

27TH JANUARY, 2020

REPORT NO. DSP2001

CONSTITUTION REVIEW

1. INTRODUCTION

- 1.1 The Council's Constitution sets out how the Council operates, how decisions are made, and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people.
- 1.2 The Council has a responsibility to monitor its Constitution, and to ensure that it is kept up to date. To this effect, updates are made on a regular basis. For example, in 2018 updates were made to reflect changes to the governance structure. The last full review of the document was carried out in 2013 to reflect provisions contained in the Localism Act 2011, the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, and other general updates.
- 1.3 However, since the Constitution was first prepared in 2001, the fundamental structure of the document has remained the same, and it is now timely to carry out a more comprehensive review to ensure that the Constitution reflects current working arrangements and supports the type of organisation that the Council is aiming to be in future through its transformation and modernisation programme.
- 1.4 A full review of the Constitution is now well underway, and this report updates on the process and approach, and sets out a draft updated copy of the Standing Orders for the Regulation of Business at **Appendix 1** for consideration.

2. PURPOSE OF THE REVIEW

- 2.1 A full review of the Constitution is being carried out to ensure that the provisions and underlying principles in the document continue to meet the Council's needs in the context of organisational change and that it aligns with the type of organisation that the Council is aiming to be in future.
- 2.2 The key aims for transformation and modernisation include the Council becoming a more agile and flexible organisation - to enable things to be done quickly and to act on opportunities. Also, for an increased emphasis on taking a business-like approach to service delivery, making the most efficient use of resources, and putting our customers first.

- 2.3 Further to these principles, the review of the Constitution is seeking to improve the overall accessibility of the document, to make it clearer as a public document, reduce duplication, ensure provisions are consistent across the document, and improve indexing and navigability. As part of this, it is proposed to remove the Articles Section, and to integrate the Article rules within each relevant part of the Constitution. In this way, related information will be presented together in the document where possible, rather than in separate parts.
- 2.4 It is also planned to revise the Scheme of Delegation to improve clarity around responsibilities for executive decision-making and enable increased opportunities for some quicker decision-making through a revised scheme of delegation which is sustainable for the future. The revised 'Responsibility for Functions' will include the governance arrangements for new bodies such as the Rushmoor Development Partnership and future Housing Company and clarify the general powers of officers in the Corporate Leadership Team.
- 2.5 Each document within the 'Part 4 – Procedure Rules' and 'Part 5 – Codes and Protocols' will also be reviewed to ensure consistency with the rest of the Constitution, to check that references are up to date and to reflect latest guidance where available.
- 2.6 The review will preserve the Governance Structure (decision making structures) agreed by the Council in 2018 which provide all Members with opportunities to develop and specialise in areas of interest, to influence and participate in policy development on key priorities in the Council Business Plan (through groups appointed by the new Policy and Project Advisory Board) and to carry out scrutiny through improved arrangements. The updated Constitution will incorporate reference to the role of shadow portfolio holders as well as cabinet champion roles.

3. **PROCESS FOR REVIEW**

- 3.1 A cross-party Constitution Member Review Group, including the Chairman of the Licensing, Audit and General Purposes Committee, has met on a number of occasions during Autumn/Winter 2019 to consider key documents that form part of the Constitution, including the Standing Orders, the Code of Conduct for Councillors, Mayoral Protocol, Protocol for Member/Officer Relations and terms of reference for the Overview and Scrutiny Committee and Policy and Project Advisory Board. The Group's comments are helping to inform updates to the document from Members' perspective, and copies of the action notes of the meetings are attached at **Appendix 2** for information.
- 3.2 Wider consultation has also been carried out with the Corporate Leadership Team, and matters relating to executive decision making have been informed through discussion with the Leader of the Council.

- 3.3 An opinion is also being sought from a representative from the Local Government Association (LGA) with expertise on the topic of Council Constitutions. This is to provide an external view on the key elements of the draft updated document.

Key Dates

- 3.4 Further to this report, the Licensing, Audit and General Purposes Committee will consider the draft updated Constitution at its meeting on 23rd March, 2020, for recommendation to the Council on 23rd April. This is with a view to the updated Constitution coming into effect from the Annual Council Meeting in May 2020.

4. STANDING ORDERS

- 4.1 As a key document within the Constitution, the draft updated Standing Orders for the Regulation of Business are attached with this report for prior information and consideration by the Licensing, Audit and General Purposes Committee as part of the process for Review. A schedule which summarises the updates in the Standing Orders is also attached for reference.

5. CONCLUSIONS AND RECOMMENDATION

- 5.1 Changes are proposed to the overall structure and content of the Constitution to ensure that the provisions are up to date and the Council continues to work effectively in the context of ongoing modernisation and transformation and to help ensure the delegation arrangements are sustainable for future.
- 5.2 The Committee is requested to:
- (1) Note the update on the review of the Constitution and the Action Notes of the Constitution Member Review Group; and
 - (2) Endorse the draft Standing Orders for the Regulation of Business recommended by the Constitution Member Review Group for recommendation to the Council (as attached).

ANDREW COLVER
HEAD OF DEMOCRACY, STRATEGY AND PARTNERSHIPS

Part 4 – Council Procedure Rules

In all documents, changes have been made to ensure the correct titles of Heads of Services

Document	Summary of Proposed New Changes
<p>1. Standing Orders for the Regulation of Business</p>	<p>Para 4 (2) – Amend to state that the Council shall appoint standing deputies to the four relevant bodies DMC, LAGP, OSC and PPAB</p> <p>Para 4 (3) – Delete provision for the military authorities to nominate a representative to serve on the Development Management Committee as a co-opted Member</p> <p>Para 6 (i) – add reference to petitions received</p> <p>Para 9 (5) – Motions referred to a Relevant Body no longer resubmitted to the Council unless the Council is the appropriate decision maker</p> <p>New Para 9 (10) – Insert ‘Each motion shall be considered by the Chief Executive and the Head of Democracy, Strategy and Partnerships prior to inclusion on an agenda to ensure that the provisions of these Standing Orders and any other legislation and/or guidance, have been met’.</p> <p>Para 27 (5) – Delete ‘in the case of the Cabinet, the Quorum shall be five voting Members’</p> <p>Para 29 – Delete ‘Ordinary’ – so that Standing Orders can be adjourned to any next meeting of the Council</p>

Document	Summary of Proposed New Changes
<p>Appendix 1 – Scheme for the Appointment of Standing Deputies to the Development Management Committee</p>	<p>In the Scheme title, delete the words ‘to the Development Management Committee’</p> <p>Revise the Introduction:</p> <p>‘The Scheme for Standing Deputies applies to the Development Management Committee, Licensing, Audit and General Purposes Committee, Overview and Scrutiny Committee and the Policy and Project Advisory Board. It allows for the attendance of a standing deputy where a regularly appointed Member cannot be present’</p> <p>Para 2 – References to the DMC alone be updated to reflect the wider application of the Scheme.</p>
<p>Appendix 2 – Scheme for Questions to Cabinet at Full Council</p>	<p>No Changes proposed</p>
<p>Appendix 3 – Scheme for the Annual Report of the Overview and Scrutiny Committee</p>	<p>No Changes proposed</p>

STANDING ORDERS FOR THE REGULATION OF BUSINESS

INTRODUCTION

The Council Procedure Rules (known as Standing Orders) set out the rules of debate and procedure for the conduct of meetings of the Council, including where necessary their application to committees, sub-committees and other bodies.

The Standing Orders are:

1. Meetings of the Council
2. Order of Business – Annual Meeting
3. Appointment of Relevant Bodies
4. The Cabinet and Other Bodies
5. Election of Chairmen and Vice-Chairmen
6. Order of Business – Ordinary Meetings
7. Minutes
8. Questions
9. Notices of Motion
10. Reports of Relevant Bodies
11. Voting
12. Motions and Amendments which may be moved without notice
13. Rules of Debate for Council Meetings
14. Quorum
15. Closure and Adjournment of Meetings
16. Motions Affecting Persons Employed by the Council
17. Disorderly Conduct
18. Disturbance by Members of the Public
19. Recission of Preceding Resolution
20. Confidentiality of Certain Business

21. Petitions
22. Deputations and Memorials
23. Interpretation of Standing Orders
24. Sealing of Documents
25. Authentication of Documents for Legal Proceedings
26. Standing Orders to Apply to Relevant Bodies
27. Meetings of Relevant Bodies
28. Sub-Committees
29. Variation and Revocation of Standing Orders
30. Suspension of Standing Orders
31. Standing Orders to be given to Members

Where the term “relevant body” is mentioned under the Standing Orders it relates to the Cabinet, committees, sub-committees or Policy and Project Advisory Board and this item shall be construed as appropriate.

The Council Procedure Rules contain some mandatory standing orders and other standing orders to reflect local custom and practice. Mandatory standing orders are also reflected in the other Procedure Rules set out in this Constitution.

Members and officers shall comply with these Standing Orders at all times.

MEETINGS OF THE COUNCIL

Annual Meeting

1. (1) 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 out-going councillors. The meeting shall normally be held on a Tuesday as near as possible to 20th day of May in each year, unless the Mayor, in consultation with the Chief Executive and Head of Democracy, Strategy and Partnerships ~~tic Services~~ determines otherwise.

Ordinary Meetings

- (2) In addition to the Annual Meeting of the Council and any meetings convened by the Mayor or by Members of the Council, meetings for the transaction of general business shall be set out in a calendar by the Head of Democracy, Strategy and Partnerships ~~tic Services~~ to ensure the effective transaction of business.

Time of Meetings

- (3) Meetings of the Council shall be held at seven o'clock in the evening, unless the Mayor, in consultation with the Head of Democracy, Strategy and Partnerships ~~tic Services~~, determines otherwise.

Extraordinary Meetings

- (4) An Extraordinary Meeting may be called by the Head of Democracy, Strategy and Partnerships ~~tic Services~~ at the request of:
 - (a) the Council by resolution
 - (b) the Mayor
 - (c) any five Members of the Council by notice which has been signed by those Members and specifies the business proposed to be transacted.

Notice of and Summons to Meetings

- (5) The Head of Democracy, Strategy and Partnerships ~~tic Services~~ will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear working days before a meeting, the Head of Democracy, Strategy and Partnerships ~~tic Services~~ will send a summons signed by him or her to every Member of the Council, ~~or leave it at the Member's 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.

ORDER OF BUSINESS – ANNUAL MEETING

2. (1) The order of business of the Annual Meeting of the Council shall normally be to:
- (a) elect the Mayor and Deputy Mayor of the Borough;
 - (b) approve the minutes of the last meeting;
 - (c) receive any announcements from the Mayor and/or the Chief Executive;
 - (d) appoint the Leader of the Council;
 - (e) note the appointment of the Deputy Leader and other Members appointed to the Cabinet by the Leader;
 - ~~(f)~~ appoint to the Committees and the Policy and Project Advisory Board ~~(including chairmen and vice-chairmen)~~ as appropriate;
 - ~~(f)~~(g) appoint the Chairman and Vice-Chairman of the Development Management Committee and Licensing, Audit and General Purposes Committee, and the Chairman of the Overview and Scrutiny Committee and the Policy and Project Advisory Board; and
 - ~~(g)~~(h) consider any other business set out in the summons.

APPOINTMENT OF RELEVANT BODIES

3. (1) The Council shall at the Annual Meeting appoint the relevant bodies specified in Standing Order 4 and shall determine the composition of the voting Members of each relevant body, and may at any time appoint such other relevant bodies as are necessary to carry out the work of the Council but, subject to any statutory provision in that behalf:
- (a) shall not give effect to the appointment of any Member of a relevant body so as to hold office later than the next Annual Meeting of the Council;
 - (b) may at any time dissolve a relevant body; and
 - (c) may suspend a Member from membership of a relevant body for a specified period.
- (2) Where the Members of the Council are divided into political groups, the Council shall, at the Annual Meeting and at such other times as

appropriate, review the allocation of seats on relevant bodies between the political groups.

- (3) The Head of Democracy, Strategy and Partnerships ~~the Services~~ shall set out in a report to the Council the allocation of seats to political groups in accordance with the requirements of the Local Government and Housing Act, 1989 and the Local Government Act, 2000, upon which the Council shall determine the allocation of seats accordingly.
- (4) Subject to Standing Orders 3 (2) and (3) and Standing Order 4 (7), the Council shall make appointments to relevant bodies so as to give effect to the wishes of the political groups as appropriate.
- (5) The arrangements to secure political balance and the provisions set out in Standing Orders 3, 4 and 27 shall be undertaken in accordance with the provisions of the Local Government and Housing Act, 1989 or any subsequent amending legislation, and Regulations made thereunder from time to time by the Secretary of State.
- (6) For the purpose of these Standing Orders, the term 'political group' means two or more Councillors who wish to be treated as a political group for the purposes of the provisions of the Local Government and Housing Act, 1989 or any subsequent amending legislation, and regulations made thereunder from time to time by the Secretary of State.

THE CABINET AND OTHER BODIES

Membership

4. (1) The decision making structure of the Council shall consist of the bodies set out below, together with a Leader and Cabinet. The Council shall appoint the Members of each of the relevant bodies, which shall not exceed the number of Members specified below:

Relevant Body	Maximum Number of Voting Members
Development Management Committee	11
Licensing, Audit and General Purposes Committee	11
Overview and Scrutiny Committee	11
Policy and Project Advisory Board	11

- (2) The Council shall appoint standing deputies to the Development Management Committee Licensing, Audit and General Purposes Committee, Overview and Scrutiny Committee and Policy and Project Advisory Board, in accordance with the provisions for the

appointment of standing deputies contained in Appendix 1 to these Standing Orders.

~~(3) The military authorities may nominate a representative to serve on the Development Management Committee as a co-opted Member to assist in the consideration of the business of the Committee, but shall not be entitled to vote thereon. The Council shall make the appointment at the Annual Meeting or such other full Council meeting as appropriate.~~

~~(4)~~(3) The Member of the Cabinet with responsibility for matters relating to planning policy ~~(the Environment portfolio)~~ shall be an ex officio Member of the Development Management Committee PROVIDED that the Member shall only be entitled to vote if appointed with full voting rights in accordance with the political balance arrangements.

~~(5)~~(4) The Overview and Scrutiny Committee and the Policy and Project Advisory Board may appoint such non-voting Members and advisers as they consider fit.

Vacancies in Membership

~~(6)~~(5) If any Member shall be absent from three consecutive meetings of a Committee or the Policy and Project Advisory Board, he or she shall cease to be a Member thereof, unless he or she shall, in the opinion of the Committee or Board, show reasonable grounds for his or her absence. ~~there from.~~

~~(7)~~(6) On a vacancy arising on the Licensing, Audit and General Purposes Committee or the Development Management Committee, the Head of Democracy, Strategy and Partnerships Services shall give notice thereof in the summons calling the next Council meeting, so as to enable the Council to fill such vacancy.

~~(8)~~(7) On a vacancy arising on the Overview and Scrutiny Committee or the Policy and Project Advisory Board, such vacancy shall be filled by the appropriate Leader of a Political Group where it falls within that Group. In all cases the appointment shall be reported on the Agenda of the following meeting of the body. Where the vacancy is not part of the allocation of a political group, it shall be filled by the Council.

APPOINTMENT OF CHAIRMEN AND VICE-CHAIRMEN

Appointment of Leader of the Council

5. (1) The Leader of the Council shall be appointed at the Annual Meeting of the Council. On a vacancy arising, or at the end of the Municipal Year, the Head of Democracy, Strategy and Partnerships Services shall seek nominations from Members and give notice in the summons calling the next Council meeting so as to enable the

Council to fill such vacancy. The Leader of the Council shall Chair meetings of the Cabinet and references to Chairman in these Standing Orders shall be construed accordingly.

Appointment of Chairmen and Vice-Chairmen

- (2) Chairmen and Vice-Chairmen of the Development Management and Licensing, Audit and General Purposes Committees shall be appointed at the Annual Meeting of the Council for the ensuing year.

Chairmen of the Overview and Scrutiny Committee and the Policy and Project Advisory Board shall also be appointed at the Annual Council Meeting.

Vice-Chairmen of the Overview and Scrutiny Committee and the Policy and Project Advisory Board shall be appointed at the first meeting of the appropriate Committee/Board in each Municipal Year.

On a vacancy arising, the appropriate Committee or Board will be asked to fill the vacancy at its next meeting. In the absence from a meeting of the Chairman and Vice-Chairmen, a Chairman for that meeting shall be appointed.

Chairman of Meeting

- (3) Any power or duty of the Mayor or a chairman in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

ORDER OF BUSINESS – ORDINARY MEETINGS

6. (1) The order of business at every meeting of the Council shall normally be to:
- (a) choose a person to preside if the Mayor and Deputy Mayor are absent;
 - (b) deal with any business required by statute to be done before any other business;
 - (c) approve as a correct record and sign the Minutes of the last meeting of the Council. No motion or discussion shall be allowed on the Minutes except as to their accuracy and any objection on that ground must be made by motion;
 - (d) deal with any business expressly required by statute to be done;
 - (e) receive any Mayor's announcements;

- (f) dispose of business (if any) remaining from the last meeting;
- (g) answer questions asked under Standing Order 8;
- (h) authorise the sealing of documents;
- (i) receive any petitions submitted under Standing Order 21;
- (i) consider motions in the order in which notice has been received;
- (j) receive and consider matters for decision submitted by relevant bodies;
- (k) consider matters for debate raised by the relevant bodies;
- (l) answer questions for the Cabinet in accordance with the agreed procedure;
- (m) receive Reports submitted by the Cabinet, Licensing, Audit and General Purposes Committee and Development Management Committee and answer questions asked under Standing Order 8 (2);
- (n) other business, if any, specified in the Summons; and
- (o) receive Reports submitted by the Overview and Scrutiny Committee and the Policy and Project Advisory Board.

Variation of Order of Business

- (2) Business falling under Items (a), (b) or (c) of Standing Order 6 (1), shall not be displaced, but, subject thereto, the foregoing order of business may be varied by:
 - (a) the Mayor at his or her discretion; or
 - (b) resolution passed on a motion (which need not be in writing) duly moved and seconded, which shall be moved and put without discussion.

Mayor-Elect and Deputy Mayor-Elect

- (3) The Licensing, Audit and General Purposes Committee shall recommend to the Council a Mayor-Elect and a Deputy Mayor-Elect at least one month before the end of the Municipal Year.

MINUTES

Approval of Minutes

7. (1) The Mayor shall put the question that the Minutes before the meeting be approved as a correct record.

Minutes not to be discussed

- (2) No discussion shall take place upon the Minutes, except upon their accuracy, and any question of the accuracy shall be raised by motion. If no such question is raised, or if it is raised then as soon as it has been disposed of, the Mayor shall sign the Minutes.

Extraordinary Meetings

- (3) The Council shall approve as a correct record the Minutes of the proceedings of an Extraordinary Meeting of the Council called under Standing Order 1(4) at the next following Ordinary Meeting of the Council and they shall be signed by the Mayor.

QUESTIONS BY MEMBERS

Questions for the Cabinet

8. (1) A Member of the Council may ask a Cabinet Member any question upon any matter dealt with under the executive arrangements, in accordance with the procedure contained in Appendix 2 to these Standing Orders.

Questions relating to Reports

- (2) A Member of the Council may ask a Committee Chairman or a Cabinet Member any question upon an item in the Report of a relevant body (Standing Order 6(1)(m)) when that item is under consideration by the Council.

Questions relating to other matters

- (3) A Member of the Council may:
- (a) if ten clear working days' notice in writing has been given to the Head of Democracy, Strategy and Partnerships Services, ask the Mayor, the Chairman of the Licensing, Audit and General Purposes Committee, the Chairman of the Development Management Committee or a Cabinet Member any question on any matter in relation to which the Council has powers or duties or which affects the Borough, PROVIDED that the number of questions permitted to be asked shall be limited to three for each political group or

Member, in the case that the Member is not part of a political group.

Urgent Questions

- (b) with the permission of the Mayor, put to him or her or a Chairman or Cabinet Member any question relating to urgent business, of which such notice has not been given; but a copy of any such question shall, if possible, be delivered to the Head of Democracy, Strategy and Partnerships ~~the~~ Services not later than five o'clock in the afternoon of the day of the meeting.

Length of Questions

- (4) No question asked under 3 (a) or (b) above shall exceed ~~fifty~~100 words in length including any document appended thereto.

Answers not to be discussed

- (5) No speech or discussion shall, without the consent of the Council, be allowed on any question so put, or on any answer thereto.

Forms of Answer

- (6) An answer may take the form of:-
 - (a) a direct oral answer; or
 - (b) where the desired information is contained in a publication of the Council, a reference to that publication; or
 - (c) where the reply to the question cannot conveniently be given orally, a written answer circulated to Members of the Council; or
 - (d) a reference to the fact that the question relates to a confidential matter and as such can only be answered when the Council has resolved to exclude the public.

Questions to the Chairman of the Overview and Scrutiny Committee

- (7) A Member of the Council may ask the Chairman of the Overview and Scrutiny Committee any question on a matter relating to the Committee's responsibilities during consideration of the Annual Report of the Overview and Scrutiny Committee to the Council, in accordance with the procedure contained in Appendix 3 to these Standing Orders.

NOTICES OF MOTION

Notice to be in writing

9. (1) Notice of every motion, other than a motion which under Standing Order 12 may be moved without notice, shall be given in writing or sent electronically including the name of the Member or Members of the Council giving the notice, and delivered, at least ten clear days before the meeting to which it relates, to at the office of the Head of Democracy, Strategy and Partnerships Services by whom it shall be dated.

Inclusion of Motions in Summons

- (2) The Head of Democracy, Strategy and Partnerships Services shall set out in the Summons for the appropriate meeting of the Council, the motions of which notice has been duly given in the order in which they have been received, unless the Member giving notice of the motion shall have ~~in writing~~ withdrawn it or indicated that he or she proposes to move it at a later meeting.

Motions not moved considered withdrawn

- (3) If a motion thus set out in the Summons be not moved either by a Member who gave notice thereof or by another Member on his or her behalf it shall, unless postponed by consent of the Council, as appropriate, be treated as withdrawn and shall not be moved without fresh notice.

Motions referred to a Relevant Body

- (4) Where a motion has been included in the Summons and moved and seconded, the Mayor may direct that it be referred to the relevant body and not further debated at that meeting of the Council.
- (5) ~~The recommendations, A motion – upon a motion, shall then be considered~~ by a relevant body shall be submitted with a recommendation for decision to the ~~by the~~ Cabinet or a Committee or, if appropriate, to the Council. ~~, as appropriate, prior to being resubmitted to the Council as a recommendation.~~

Motions Submitted

- (6) The number of new motions permitted to be considered at each meeting of the Council shall be limited to one per political group or one per Member, in the case that a Member is not part of a political group.

- ~~(7)~~ Every motion shall be relevant to some matter in relation to which the Council has powers or duties.

Length and Content of Motions

- ~~(7)~~(8) No motion, other than a motion which may be moved without notice under Standing Order 12, shall exceed 100 words in length including any document appended thereto.

- (9) A Motion should be expressed in positive terms to either adopt a certain course of action, carry out some act or to declare a particular view.

- ~~(8)~~(10) Each Motion shall be considered by the Chief Executive and Head of Democracy, Strategy and Partnerships prior to inclusion on an agenda to ensure that the provisions of these Standing Orders and any other legislation and/or guidance, have been met.

REPORTS OF RELEVANT BODIES

Submission and Form of Reports

10. (1) As soon as is practicable following a meeting of a relevant body, it shall submit a Report to the Council. Relevant bodies shall, as appropriate:
- (a) submit proposals containing recommendations which require approval by the Council;
 - (b) submit Reports which relate to matters of information or to decisions taken; and
 - (c) submit items for debate on which the Council's views are sought.

Transfer of Matters Contained in Reports

- (2) At a meeting of the Council, any Member, immediately following the relevant page of a Report of the Cabinet or Committee being called over, may move that an item contained in the Report be discussed at the meeting and, upon being seconded, any such motion shall be put to the meeting without discussion, PROVIDED that the proposer may, when putting his motion, indicate briefly his or her reasons for so moving and the Chairman or Cabinet Member may respond thereto.

Reports not to be discussed

- (3) No discussion (other than a question asked or answered in accordance with Standing Order 8) shall take place upon any

matter contained or referred to in a Report of a relevant body submitted under Standing Order 10(1)(b) above.

VOTING

Majority

11. (1) 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 is put. The mode of voting at meetings of the Council shall be by show of hands or, if there is no dissent, by the affirmation of the meeting.

Mayor to have casting vote

- (2) In the event of an equality of votes, the Mayor, or in the case of a relevant body, the Chairman, shall have a casting vote, whether or not he or she ~~has~~ already voted. If the Mayor or Chairman declines to give a casting vote the proposition shall not be carried.

Right to have vote recorded

- (3) Where any Member requests it, immediately after the vote is taken, his or her vote will be so recorded in the minutes to show whether he or she voted for or against the question or abstained from voting.

Recorded Votes

- (4) On the requisition of any Member of the Council made before the vote is taken, the voting on any question shall be recorded so as to show whether each Member present gave his or her vote for or against that question or abstained from voting.
- (5) A recorded vote shall be taken on any decision relating to the budget or council tax.

Appointments

- (6) Where there are more than two persons nominated for any position to be filled by the Council or relevant body, and of the votes given there is not an overall majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken and so on until a majority of votes is given in favour of one person.

MOTIONS AND AMENDMENTS WHICH MAY BE MOVED WITHOUT NOTICE

12. The following motions and amendments may be moved without notice:-

- (a) appointment of a Chairman of the meeting at which the motion is made;
- (b) motions relating to the accuracy of the Minutes;
- (c) that an item of business specified in the Summons has precedence;
- (d) remission to a relevant body;
- (e) appointment of a relevant body ~~Committee~~ or members thereof, occasioned by an item mentioned in the Summons to the meeting;
- (f) adoption of Recommendations of the relevant bodies or Officers and any consequent resolutions;
- (g) that leave be given to withdraw a motion;
- (h) extending the time limit for speeches;
- (i) amendments to motions;
- (j) that the Council proceed to the next business;
- (k) that the question be now put;
- (l) that the debate be now adjourned;
- (m) that the Council do now adjourn;
- (n) authorising the sealing of documents;
- (o) suspending Standing Orders, in accordance with Standing Order 29;
- (p) motion under Section 100A of the Local Government Act, 1972 to exclude the public;
- (q) that a Member named under Standing Order 17 be not further heard or do leave the meeting;
- (r) inviting a Member to remain where he or she has a pecuniary interest;
- (s) giving consent of the Council where the consent of the Council is required by these Standing Orders;
- (t) continuing the sitting under Standing Order 15(1);
- (u) to debate a matter contained in the Report of a relevant body in accordance with Standing Order 10(2).

RULES OF DEBATE FOR COUNCIL MEETINGS

Form of Motions and Amendments

13. (1) A motion or amendment shall not be discussed unless it has been proposed and seconded, and unless notice has already been given in accordance with Standing Order 9 it shall, if required by the Mayor, be put into writing and handed to the Mayor before it is further discussed or put to the Meeting.

Seconders's Speech

- (2) A Member when seconding a motion or amendment may, if he or she then declares his or her intention to do so, reserve his or her speech until a later period of the debate.

Members to stand while speaking and form of reference to other Members

- (3) A Member when speaking shall stand and address the Mayor. If two or more Members rise, the Mayor shall call on one to speak; the other or others shall then sit. While a Member is speaking the other Members shall remain seated, unless rising to a point of order or in personal explanation. Members should be referred to by their titles of "Mayor", "Deputy Mayor", "Chairman" or "Councillor" as appropriate.

Content and length of speeches

- (4) A Member shall direct his or her speech to the question under discussion or to a personal explanation or to a point of order. No speech shall exceed five minutes except by consent of the Council.

When a Member may speak again

- (5) A Member who has spoken on any motion shall not speak again whilst it is the subject of debate, except:-
- (a) to speak once on an amendment moved by another Member;
 - (b) if the motion has been amended since he or she last spoke, to move a further amendment;
 - (c) if his or her first speech was on an amendment moved by another Member, to speak on the main issue, whether or not the amendment on which he or she spoke was carried;
 - (d) in exercise of a right of reply given by paragraph (11) or (13) of this Standing Order;
 - (e) on a point of order;

- (f) by way of personal explanation.

Form of Amendments to Motions

- (6) (a) An amendment shall be relevant to the motion and shall either:-
 - (i) refer a subject of debate to a relevant body for consideration or re-consideration;
 - (ii) leave out words;
 - (iii) leave out words and insert or add others; or
 - (iv) insert or add words;but such omission, insertion or addition of words shall not have the effect of negating the motion before the Council.
- (b) Subject to Standing Order 13(6)(a), any amendment to a recommendation on a Notice of Motion shall incorporate a specific reference to the Notice of Motion submitted for consideration.

Amendments to be disposed of singly

- (7) Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of PROVIDED that the Mayor may permit two or more amendments to be discussed (but not voted on) together if circumstances suggest that this course would facilitate the proper conduct of the Council's business.

Subsequent Amendments

- (8) If an amendment be lost, other amendments may be moved on the original motion. If an amendment be carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

Alteration of Motion

- (9) With the consent of the Council, a Member may:
 - (a) alter a motion of which he or she has given notice; or
 - (b) with the further consent of his seconder, alter a motion which he or she has moved;

if (in either case) the alteration is one which could be made as an amendment thereto.

Withdrawal of Motions and Amendments

- (10) A motion or amendment may be withdrawn by the mover with the consent of his or her seconder and of the Council, which shall be signified without discussion, and no Member may speak upon it after the mover has asked permission for its withdrawal, unless such permission shall have been refused.

Right of Reply

- (11) The mover of a motion has a right to reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original motion shall also have a right of reply at the close of the debate on the amendment, and shall not otherwise speak on the amendment. The mover of the amendment shall have no right of reply to the debate on his or her amendment.

Motions which may be moved during debate

- (12) When a motion is under debate no other motion shall be moved except the following:
- (a) to amend the motion;
 - (b) to adjourn the meeting;
 - (c) to adjourn the debate;
 - (d) to proceed to the next business;
 - (e) that the question be now put;
 - (f) that a Member be not further heard;
 - (g) by the Mayor under Standing Order 17(2) that a Member do leave the meeting;
 - (h) a motion under Section 100A of the Local Government Act, 1972 to exclude the public.

Motions for adjournment, closure etc.

- (13) A Member may move without comment at the conclusion of a speech of another Member, "That the Council proceed to the next business", "That the question be now put", "That the debate be now adjourned", or "That the Council do now adjourn", on the seconding of which the Mayor shall proceed as follows:

- (a) on a motion to proceed to the next business: unless in his or her opinion the matter before the meeting has been insufficiently discussed, he or she shall first give the mover of the original motion a right of reply, and then put to the vote the motion to proceed to next business;
- (b) on a motion that the question be now put: unless in his or her opinion the matter before the meeting has been insufficiently discussed, he or she shall first put to the vote the motion that the question be now put, and if it is passed then give the mover of the original motion his or her right of reply under paragraph (11) of this Standing Order before putting his or her motion to the vote; and
- (c) on a motion to adjourn the debate or the meeting: if in his or her opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion he or she shall put the adjournment motion to the vote without giving the mover of the original motion his or her right of reply on that occasion.

Points of order or personal explanations

- (14) A Member may rise on a point of order or in personal explanation, and shall be entitled to be heard forthwith. A point of order shall relate only to an alleged breach of a Standing Order or statutory provision and the Member shall specify the Standing Order or statutory provision and the way which he or she considers it has been broken. A personal explanation shall be confined to some material part of a former speech by him or her which may appear to have been misunderstood in the present debate.

Ruling of Mayor to be final

- (15) The ruling of the Mayor on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

Members not to impute unworthy motives

- (16) No Member shall impute to another Member dishonest or unworthy motives, or use offensive or unbecoming words, or be guilty of tedious repetition.

Protest not to be entered on Minutes

- (17) No protest or expression of dissent, other than as a record of votes, shall be entered upon the Minutes of the Council.

Respect for Chair

- (18) Whenever the Mayor rises during a debate a Member then standing shall resume his or her seat and the Council shall be silent.

QUORUM

14. (1) Subject to the provisions of Paragraph 45 of Schedule 12 of the Local Government Act, 1972, no business shall be transacted at a meeting of the Council unless at least one-third of the whole number of Members of the Council are present.
- (2) If during any meeting of the Council the Mayor, after counting the number of Members present, declares that there is not a quorum present the meeting shall stand adjourned.

CLOSURE AND ADJOURNMENT OF MEETINGS

15. (1) No opposed business (i.e. business which any Member wishes to debate) shall be taken at an Ordinary Meeting of the Council after eleven o'clock in the evening, except the business then under consideration and as hereinafter provided. At the conclusion of the business then under consideration, the Mayor shall call over the business remaining to be transacted and any opposed business, including the remainder of a Report of the relevant body if then under discussion, shall stand adjourned unless the Council resolve, on a motion which shall be put without debate, to continue the sitting either for a particular item or items on the agenda or for all the remaining business.
- (2) When a meeting is adjourned pursuant to any provision contained in these Standing Orders (except in accordance with Standing Orders 17 (2) or (3)) then the consideration of all business not transacted shall be adjourned to a day and time to be fixed by the Mayor or, if he or she does not fix a day and time, to the next Ordinary Meeting of the Council. Notice of an adjourned meeting shall be given to each Member by the Head of Democracy, Strategy and Partnerships ~~the Services~~ and such notice shall specify the business remaining to be transacted, but it shall not be necessary to send with such notice a further copy of any minutes and/or reports already circulated.

MOTIONS AFFECTING PERSONS EMPLOYED BY THE COUNCIL

16. If any question arises at a meeting of the Council, or of a relevant body, as to the appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct of any person employed by the Council, such question shall not be the subject of discussion until the Council or relevant body, as the case may be, has decided whether or not the power of exclusion of the public under Section 100A of the Local Government Act, 1972 shall be exercised.

DISORDERLY CONDUCT

Naming a Member

17. (1) If at a meeting any Member of the Council, in the opinion of the Mayor notified to the Council, misconduct himself or herself by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the Council, the Mayor or any other Member may move "That the Member named be not further heard", and the motion if seconded shall be put and determined without discussion.

Removal of disorderly Member

- (2) If the Member named continues his or her misconduct after a motion under Standing Order 17 (1) has been carried the Mayor shall:

EITHER move "That the Member named do leave the Meeting" (in which case the motion shall be put and determined without seconding or discussion);

OR adjourn the meeting of the Council for such a period as the Mayor shall consider expedient.

Adjournment in case of disorder

- (3) In the event of general disturbance, which in the opinion of the Mayor renders the due and orderly dispatch of business impossible, the Mayor in addition to any other power vested in him or her may, without the question being put, adjourn the meeting of the Council for such period as considered expedient.

DISTURBANCE BY MEMBERS OF THE PUBLIC

18. If a member of the public interrupts the proceedings at any meeting the Mayor shall warn him or her. If he or she continues the interruption the Mayor shall order his or her removal from the Council Chamber. In case of general disturbance in any part of the Chamber open to the public the Mayor shall order that part to be cleared.

RESCISSION OF PRECEDING RESOLUTION

Motion to rescind a previous decision

19. (1) A motion or amendment to rescind a decision made at a meeting of the Council within the previous six months cannot be moved unless the notice of motion is signed by at least six Members.

Motion similar to one previously rejected

- (2) A motion or amendment in similar terms to one that has been rejected at a meeting of the Council in the previous six months cannot be moved unless the notice of motion or amendment is signed by at least six Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

Recommendation of Relevant Body

- (3) Standing Orders 19 (1) and (2) shall not apply to motions moved in pursuance of a recommendation of a relevant body.

CONFIDENTIALITY OF CERTAIN BUSINESS

20. Where a relevant body shall have resolved to exclude the public from a meeting pursuant to Section 100A(2) or (4) of the Local Government Act, 1972, a Member of the Council who attends the meeting shall not, without permission of the relevant body, disclose any matter dealt with or discussed in the absence of the public until the matter has been reported to the Council and is not subject to any stipulation that the matter shall continue to be regarded as exempt or confidential; or until the matter has been communicated to the media Press by or with the authority of the relevant body.

PETITIONS

21. Where a petition is submitted to the Council in accordance with the Council's Petitions Scheme, and has at least 1000 eligible signatures, the subject matter of the petition shall be reported to the next Ordinary Meeting of the Council, allowing at least ten working days' notice. The petition organiser shall be given the opportunity to present their petition to the Council and a maximum of ten minutes shall be permitted for this. Members of the Council shall not be permitted to ask questions of the petition organiser. The Council will then consider its response to the petition.

DEPUTATIONS AND MEMORIALS

Deputations to the Council

22. (1) A deputation may be received by the Council, according to the wishes expressed by the deputation; but no such deputation shall be received unless five clear days' notice of the intended deputation and of its objects shall have been received by the Head of Democracy, Strategy and Partnerships Services; and then only by leave of the Council.

Reception of Deputations

- (2) Two persons may address the Council, but the first speaker's address shall not exceed ten minutes and the second speaker's address shall not exceed five minutes. The duration of any address shall include the time taken to read a memorial which may be presented by the deputation. Following the address, Members of the Council shall not be permitted to ask questions of the deputation, except at the discretion of the Chairman.

The Scheme for Public Speaking at meetings of relevant bodies is contained in Part 4 of the Council's Constitution.

Memorials

- (3) A copy of a memorial which a deputation wishes to present to the Council or to a relevant body, shall be delivered to the Head of Democracy, Strategy and Partnerships Services at least five clear days prior to the meeting at which the deputation desires to be received. The purpose of any such memorial shall be circulated by the Head of Democracy, Strategy and Partnerships Services to the Members of the Council or the relevant body concerned, unless the Mayor or, as the case may be, Chairman directs otherwise.

Urgent Memorials

- (4) A memorial on any subject which the Mayor may deem to be urgent shall be brought before the next meeting of the Council or a relevant body, whichever may first be sitting; or he or she may, if he or she deems it necessary, direct the Head of Democracy, Strategy and Partnerships Services to Summon a Special Meeting, either of the Council or of a relevant body to deal with the matter.

INTERPRETATION OF STANDING ORDERS

23. The ruling of the Mayor or, as appropriate, the Chairman of a relevant body as to the construction or application of any of these Standing Orders, or as to any proceedings of the Council or a relevant body, shall not be challenged.

SEALING OF DOCUMENTS

Custody of Seal

24. (1) The Common Seal of the Council shall be kept in a safe place in the custody of the ~~Solicitor to the Council~~ Corporate Manager - Legal Services.

Authorised use of Seal

- (2) The Common Seal of the Council shall be affixed to any document authorised by a resolution of the Council, the Cabinet or a Committee to which the Council have delegated their powers in this behalf or through powers and duties delegated in the Council's Constitution.

Attestation of Seal

- (3) The Seal shall be attested by either the Chief Executive, Executive Director or the Corporate Manager – Legal Services Solicitor to the Council and an entry of every sealing of a document shall be made and consecutively numbered in a book kept for the purpose and shall be signed by a person who has attested the Seal.

AUTHENTICATION OF DOCUMENTS FOR LEGAL PROCEEDINGS

25. Where any document will be a necessary step in legal proceedings on behalf of the Council it shall be signed by the Corporate Manager – Legal Services Solicitor to the Council or the Head of Democracy, Strategy and Partnerships ~~tie Services~~ where appropriate unless any enactment otherwise requires or authorises, or the Council give the necessary authority to some other person for the purpose of such proceedings.

STANDING ORDERS TO APPLY TO RELEVANT BODIES

26. The Standing Order of the Council headed "Rules of Debate" (except those parts which relate to standing and to speaking more than once) shall, with any necessary modification, apply to meetings of relevant bodies.

MEETINGS OF RELEVANT BODIES

Convening of Meetings

27. (1) A relevant body shall hold meetings at such times as may be required and may adjourn such meetings as may be thought proper. Special meetings of a relevant body shall be summoned by the Head of Democracy, Strategy and Partnerships ~~tie Services~~ at the request of the Chairman or any three Members of the relevant body.

Discussion of additional items

- (2) No additional item of business not already included on the agenda for a meeting of a relevant body shall be raised unless the Chairman is satisfied that the matter is one of urgency. Urgent

matters which Members propose to raise shall be notified to the Chairman or to the Head of Democracy, Strategy and Partnerships ~~tic Services~~ not later than noon on the day of the meeting (unless relating to an emergency arising after that time).

Minutes

- (3) Minutes of the proceedings of a relevant body shall be recorded in a Minute Book kept for that purpose and shall be signed by the Chairman at the same or following meeting.

Quorum

- (4) Except where authorised by Statute or ordered by the Council, business shall not be transacted at a meeting of a relevant body unless at least one half of the whole number of voting Members are present.

~~(5) In the case of the Cabinet, the Quorum shall be five voting Members.~~

Voting

- (6) Voting at a meeting of a relevant body shall be by a show of hands PROVIDED that immediately after the vote is taken any Member may require that his or her vote for the question or against the question or whether he or she abstained from voting shall be recorded in the Minutes.

Mover of Motion may attend meeting

- (7) A Member of the Council who has moved a motion which has been referred to a relevant body shall have notice of the meeting at which it is proposed to consider the motion. He or she shall have the right to attend the meeting and if he or she attends shall have an opportunity to explain the motion.

Attendance of Members

- (8) No Member of the Council shall attend a meeting of a relevant body, except as a member of the public, unless:-
 - (a) he or she is a Member of the relevant body; or
 - (b) he or she is entitled to be present at such meeting by virtue of any provisions contained in these Standing Orders; or
 - (c) he or she is invited by the relevant body to be present at such meeting.

but that any Member of the Council shall have the right to ask the relevant body to address the meeting on an item of business included on the agenda.

- (9) Members of the Council attending, as members of the public, meetings of the Cabinet, Committees or Policy and Project Advisory Board of which they are not Members, shall be entitled to remain, during the consideration of business where the press and public are excluded.
- (10) When the Cabinet is holding informal discussions on future policy issues, other Members of the Council shall not be entitled to be present unless invited.

Public Participation

- (11) Members of the public may address or ask questions of relevant bodies in accordance with the Public Speaking Procedure Rules in Part 4 of this Constitution.

SUB-COMMITTEES APPOINTED BY COMMITTEES

Consent of Council required Arrangements

- 28. (1) Any Sub-Committees established by a Committee shall be appointed in accordance with the political balance arrangements agreed by the Council and the Committee shall give effect to the appointments proposed by the appropriate political groups.

Chairman to be Ex Officio Member

- (2) The Chairman of a Committee shall be an ex officio Member of every Sub-Committee appointed by that Committee, unless he or she signifies to the Committee that he or she does not wish to serve PROVIDED that he or she may not vote at a meeting of a Sub-Committee of which he or she is not a voting Member.

Co-opted Members

- (3) A Sub-Committee may appoint such non-voting Members and advisers as it considers fit.

VARIATION AND REVOCATION OF STANDING ORDERS

Motions to amend Standing Orders

- 29. (1) Any motion to add to, vary or revoke these Standing Orders shall, when proposed and seconded, stand adjourned without discussion to the next ~~Ordinary~~ Meeting of the Council.

SUSPENSION OF STANDING ORDERS

30. (1) Subject to Paragraph (2) of this Standing Order, any of the preceding Standing Orders may be suspended so far as regards any business at the meeting where its suspension is moved.
- (2) A motion to suspend Standing Orders shall not be moved without notice (i.e. under Standing Order 12) unless there shall be present at least one-half of the whole number of the Members of the Council.

STANDING ORDERS TO BE GIVEN TO MEMBERS

31. A copy of these Standing Orders and of such statutory provisions as regulate the proceedings and business of the Council, shall be made available to each Member of the Council by the Head of Democracy, Strategy and Partnerships ~~the Services~~ upon delivery to him of the Member's Declaration of Acceptance of Office on the Member being first elected to the Council.

APPENDIX 1

SCHEME FOR THE APPOINTMENT OF STANDING DEPUTIES ~~TO THE DEVELOPMENT MANAGEMENT COMMITTEE~~

1. Introduction

~~The Scheme for Standing Deputies to the Development Management Committee allows for the attendance at the Development Management Committee of a standing deputy where a regularly appointed Member cannot be present~~

The Scheme for Standing Deputies applies to the Development Management Committee, Licensing, Audit and General Purposes Committee, Overview and Scrutiny Committee and the Policy and Project Advisory Board. It allows for the attendance of a standing deputy where a regularly appointed Member cannot be present

2. Scheme

The arrangements for the Scheme for Standing Deputies ~~to the Development Management Committee~~ are as follows:

- (1) Each political group, which is allocated seats on the Development Management Committee, Licensing, Audit and General Purposes Committee, Overview and Scrutiny Committee and Policy and Project Advisory Board may nominate one standing deputy to attend the Committee on occasions when an appointed Member cannot be present. The appointment of standing deputies will usually take place at the Annual Meeting of the Council when the committee membership is decided.
- (2) Members appointed as standing deputies are in the same position in terms of responsibilities and duties as any other member of the committee, for example, in relation to the declaration of any interests they might have, and will be able to exercise full voting rights.
- (3) Standing deputies may attend meetings in that capacity only where the ordinary councillor will be absent for the whole of the meeting and must declare at the beginning of the meeting which councillor they are substituting for.

APPENDIX 1

- (4) If a standing deputy is present at a meeting at which the Member whom he or she is replacing turns up during the course of proceedings, the original member should be required to withdraw from participation at the meeting.
- (5) A standing deputy shall be advised of a Member's absence either directly by the Member who is unable to attend, or by the Committee Administrator on notification of an advance apology by 5pm on the day of the meeting at the latest.
- (6) The names of those councillors appointed as standing deputies shall be published on ~~the development management committee~~ agendas alongside the ordinary committee membership.

SCHEME FOR QUESTIONS TO THE CABINET AT FULL COUNCIL

OVERVIEW

The purpose of the Scheme for Cabinet Questions at full Council is to enable any Member of the Council to ask a Member of the Cabinet a question on any item dealt with under the executive arrangements. Questions can relate to any function not dealt with elsewhere in the decision-making structure (e.g. committees) or which affects the Borough.

A period of 15 minutes will be allocated for questions to Cabinet Members

PROCESS

Questions must be tabled in accordance with the process set out below.

Members asking questions will be able to ask a maximum of one supplementary question relating to the same subject.

- (1) Members may submit questions up until 4.00 p.m. on the day before the Council meeting to the Head of Democracy, Strategy and Partnerships in the following form:
 - a full question identifying the Cabinet Member who will be asked
 - questions should be submitted in writing (including e-mail)
- (2) Members may submit more than one question but a second or subsequent question will be permitted once those Members submitting questions have had a chance to ask their first question.
- (3) The Head of Democracy, Strategy and Partnerships will prepare a list of tabled questions/topic areas in the order in which they have been received.
- (4) The appropriate Cabinet Member(s) will be advised of the subject area/question that will be asked at the meeting.
- (5) In consultation with the Mayor, the tabled questions will be put into their final order (taking account of any Member who has submitted more than one question)
- (6) At the meeting, the Mayor will conduct the question session in the usual way, allowing a supplementary question where appropriate.
- (7) The 15 minutes session will only be extended if there are tabled questions still to be dealt with and at the discretion of the Mayor. There will be no supplementary questions in such circumstances.
- (8) The Mayor's ruling in respect of the conduct of questions to the Cabinet will be final.

APPENDIX 3

SCHEME FOR THE ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE TO COUNCIL

OVERVIEW

The main features of the procedure are:

- The Chairman of the Overview and Scrutiny Committee, or nominated spokesperson, shall introduce the Annual Report of the Overview and Scrutiny Committee to the Council (a maximum of 5 minutes for the presentation shall be permitted).
- A period of 15 minutes will be allocated for questions on the Report. Questions must be tabled in accordance with the process set out below.
- Members asking questions will be able to ask a maximum of one supplementary question relating to the same subject.

PROCESS FOR QUESTION TIME

Any Member of the Council may ask a question on an item included in the Annual Report, subject to written notice.

The process for question time shall be as follows:

- (1) Members will be able to submit questions up until 4.00 p.m. on the day before the Council meeting to the Head of Democracy, Strategy and Partnerships in the following form:
 - a full question which identifies the item to which the question relates
 - questions should be submitted in writing (including e-mail)
- (2) Members may submit more than one question but a second or subsequent question will only be permitted once other Members submitting questions have had a chance to ask their first question.
- (3) The Chairman or nominated spokesperson will be advised in advance of the question that will be asked at the meeting.
- (4) In consultation with the Mayor, the tabled questions will be put into their final order (taking account of any Member who has submitted more than one question).
- (5) At the meeting the Mayor will conduct the question session in the usual way, allowing a supplementary question where appropriate.
- (6) The Mayor's ruling in respect of the conduct of questions will be final.

Constitution Group Meeting

11th November at 6.30 p.m. in the Chief Executive's Office

Attendance: Cllr Stephen Masterson, Cllr John Woolley, Cllr Adrian Newell, Cllr Frank Rust, Jill Shuttleworth and Ian Harrison

ACTION NOTES:

The Group noted the timetable for the Constitution Review and considered the following documents for the Constitution.

Document	Summary of draft changes	Summary of Group's comments
Protocol for Member/Officer Relations	<p>Document updated to be more concise and with clearer focus on the key elements of the expectations for Member/Officer Relations.</p> <p>Some points have increased emphasis.</p> <p>Duplication related to access to information provisions removed.</p>	<p>Endorsed shorter document for usability.</p> <p>Para 2.9 - insert 'a decision of' the Council</p> <p>Para 3.2 - support point on power imbalance</p> <p>Para 4.3 – support wording on access to officers</p> <p>Para 6.2 – strengthen wording 'Members must not negotiate' with third parties</p>
Terms of Reference Overview and Scrutiny Committee	<p>Presentation and structure of the document to mirror the heads included in the Policy and Project Advisory Board Terms of Reference. To achieve this, some sections of the old Overview and Scrutiny Procedure Rules have been re-presented in this part.</p>	<p>Endorsed presentation of the Terms, subject to the following points:</p> <p>Include reference to</p> <ul style="list-style-type: none"> an Annual Joint Meeting to be held between Chairmen and V-Chairmen of OSC and PPAB Task and Finish Groups to be reviewed annually, and time-limited <p>Quorum – to specify the minimum number of councillors to attend as six out of eleven voting Members.</p>

		<p>To include reference to a role for the Overview and Scrutiny Committee in the scrutiny of the Cabinet Champion's activities. Reporting once a year.</p> <p>Ensure cross reference to the O&S Procedure Rules document</p>
Terms of Reference Policy and Project Advisory Board	Presentation and structure of the document to mirror the heads included in the Overview and Scrutiny Committee Terms of Reference	<p>Endorsed presentation of the Terms, subject to the following points:</p> <ul style="list-style-type: none"> Strengthen expectation for Cabinet Members to attend PPAB frequently as a matter of good practice. (Strengthening link between Cabinet and PPAB). Cabinet Members attendance to be recorded in minutes. <p>Include reference to</p> <ul style="list-style-type: none"> an Annual Joint Meeting to be held between Chairmen and V-Chairmen of OSC and PPAB Task and Finish Groups to be reviewed annually, and time-limited <p>Quorum – to specify the minimum number of councillors to attend as six out of eleven voting Members.</p>
Overview and Scrutiny Procedure Rules	<p>Some information has been moved to the OSC Terms of Reference for ease of reference for meetings.</p> <p>The remaining information is focused on procedures to be followed for call-in, formal reports of the OSC and councillor right to call for action.</p>	<p>On Call for Action – para (c) excluded matters – to be determined 'in the judgement of the Head of DSP, MO or Mayor' i.e. a person outside of the political sphere.</p> <p>On Call-in – the Group identified a need for more training for councillors on the provisions around call-in</p>

<p>Public Involvement:</p> <ul style="list-style-type: none"> • Protocol for Public Neighbourhood Meetings • Public Speaking Procedure Rules • Petitions Scheme • Access to Information Procedure Rules 	<p>No significant proposed to the documents - but to update taking account of the Group's feedback.</p>	<p>General points:</p> <ul style="list-style-type: none"> • Prepare linked document to the Members Code of Conduct with provisions setting out expectations re: use of Social Media during meetings and particularly Members' seminars/meetings and events which are closed to the public. • Inclusion of Social Media guidance for Councillors 'dos and don'ts' • Standing Orders – reference to the recording/webcasting of Council Meetings • Council agenda – say what provision Standing Order 8 is – rather than simply referring to the para number (for public understanding) <p>Access to Information Procedure Rules:</p> <ul style="list-style-type: none"> • Para 3.2 – add reference to Chairman's reminder of the public's right to use social media to record meetings. <p>Petitions Scheme:</p> <ul style="list-style-type: none"> • Support 10 minutes for a petitioner to present to a meeting, however, need for provision to manage the overall numbers of public speakers in a session. <p>Public Speaking Procedure Rules:</p> <ul style="list-style-type: none"> • Suggested 5 minutes to address a meeting, with Chairman's discretion to extend to 10 minutes. Endorsed facilitation of joint presentations. <p>Protocol for Public Neighbourhood Meetings</p> <ul style="list-style-type: none"> • Council Offices can be used for public meetings
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Constitution Group Meeting

10th December at 6.30 p.m. in Ian Harrison's Office

Attendance: Cllr Stephen Masterson, Cllr Terry Bridgeman, Cllr Adrian Newell, Cllr Frank Rust, Cllr Paul Taylor, Jill Shuttleworth, Andrew Colver and Ian Harrison

ACTION NOTES:

The Group noted the timetable for the Constitution Review and considered the following documents for the Constitution.

Document	Summary of draft changes	Summary of Group's comments
Action Notes of the Meeting held on 11th November		<p>Terms of reference of the O&S Committee:</p> <ul style="list-style-type: none">• Reference to Annual Joint Meeting of chairs and v/chairs to describe the purpose of the meeting• Distinction between Standing Groups, and Task and Finish Groups• Scrutiny of Cabinet Champion – focus on performance on matters within the Council Business Plan
Standing Orders for the Regulation of Business	<p>Quorum to be 50% at all principal meetings</p> <p>Motions:</p> <ul style="list-style-type: none">• where referred to a relevant body, they should not come back to Council unless it is a 'Council' matter (many will be executive or committee decisions)• Motions – to be considered by the CX and Head of DSP prior to inclusion on an agenda	<p>The Group endorsed the proposed changes</p> <p>The Group also considered provisions for substitute members/standing deputies for principal meetings and supported an arrangement for named standing deputies for LAGP, PPAB & OSC as for DMC. A separate, more flexible arrangement for substitutions on Member Working Groups.</p> <p>Members would welcome training on Stranding Orders and rules for debate</p>

Code of Conduct for Councillors	No changes to the main Code. Proposed to add an Annex with Guidance for using Social Media – circulated.	Agreed that Social Media Annex was a good start to written guidance for councillors. It was recognised that this may need to be refreshed regularly.
Members Planning Code of Good Practice	Additional section 'Separating Professional and Public Roles'. Updates to reflect current role designations.	Endorsed Code. The Group asked about the process/sanctions for dealing with complaints about a breach of the Code, and it was noted that a monitoring team may decide to arrange a hearing as set out in the Standards Hearing Procedure Rules.
Mayoral Protocol	New addition to the Constitution to codify the arrangements for the Mayoral role and support arrangements.	Endorsed Protocol subject to the following comments: Para 3 – add reference to criteria for a suitable engagement to accept and 'in the event of doubt, refer to the Head of Service' Para 8 – add reference/guidance for pre-election period
Members Learning and Development Policy	Updates to reflect current Group names and role designations.	Endorsed the updated Policy

Constitution Group Meeting

20th January at 5.30 p.m. in the Vulcan Room

Attendance: Cllr Stephen Masterson, Cllr Adrian Newell, Cllr Frank Rust, Cllr Paul Taylor, Jill Shuttleworth, Andrew Colver and Ian Harrison

ACTION NOTES:

The Group noted the timetable for the Constitution Review and considered the following documents for the Constitution.

Document	Summary of draft changes	Summary of Group's comments
Action Notes of the Meeting held on 11th November		Approved
Draft Report for the Licensing, Audit and General Purposes Committee	The draft report with updates to Standing Orders was circulated for comments	<p>The Group endorsed the report and recommendations.</p> <p>The following points were made on the Standing Orders:</p> <p>Para 6 (1) – add 'to receive petitions submitted in accordance with SO 21'</p> <p>Para 6 (1) (m) – add 'and to answer questions in accordance with SO 8 (2)'</p> <p>Para 17 (2) - add his 'or her'</p> <p>Para 29 – delete 'Ordinary'</p> <p>The new scheme for Appointment of Standing Deputies was endorsed.</p>
Part 2 – The Constitution and how the Council Operates	New document (circulated) to amalgamate information previously presented in the Introduction and parts of the Articles	<p>The Group endorsed the revised Part 2.</p> <p>It was agreed to re-word Para 4.3 on public rights to attend meetings to clarify that the public are exempt from attending for the item; as distinct from the meeting.</p>
Approach to the Scheme of Delegation	An update was given outlining the approach to the Scheme of Delegation.	It was agreed that documents would be circulated to the Group shortly in advance of the next meeting on 9/3/20

