the office of Leader of the Council by motion on notice to an ordinary meeting of the Council or an extraordinary meeting convened for that purpose. The vote will succeed by simple majority.

~~7.28-3.3~~ A successful vote to remove the Leader will take immediate effect and the Deputy Leader will assume the position of Leader until a new Leader is appointed at the next ordinary meeting of the Council or at an extraordinary meeting convened for that purpose.

~~7.28-3.4~~ A successful vote to remove the Deputy Leader will take immediate effect. A new Deputy Leader will be appointed at the next ordinary meeting of the Council or at an extraordinary meeting convened for that purpose.

~~7.8.4~~ Committees

~~7.8.4.1~~ Group Leaders may amend their groups appointments to committees at any time by giving written notice to the Monitoring Officer, ~~provided that the overall political balance of the committee is maintained. The Monitoring Officer shall give immediate effect to such notifications Any such amendments and shall will be reported~~ to the next ordinary meeting of the Council any changes since the last meeting.

~~9.8.~~ QUORUM

~~89.1~~ The quorum of a Council meeting will be one quarter of the whole number of Members rounded up. During any meeting if the Chairman counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

~~10.9.~~ DURATION OF MEETING

~~109.1~~ Any meeting that has lasted for 2½ hours will adjourn immediately, unless the majority of Members present vote for the meeting to continue. The resolution to continue will specify the maximum amount of time for such an extension, usually in increments of 30 minutes.

~~910.2~~ If the meeting is not extended all remaining business will be deferred to a future meeting at a time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting of the Council. Any matters deferred by virtue of this procedure rule will be considered as the first item of substantive business at the next meeting.

10. Announcements

10.1 Announcements shall be permitted at Council Meetings as provided for in procedure rules 1 and 2.

10.2 The maximum total time allowed for announcements shall be as follows –

(a) Leader of the Council - 5 minutes

(b) Chairmen of Committees – 3 minutes

The Chairman shall have discretion to permit additional time where they consider this to be reasonable and appropriate.

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11. QUESTIONS BY THE PUBLIC

11.1 General

Members of the public will be entitled to ask questions on notice at any ordinary meeting of the Council and the Annual Council meeting. Questions may be put to the Chairman of the Council, the Leader of the Council or a Committee Chairman. Each member of the public will be entitled to submit a maximum of 1 question. The maximum total time allowed for questions at a meeting will be 15 minutes.

11.2 Order of Questions

Questions will be asked in the order notice of them was received.

11.3 Notice of Questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Monitoring Officer no later than midday (12:00), six clear working days before the day of the meeting e.g. if the meeting is on a Tuesday and there is no bank holiday applicable, by midday on the Monday of the preceding week.~~3 clear working days before the day of the meeting.~~ Each question must:

- I. give the name and address of the questioner, and
- II. state ~~the name the~~ Member of the Council to whom it is to be put.

11.4 Scope of Questions

The Monitoring Officer, in consultation with the Chairman, may reject a question if it: -

- is not about a matter for which the local authority has a responsibility, or which affects the district.
- is defamatory, frivolous, offensive or personal in nature.
- is substantially the same as a question which has been put at a meeting of the Council or a Committee the past six months; or
- requires the disclosure of confidential or exempt information.

Any preamble to a question will not normally be allowed unless it is essential to understanding the nature of the question to be put.

11.5 Record of Questions

Copies of all questions will be ~~circulated to all Members and will be made available to the public attending the meeting~~included in the agenda for the meeting. All questions and answers will be recorded verbatim in the minutes of the meeting.

The Monitoring Officer will maintain a record of rejected questions and the reasons for rejection for a period of 6 months.

11.6 Asking the Question at the Meeting

The Chairman will invite the questioner, who may attend in person or remotely, to put the question. If a questioner who has submitted a written question is unable to be present, ~~they may ask the Chairman to put the question on their behalf~~.

~~The Chairman may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.~~ a written response will be provided following the meeting.

11.7 Supplementary Question

A questioner will be entitled to ask one supplementary question. The supplementary question must relate directly to the original question or arise directly from the response given to the original question. The Chairman will have discretion to reject a supplementary question.

11.8 Form of Response

An answer may take the form of:

- (i) A direct oral answer.
- (ii) Where the desired information is in a publication of the Council or other published work, a reference to that publication.
- (iii) Where the reply cannot conveniently be given orally, a written answer will be circulated to the questioner within 5 clear working days of the date of the meeting
- (iv) Where the question cannot be dealt with during question time, either because of lack of time or because of the non-attendance of the Member to whom it was to be put, it will be dealt with by either of the following means, as deemed appropriate by the Member to whom the question is directed:

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- a. a written answer; or
- b. at the next meeting of the relevant service committee.

Save for the Member replying to the question, no other Member shall be permitted to speak to the questioner.

A response to a question on notice by a member of the public may take the form of a verbal or written response. The written response will normally be read out at the meeting by the relevant Member or by the Chairman for the benefit of those watching the meeting online.

Responses to supplementary questions may be given immediately or may be provided in writing to the questioner within 5 clear working days of the date of the meeting. A copy of a written the response will also be sent-circulated to all Members.

~~11.9~~ **Written Answers**

Any question which cannot be dealt with during public question time will be dealt with by a written answer within 5 clear working days of the date of the meeting. A copy of the response will be circulated to all Members.

11.10 Reference of Question to a Committee

Unless the Chairman decides otherwise, no discussion will take place on any question, but any Member may move that a matter raised by a question be referred to the appropriate Committee or Sub-committee. Once seconded, such a Motion will be voted on without discussion.

12. PETITIONS

Petitions will be dealt with in accordance with the petitions policy contained in Part 5 of this Constitution.

13. QUESTIONS BY MEMBERS

13.1 Questions on Agenda Items

Members may ask during their speech, as many questions as is necessary to aid understanding of any item under consideration on the agenda. The Chairman will have the final ruling on the suitability of any such question.

The relevant Member shall respond to any questions at the end of the Members speech, or alternatively may ask an officer to respond. The Member who asked the question shall have no right of reply.

Where an answer cannot be provided at the meeting, the relevant Committee Chairman or Officer can undertake to provide a written response to the Member that has asked the question. Such responses will be reported back to the next Ordinary Council meeting as appropriate. This will be in written form and will not be subject to debate at that meeting.

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~~13.2 Questions on the Reports of Leader or Committee Chairmen~~

~~13.2.1 Each member may ask a maximum of 1 question without notice on each of the reports submitted by either the Leader of the Council or a Chairman of a Committee. The questions must relate directly to the information provided in the report.~~

~~13.2.2 There will be no supplementary questions.~~

~~13.2.3 The maximum time allowed for the presentation of reports by the Leader and Chairmen of Committee and for questions and answers will be 30 minutes.~~

13.2 Questions on Notice by Members at Full Council

13.2.1 General

Members will be entitled to ask questions on notice at any ordinary meeting of the Council and the Annual Council meeting. Questions may be put to the Chairman of the Council, the Leader of the Council or a Committee Chairman. Each Member will be entitled to submit a maximum of 1 question. The maximum total time allowed for questions at a meeting will be 15 minutes.

13.2.2 Order of Questions

Questions will be asked in the order notice of them was received.

13.2.2 Notice of Questions

A Member may only ask a question on notice if either: -

- a) Notice has been given in writing or by electronic mail to the Monitoring Officer no later than midday (12:00), six clear working days before the day of the meeting e.g. if the meeting is on a Tuesday and there is no bank holiday applicable, by midday on the Monday of the preceding week, 3 clear working days before the day of the meeting.
- b) The question relates to urgent matters; they have the consent of the Chairman to whom the question is to be put and the content of the question is given to the Monitoring Officer by midday (12:00) on the day of the meeting.

13.4 Scope of Questions

The Monitoring Officer, in consultation with the Chairman, may reject a question if it: -

- is not about a matter for which the local authority has a direct responsibility, or which has a direct effect on the district.
- is defamatory, frivolous, offensive or personal in nature.
- is substantially the same as a question which has been put at a meeting of the Council or a Committee the past six months; or
- requires the disclosure of confidential or exempt information.

Any preamble to a question will not normally be allowed unless it is essential to understanding the nature of the question to be put.

13.5 Record of Questions

Copies of all questions will be circulated to all members and will be made available to the public attending the meeting. All questions and answers will be recorded verbatim in the minutes of the meeting.

The Monitoring Officer will maintain a record of rejected questions and the reasons for rejection [for a period of 6 months](#).

13.6 Asking the Question at the Meeting

The Chairman will invite the Member to put the question. If a member who has submitted a written question is unable to be present, they may ask ~~the Chairman or~~ another member to put the question on their behalf.

~~The Chairman may indicate that a written reply will be given or decide, in the absence of the Member, that the question will not be dealt with.~~

13.7 Supplementary Question

A member will be entitled to ask one supplementary question. The supplementary question must relate directly to the original question or arise directly from the response given to the original question. The Chairman will have discretion to reject a supplementary question.

13.8 Form of Response

[An answer may take the form of:](#)

[\(v\) A direct oral answer.](#)

[\(vi\) Where the desired information is in a publication of the Council or other published work, a reference to that publication.](#)

[\(vii\) Where the reply cannot conveniently be given orally, a written answer will be circulated to the questioner within 5 clear working days of the date of the meeting](#)

[\(viii\) Where the question cannot be dealt with during question time, either because of lack of time or because of the non-attendance of the Member to whom it was to be put, it will be dealt with by either of the following means, as deemed appropriate by the Member to whom the question is directed:](#)

[a. a written answer; or](#)

[b. at the next meeting of the relevant service committee.](#)

Save for the Member replying to the question, no other Member shall be permitted to speak to the questioner.

. A copy of a written the response will also be sent to all Members.

A response to a question on notice by a member may take the form of a verbal or written response. The written response will normally be read out at the meeting by the relevant member or by the Chairman for the benefit of those watching the meeting online.

Responses to supplementary questions may be given immediately or may be provided in writing to the member within 5 clear working days of the date of the meeting. A copy of the response will be circulated to all members.

13.9 Written Answers

Any question which cannot be dealt with during the period for questions by members will be dealt with by a written answer within 5 clear working days of the date of the meeting. A copy of the response will be circulated to all members.

13.10 Reference of Question to a Committee

Unless the Chairman decides otherwise, no discussion will take place on any question, but any member may move that a matter raised by a question be referred to the appropriate Committee or Sub-committee. Once seconded, such a Motion will be voted on without discussion.

14. The Presentation of Reports to Council

(a) Presentation of Reports

- i. Reports on specific issues from a council committee or sub-committee and the Chief Executive, Monitoring Officer or Chief Financial Officer may be presented to the Council from time to time as provided for by this Constitution.
- ii. Reports on specific issues from Committees shall be presented by the Chairman of the Committee or in thier absence the Vice-Chairman of the Committee.
- iii. Recommendations contained within reports will be moved by the Member at the time they present the report. A seconder will not be required.

(b) Debate

Any debate will be conducted in accordance with Council Procedure Rule 17.

(c) Close of Debate

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Consideration of the report shall be closed by the reply of the Member presenting the report, and the motion will be put to the vote by the Chairman without further debate.

~~14.~~ **15. MOTIONS ON NOTICE**

~~145.1~~ **Notice**

Except for Motions which can be moved without notice under Rule 15, written notice of every Motion, on the authority of at least 2 Members, must be delivered to the Monitoring Officer not later than midday (12:00) six clear working days before the day of the meeting e.g. if the meeting is on a Tuesday and there is no bank holiday applicable, by midday on the Monday of the preceding week. ~~5 clear working days before the date of the meeting.~~

~~154.2~~ **Motion Set Out in Agenda**

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the Member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

~~154.3~~ **Scope**

Motions must be about matters for which the Council has a responsibility, or which affect the district.

The Monitoring Officer may, in consultation with the Chairman, reject a motion if it:

- is not about a matter for which the local authority has a responsibility, or which affects the district.
- is defamatory, frivolous, offensive or personal in nature.
- is substantially the same as a motion which has been put at a meeting of the Council in the past six months; or
- would be ultra vires or unconstitutional for the Council to consider such a motion.

~~154.4~~ At the meeting a valid motion on notice must be moved and seconded before any consideration or debate can take place. The Councillor proposing the motion must move and explain the purpose of it. No speeches or debate can take place until the motion has been seconded.

~~15.5~~ **Report back**

Action taken on motions agreed at previous Council meetings will be reported back to future meetings as appropriate. This will be in written form and will not be subject to debate at that meeting

~~14.5~~ Any motion on notice which is duly proposed and seconded will be debated by the Full Council at the meeting at which it is proposed, unless in the view of the

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~~Chairman it would be inappropriate or ultra vires for the full Council to do so. If the motion relates to a function reserved to the Full Council the Chairman will also take a vote on the motion at said meeting.~~

~~14.8 If the subject matter of any motion in respect of which notice has been duly given is related to a function reserved to a committee, then it shall, upon being duly moved, seconded and debated, stand referred to the relevant committee to take the final decision in respect of the motion. The comments from any debate at full Council about the motion will be reported to the committee for them to take into account when considering the motion.~~

~~14.9 If the motion stands referred to a committee for decision and the member who moved the original motion is not an ordinary member of the Committee then they shall be invited to attend and address the committee meeting. A member who is not an ordinary member of committee shall not have a vote at the meeting.~~

~~14.10 Alteration of Motion~~

~~A Councillor may alter a motion of which he/she has given notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.~~

~~A Councillor may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.~~

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

~~15.~~ **16. MOTIONS WITHOUT NOTICE**

The following Motions may be moved without notice: -

- (a) to appoint a Chairman of the meeting at which the Motion is moved;
- (b) in relation to the accuracy of the minutes.
- (c) to change the order of business in the agenda.
- (d) to reduce the time allowed for speeches ~~under rule 15.4.~~
- (e) to refer something to an appropriate body or individual.
- (f) to appoint a committee or Member arising from an item on the summons for the meeting;
- (g) to receive reports or adoption of recommendations of Committees or officers and any resolutions following from them.
- (h) to withdraw a Motion.
- (i) to amend a Motion.

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- (j) to proceed to the next business.
- (k) that the question be now put.
- (l) to adjourn a debate.
- (m) to adjourn a meeting.
- (n) that the meeting continues beyond 2½ hours in duration;
- (o) to suspend a particular Council procedure rule.
- (p) to exclude the public and press in accordance with the Access to Information Rules.
- (q) to not hear further a Member named under Rule 214 (Member not to be heard further) or to exclude them from the meeting under Rule 21.5 (Member to leave the meeting); and
- (r) to give the consent of the Council where its consent is required by this Constitution.

16. 17. RULES OF DEBATE

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17.1 No Speeches Until Motion Seconded

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

17.2 Right to Require Motion in Writing

Unless notice of the Motion has already been given, the Chairman may require it to be written down and handed to ~~him~~her~~them~~ before it is discussed.

17.3 Seconders' Speech

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

17.4 Content and Length of Speeches

Speeches must be directed to the question under discussion, to a personal explanation or point of order. No speech may exceed 5 minutes without the consent of the Chairman. Before commencement of the main business, a meeting may agree by a majority vote to a lesser time.

17.5 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: -

- (a) to speak once on an amendment moved by another member.

- (b) to move a further amendment if the Motion has been amended since he/she last spoke.
- (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 (see paragraph 16.9);
- (e) on a point of order (see paragraph 16.12); and
- (f) by way of personal explanation or clarification (see paragraph 16.13).

176.6 Amendments to Motions

176.6.1 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 words, as long as the effect of (1) to (4) is not to negate the Motion.

167.6.2 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.

176.6.3 If an amendment is not carried, [the debate will return to the motion previously under discussion, upon which](#) other amendments to the original Motion may be moved.

167.6.4 If an amendment is carried, the Motion as amended takes the place of the original Motion. This becomes the substantive Motion to which any further amendments are moved. The substantive Motion will proceed to be debated and voted upon in accordance with these procedure rules.

[17.6.5 The Chairman may require an amendment to be written down and handed to them and a copy provided to all Members present before it is discussed where it is considered necessary to assist Council's effective and efficient consideration of the amendment.](#)

177.7 Alteration of Motion

176.7.1 A member may alter their Motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.

176.7.2 A member may alter their Motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

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

176.8 Withdrawal of Motion

A Member may withdraw their Motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may speak on the Motion after the mover has asked permission to withdraw it unless permission is refused.

176.9 Right of Reply

176.9.1 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.

176.9.2 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 but may not otherwise speak on it.

176.9.3 The mover of the amendment has no right of reply to the debate on his or her amendment.

176.10 Motions Which May be Moved During Debate

When a Motion is under debate, no other Motion may be moved except the following procedural Motions: -

- (a) to withdraw a Motion.
- (b) to amend a Motion.
- (c) to proceed to the next business.
- (d) that the question be now put.
- (e) to adjourn a debate.
- (f) to adjourn a meeting.
- (g) that the meeting continues beyond 2½ hours in duration;
- (h) to exclude the public and press in accordance with the Access to Information Rules; and
- (i) to not hear further a member named under Rule 21.4 or to exclude them from the meeting under Rule 21.5.

176.11 Closure Motions

A Member may move, without comment, the following Motions at the end of a speech of another member: -

- (i) to proceed to the next business – if a Motion to proceed to the next business is seconded and the Chairman thinks the item has been sufficiently discussed, he or she will give the mover of the original Motion a right of reply and then put the procedural Motion to the vote without further debate.
- (ii) that the question be now put – if a Motion that the question be now put is seconded and the Chairman thinks the item has been sufficiently discussed, he/she will put the procedural Motion to the vote without debate. If it is passed, he/she will give the mover of the original Motion a right of reply before putting his/her Motion to the vote.
- (iii) to adjourn a debate – if a Motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural Motion to the vote without giving the mover of the original Motion the right of reply and without any debate.

176.12 Point of Order

A member may raise a point of order at any time. The Chairman will hear them immediately. A point of order may only relate to any alleged breach of these Council Rules of Procedure or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Chairman on the matter will be final.

176.13 Personal Explanation

A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the Chairman on the admissibility of a personal explanation will be final.

47. 18. PREVIOUS DECISIONS AND MOTIONS

187.1 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 10 members.

187.2 Motion Similar to One Previously Rejected

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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 10 members. Once the Motion or amendment is dealt with, no one can propose a similar Motion or amendment for six months.

[19.47](#) **VOTING**

[1947.1](#) **Majority**

Unless this Constitution 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.

[1947.2](#) **Chairman's Casting Vote**

If there are equal numbers of votes for and against, the Chairman will have a second or casting vote provided he or she has already exercised a substantive vote. There will be no restriction on how the Chairman chooses to exercise a casting vote.

[4719.3](#) **Method of Voting**

Voting will be by show of hands or by electronic voting (if available). The Chairman may also take the consent of the meeting by an indication of consensus. In extenuating circumstances, the Chairman may use another appropriate form of voting after consultation with the Monitoring Officer.

[1947.4](#) **Recorded Vote**

If one-fifth (rounded up) of the members present at the meeting and entitled to vote stand to demand 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.

[1947.5](#) **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.

[1947.6](#) **Voting on Appointments**

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

~~18.~~ [20.](#) **MINUTES**

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4208.1 **Signing the Minutes**

The Chairman will sign the minutes of the proceedings at the next suitable meeting. The Chairman 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.

There is no requirement to sign the minutes of a previous meeting at Extraordinary Council. The minutes will be signed at the next suitable meeting for the purposes of paragraph 41(1) and (2), Schedule 12 of the Local Government Act 1972.

2048.3 **Form of Minutes**

Minutes will contain all ~~Motions and amendments~~matters in the exact form and order the Chairman put them.

~~19.~~ 21. **RECORD OF ATTENDANCE**

All members present during the whole or part of a meeting will be recorded by the Committee Administrator.

~~20.~~ 22. **EXCLUSION OF PUBLIC AND PRESS**

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 22 (Disturbance by Public).

~~21.~~ 23. **MEMBERS' CONDUCT**

234.1 **Standing to Speak**

When a member speaks at Full Council they must stand and address the meeting through the Chairman. Other members must remain seated whilst a member is speaking unless they wish to make a point of order or a point of personal explanation.

234.2 **Chairman Standing**

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

243.3 **Withdrawal from Meetings**

If a member has a Disclosable Pecuniary Interest in an item of business, they must withdraw from the meeting room (including from the public gallery) during the whole of consideration of that item of business, except where they are permitted to remain as a result of the grant of a dispensation.

If a member has an Other Registrable Interest or Non-Registrable Interest in an item of business, they must consider withdrawing from the meeting room during the whole of consideration of that item of business, except where they

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are permitted to remain as a result of the grant of a dispensation. Members must have regard to the code of conduct guidance on these categories of interests and may take advice from the Monitoring Officer.

234.4 Member not to be Heard Further

If a member persistently disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructing business, the Chairman may move that the Member is not heard further. If seconded, the Motion will be voted on without discussion.

234.5 Member to Leave the Meeting

If the member continues to behave improperly after such a Motion is carried, the Chairman 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.

234.6 General Disturbance

If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he/she thinks fit.

~~22.~~ 24. DISTURBANCE BY PUBLIC

242.1 Removal of Member of the Public

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

242.2 Clearance of Part of Meeting Room

If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared.

~~23.~~ 25. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

253.1 Suspension

All of these Council Rules of Procedure except this Rule and ~~Rules~~ 17.5 and 18.2 may be suspended by Motion on notice or without notice if at least one half of the whole number of Members of the Council are present. Suspension can only be for the duration of the meeting.

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253.2 Amendment

Any Motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

26. WEBCASTING FAILURE

All meetings of the Council held in the Civic Suite are webcast on the council's website. If on any occasion where the council has advised the public that the meeting will be webcast but is unable to do so due to a due to technical failure, voting members present at the meeting shall consider and determine, having regard to the business to be conducted, whether the meeting should continue or be postponed.

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