

PART 2

ARTICLES OF THE CONSTITUTION

6.4.3. The Chair and Vice-Chair of the Audit and Governance Committee may not be a member of any Overview and Scrutiny Committee. This will maintain independence between the two functions of audit and scrutiny, in line with good practice.

6.5. Substitutes

If a member is unable to attend a meeting their Group may arrange for a substitute to attend in their place in accordance with Part 4 of this Constitution.

6.6. Members of the Public

6.6.1. Members of the public can be invited to attend and contribute to meetings as required to provide insight to a matter under discussion. This may include but is not limited to subject experts with relevant specialist knowledge or expertise, representatives of stakeholder groups or service users. Members of the public will not have voting rights.

6.7. Children's Services Overview and Scrutiny Committee

6.7.1. As the functions and duties of the Children's Services Overview and Scrutiny Committee include making decisions in relation to the Council's education responsibilities, the Committee must include two church and two parent governor representatives as voting members in addition to the Councillors. Parent governor membership shall extend to a maximum period of four years and no less than two years. These co-opted education representatives are entitled to vote on any item relating to education.

6.7.2. The Children's Services Overview and Scrutiny Committee may also co-opt one representative from the Academy Trusts within the local authority area, to attend meetings and vote on matters relating to education.

~~6.7.2.~~6.7.3. The Children's Services Overview and Scrutiny Committee may also co-opt on to the Committee two representatives of The Youth Parliament and, although they will not be entitled to vote, will ensure that their significant contribution to the work of the Committee is recognised and valued.

6.8. Conduct of Overview and Scrutiny Committee meetings

Conduct of the proceedings at Overview and Scrutiny Committee meetings shall be in accordance with the Procedure Rules as set out in Part 4C of this Constitution.

6.9. Commissioned Work

6.9.1. In addition to committee meetings, the Overview and Scrutiny Committees may commission work to be undertaken in the following ways as it considers necessary after taking into account the availability of resources, the work programme and the matter under review. Each Committee is limited to two commissions at a time to ensure availability of resources.

- a) **Working Groups** – a small group of Councillors and Officers gathered to consider a specific issue and report back to a full

Article 12 - Decision Making

12.1. Principles of Decision Making

When the Council makes a decision it will:

- a) be clear about what the Council wants to happen and how it will be achieved;
- b) ensure that the decision and the decision-making process are lawful;
- c) consider the Public Sector Equality Duty and its obligations under the Human Rights Act;
- d) consult properly and take professional advice from Officers;
- e) have due regard to appropriate national, strategic, local policy and guidance;
- f) ensure the action is proportionate to what the Council wants to happen;
- g) ensure the decisions are not unreasonably delayed;
- h) explain what options were considered and give the reasons for the decision; ~~and~~
- i) make the decision public unless there are good reasons for it not to be; and
- h)i) take into account the Council's statutory duties and responsibilities relating to counter-terrorism, prevention of violent extremism and the Prevent channel.

12.2. Responsibility for Decision Making

The Council will prepare and keep up to date a Functions Scheme. The Functions Scheme will show what types of decisions can be made and who or which part of the Council can make them.

12.3. Types of Decision

12.3.1. Decisions Reserved to the Full Council

Decisions reserved to Full Council in the Functions Scheme will be made by Full Council only. Other non-executive decisions are delegated to Council Committees, Sub-Committees and to Officers as set out in the Functions Scheme.

12.3.2. Key Decisions

A Key Decision, which must be included in the Cabinet Forward Plan, is a Leader or Cabinet decision which is likely to meet one or more of the following criteria:

- a) it will result in the Council on its own or in partnership with other organisations spending or saving £500,000 or more, with the exception of operational expenditure or savings identified within the agreed Service Plan and Budget; and/or

PART 3A

RESPONSIBILITY FOR FUNCTIONS

2.3. The call-in protocol referred to at 2.2.7 above is as follows:

- 2.3.1. a formal referral request must be submitted on the Council Planning Committee referral form;
- 2.3.2. all parts of the planning committee referral request form must be completed for the request to be considered as valid and compliant with the provisions set out in paragraph 2.2.7 of Part 3A of the Constitution;
- 2.3.3. the form must set out the material planning reasons for the referral that warrant the application being considered by Planning Committee;
- 2.3.4. the ward Councillor must have first discussed the planning application with the planning case officer before submitting a Planning Committee referral form. This discussion should take place within the initial planning application notification period. In these discussions, and prior to submitting the form, the ward Councillor must advise the officer whether they are considering submitting a Planning Committee referral request form so the officer can update the ward Councillor on progress before a recommendation is made.
- 2.3.5. to ensure resilience that the planning committee referral requests are formally received by the case officers, request forms should be submitted by email to both the case officer and the relevant office inbox as follows:
 - a) planning.bournemouth@bcpcouncil.gov.uk
 - b) planning.christchurch@bcpcouncil.gov.uk
 - c) planning.poole@bcpcouncil.gov.uk
- 2.3.6. Once the notification period has expired and the officer has not had any contact from a ward Councillor in respect of a potential planning committee referral, Councillors are to be aware that officers are able to make decisions on planning applications under delegated powers in accordance with the Council scheme of delegation.

2.4. The Planning Committee has power to receive and provide comment on presentations relating to pre-application planning proposals that the relevant senior planning officer considers appropriate having regard to the Council's Local Code of Best Practice relating to Planning Matters and any extant guidelines agreed by the Planning Committee.

3. Licensing Committee

- 3.1. All matters relating to Licensing functions as set out in the relevant legislation are delegated to Officers pursuant to the Chief Executive's Scheme of Delegation to determine other than those matters set out below which shall be the responsibility of the Licensing Committee.

- recommendations to the Council or the Cabinet to assist in the development of future policies and strategies;
- 4.1.5. assisting the Council in the development of the Budget and Policy Framework by in-depth analysis of policy issues;
- 4.1.6. monitoring the implementation of decisions to examine their effect and outcomes;
- 4.1.7. referring to full Council, the Cabinet or appropriate Committee/Sub-Committee any matter which, following scrutiny, the Overview and Scrutiny Committee determines should be brought to the attention of the Council, Cabinet or the Committee or Sub-Committee;
- 4.1.8. preparation, implementation, monitoring and review of a work programme;
- 4.1.9. establishing such commissioned work as appropriate after taking into account the availability of resources, the work programme and the matter under review;
- 4.1.10. maintaining oversight and establishing priorities for the training needs of the Committee.

Health and Adult Social Care Overview and Scrutiny Committee

- 4.2. The Health and Adult Social Care Overview and Scrutiny Committee will carry out those duties as outlined in 4.1.1 to 4.1.10 above, in relation to matters regarding health, adult social care, public health, community care and any other issues relating to the delivery of health services by health service providers and NHS bodies affecting the residents of Bournemouth, Christchurch and Poole.
- 4.3. This Committee carries out all the Council's overview and scrutiny functions relating to health as required by legislation.

Children's Services Overview and Scrutiny Committee

- 4.4. The Children's Services Overview and Scrutiny Committee will be responsible for carrying out those duties as outlined in 4.1.1 to 4.1.10 above, in relation to matters which relate to the delivery of services for children in Bournemouth, Christchurch and Poole.
- 4.5. Education co-optees will be appointed to this Committee in line with legislation, and as set out within Article 6 of this Constitution.

Place Overview and Scrutiny Committee

- 4.6. The Place Overview and Scrutiny Committee will be responsible for carrying out those duties as outlined in 4.1.1 to 4.1.10 above, in relation to matters such as regeneration, strategic planning, house building, homes, environment, cleansing, waste, transport and sustainability.
- 4.7. This Committee carries out all the Council's overview and scrutiny functions relating to flood risk management as required by legislation.

- 6.1.1. monitoring the Code of Conduct and arrangements for dealing with complaints against Councillors and making recommendations to Full Council on any changes to the Code;
- 6.1.2. promoting and maintaining the Council's responsibilities for ethical governance and high standards of conduct;
- 6.1.3. ensuring that appropriate advice and training is provided to Councillors in respect of ethical governance and the Code of Conduct;
- 6.1.4. supporting the Monitoring Officer in discharging their duties in relation to the conduct and behaviour of Councillors;
- 6.1.5. promoting the observance of the ethical governance agenda within Parish and Town Councils in its area;
- 6.1.6. considering the outcome of investigations undertaken pursuant to the arrangements for dealing with allegations of a breach of the Code of Conduct;
- 6.1.7. making arrangements for suitable liaison as appropriate with the statutory Independent Persons in the course of dealing with an allegation of breach of the Code of Conduct; and
- 6.1.8. considering an Annual Report on Gifts and Hospitality Registers relating to Councillors.

7. Appeals Committee

- 7.1. The Appeals Committee will have responsibility for determining:
 - 7.1.1. appeals by parents and students against the Council's decision in relation to student awards;
 - 7.1.2. appeals by parents against the Council's decision on boarding education matters and other pupil benefits;
 - 7.1.3. appeals by parents against the Council's decision in relation to the provision of transport in cases of need, special circumstance or safety;
 - 7.1.4. appeals against the Council's decision on the provision of transport to denominational schools and colleges; and
 - 7.1.5. appeals relating to disciplinary action against, and in respect of, the relevant Statutory Officers, as defined in The Local Authorities (Standing Orders)(England) Regulations 2001 (as amended).

8. Investigation and Disciplinary Committees

Investigation and Disciplinary Committee (IDC)

- 8.1. The Investigation and Disciplinary Committee will have responsibility for disciplinary and dismissal matters which relate to the relevant statutory officers, as defined in The Local Authorities (Standing Orders)(England)

Regulations 2001 (as amended). The relevant officers being the Head of Paid Service; Chief Finance Officer and Monitoring Officer.

- 8.2. The IDC shall undertake the responsibilities required pursuant to the relevant 2015 Regulations agreed Guidance and Model Procedure issued by the relevant national JNC or other relevant body that may exist in future.
- 8.3. The IDC is to be a Committee consisting of six councillors and must include the Leader of the Council and another member of the Cabinet.
- 8.4. In the case of a complaint against:
 - 8.4.1. a relevant Officer, the decision whether to refer the matter to the Investigating and Disciplinary Committee will be delegated to the Monitoring Officer or Chief Finance Officer;
 - 8.4.2. the Head of Paid Service, the decision to refer the matter to the IDC will be delegated to the Head of Paid Service; and
 - 8.4.3. the Monitoring Officer or the Chief Finance Officer, the decision to be made in consultation in every case with the Head of Human Resources and Organisational Development.
- 8.5. The IDC will have delegated responsibility for the suspension of the relevant Officers. In the event of the need for urgency, this function is delegated to the Head of Paid Service (in the case of the Monitoring Officer or Chief Finance Officer) or the Monitoring Officer (in the case of the Head of Paid Service) in consultation with the Chair of the IDC.
- 8.6. The relevant officers will be given the same right to be accompanied at any disciplinary hearing as all Council employees. Additionally, this will include the right to be accompanied by a legal representative at their own cost.

Independent Panel

- 8.7. The three Independent Persons appointed by the Council pursuant to the Localism Act requirements shall act as the Independent Panel in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015).

9. Leader and Cabinet – Executive Functions

Discharge of Executive Functions

- 9.1. All executive authority flows through the Leader who retains the authority to make any executive decisions and subject to this may delegate decision-making to:
 - 9.1.1. the Cabinet;
 - 9.1.2. a member of the Cabinet;
 - 9.1.3. a Committee of the Cabinet;

PART 4A

ACCESS TO INFORMATION PROCEDURE RULES

- 23.6. As soon as reasonably practicable after an Officer has made a decision under an express delegation from Full Council, its Committees, Sub Committees or any Joint Committee in which the Council is involved or under a general delegation from one of these bodies where the effect of the decision is to grant a permission or licence, affect the rights of an individual or award a contract or incur expenditure, which in either case materially affects the Council's position, a written statement will be prepared including:
- 23.6.1. a record of the decision including the date it was made;
 - 23.6.2. a record of the reasons for the decision;
 - 23.6.3. details of any alternative options considered and rejected by the Officer when making the decision; and
 - 23.6.4. a record of the name of any Councillor or local government body who has declared an interest (for decisions taken under an express delegation).
- 23.7. Any record prepared in accordance with Rule 23.6 of this Part 4A together with any background papers considered by the Officer and relevant to the decision will be available for public inspection on the Council's website.
- 23.8. Rules 23.6 to 23.7 of this Part 4A do not apply to:
- 23.8.1. routine administrative and organisational decisions;
 - 23.8.2. decisions on operational matters such as day to day variations in services;
 - 23.8.3. decisions if the whole or part of the record contains Confidential or Exempt Information; or
 - 23.8.4. decisions that are already required to be published by other legislation, provided the record published includes the date the decision was taken and the reasons for the decision.

24. Access to documents - Overview and Scrutiny Committees

Right to Copies of Documents

- 24.1. Subject to Rule 24.3 of this Part 4A, any member of the Overview and Scrutiny Committees is entitled to copies of any document which is in the possession or control of the Leader, the Cabinet including its Committees and Sub-Committees, and which contains material relating to:
- 24.1.1. any business transacted at a public or private meeting of the Cabinet including any of its Committees and Sub-Committees;
 - 24.1.2. any decision taken by an individual member of the Cabinet; or
 - 24.1.3. any executive decision taken by an Officer in accordance with Part 3 of this Constitution.
- 24.2. Where a member of an Overview and Scrutiny Committee (including its Sub-Committees) requests a document which falls within Rule 24.1 of this Part 4A the Leader must provide that document as soon as reasonably practicable and

in any case no later than 10 clear working days after the Leader receives the request.

- 24.3. Subject to Rule 24.4 [and 24.5](#) of this Part 4A the Chair, or in the absence of the Chair, the Vice-Chair of the Overview and Scrutiny Committee is entitled to see papers in relation to private decisions of the Cabinet before the decision is made.
- 24.4. Overview and Scrutiny Committee members will be entitled to any such document or part of a document that contains Exempt or Confidential Information unless the Monitoring Officer determines that the information is not relevant to an action or decision they are reviewing or scrutinising or any review contained in any programme of work of the Overview and Scrutiny Committees.

Limits on Right to Copies

- 24.5. Where the Leader so determines, a member of the Overview and Scrutiny Committees will not be entitled to:
 - 24.5.1. any document that is in draft form; or
 - 24.5.2. the advice of a political advisor.
- 24.6. Where the Leader or Monitoring Officer determines that a member of the Overview and Scrutiny Committees is not entitled to a copy of a document or part of any such document, under Rule 24.4 and Rule 24.1 of this Part 4A, the Leader or Monitoring Officer as applicable must provide the relevant Overview and Scrutiny Committee with a written statement setting out their reasons for that decision.

25. Additional rights of access for Councillors

- 25.1. All Councillors will be entitled to inspect any document which is in the possession or under the control of the Leader and/or the Cabinet, including its Committees or Sub-Committees, and contains material relating to:
 - 25.1.1. any business to be transacted at a public meeting;
 - 25.1.2. any business previously transacted at a private meeting;
 - 25.1.3. any decision made by a Portfolio Holder; or
 - 25.1.4. an Executive decision by an Officer;unless in the opinion of the Monitoring Officer it contains Confidential or Exempt Information or it contains the advice of a political advisor.
- 25.2. All Councillors will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Leader or the Cabinet including its Committees and Sub-Committees which relates to any Key Decision unless Rule 24.4 of this Part 4A applies.

PART 4D

MEETING PROCEDURE RULES

D. Meeting Procedure Rules

1. Schedule of meetings

- 1.1. Full Council will determine the annual schedule of meetings for the Council, Cabinet, Committees and Sub-Committees, including the date, time and location. Where practicably possible, the month of August should be avoided when scheduling meetings, briefings, workshops, training and extraordinary meetings. There will be a general presumption against alterations to the date, time and venue for meetings.

Local
Government Act
1972, Schedule
12, Part 1, (S.3)

- 1.2. An Extraordinary Meeting of the Council can be called by the Chair, or five Councillors can ask the Chair, in writing, to call an Extraordinary Meeting. If the Chair does not agree, then those Councillors can call the meeting by giving written notice to the Monitoring Officer. The Monitoring Officer, in consultation with the Chair, may also call an Extraordinary Meeting.

Council

- 1.3. When it is necessary to alter the date, time and/or location of the Cabinet, a Committee or Sub-Committee meeting, or to arrange a special meeting of the Cabinet, a Committee or Sub-Committee, the Monitoring Officer or appropriate Democratic Services Officer will consult the Leader/Chair of the relevant Cabinet, Committee or Sub-Committee before any action is taken. The Leader/Chair of the Cabinet, Committee or Sub-Committee will then determine the matter.

Cabinet,
committees and
sub-committees

2. Election of Chair and Vice-Chair

- 2.1. At the Annual Meeting, the Council will elect its Chair and Vice-Chair.

Council

- 2.2. At the first meeting of a Committee or Sub-Committee following the annual meeting of the Council, the Committee or Sub-Committee will elect its Chair and Vice-Chair.

Committees and
sub-committees

- 2.3. The Chair, or in their absence the Vice-Chair (who will have the same powers and duties as the Chair), will preside at meetings. Where both the Chair and Vice-Chair are absent, the meeting will appoint another Councillor, other than a member of the Cabinet, to chair the meeting, who will have the same powers and duties as the Chair.

Council,
committees and
sub-committees

- 2.4. The Chair of the relevant meeting for the preceding year, or in their absence the Vice-Chair, shall preside over the election of Chair. In the absence of both the preceding Chair and Vice-Chair for a Committee or Sub-Committee, the Chair of the Council, or in their absence the Vice-Chair of the Council, shall preside over the election of Chair. Where both the Chair and Vice-Chair of the Council are absent, the membership shall agree, prior to the commencement of the formal meeting, another Councillor from the membership to preside over the election of Chair. The person presiding over the election of Chair shall be entitled to a casting vote in the event of an equality of votes.

Council,
committees and
sub-committees

- 2.5. The meeting may elect, from among the voting members, a councillor to the office of Chair and Vice-Chair. For the avoidance of doubt, a councillor who is

Council,
committees and
sub-committees

absent and substituted for the meeting at which the election takes place is not eligible for nomination.

2.6. In the event that an ineligible councillor is elected to office, that councillor shall not be permitted to take office and the candidate with the second-highest number of votes, where a ballot is conducted, shall be duly elected.

3. Records of Attendance

The Monitoring Officer will keep a record of Councillors attending any meeting of the Council, the Cabinet, any Committee, or Sub-Committee.

4. Quorum

4.1. No business shall be dealt with at the Council meeting if there are fewer than one quarter of Councillors who are members of that body present at the meeting. Where the meeting has started, and the number of Councillors present is fewer than one quarter of the number of Councillors, the Chair will adjourn the meeting. Where the Chair does not give a date and/or time for the consideration of the remaining business, all business not completed will be considered at the next meeting.

Council

4.2. The quorum of a meeting of the Council's Committees and Sub-Committees will be one third of the number of voting members or three voting members, whichever is the greater, except for the Cabinet which will be three to include the Leader or in their absence, the Deputy Leader. The quorum for the Childrens Services Overview and Scrutiny Committee shall be one third of members of the Committee excluding the voting co-optees.

Cabinet,
committees and
sub-committees

5. Order of business

Business shall be dealt with in the order in which it is set out in the agenda unless the Chair or the meeting decides otherwise.

6. Duration of meetings

6.1. Upon a meeting duration reaching two hours without a previous adjournment, the Chair shall, unless in their opinion it is expedient to continue to the end of remaining business, adjourn the meeting at the end of the item under discussion for a short adjournment the duration of which is at the Chair's discretion but must not exceed 30 minutes.

6.2. Rule 6.1 does not preclude a Motion without Notice being moved under Procedure Rule 10 to adjourn a meeting.

6.7. Urgent Business

6.7.1. Business cannot be dealt with at a meeting unless it is included in the agenda and made available for public inspection at least five clear working days before the meeting or, where the meeting is convened at short notice, from the time the meeting is convened.

- ~~40.1.16.~~11.1.16. suspending Procedure Rules, in accordance with Procedure Rule 20 of this Part 4D;
- ~~40.1.17.~~11.1.17. motion under Section 100A(4) of the Local Government Act 1972 to exclude the press and public;
- ~~40.1.18.~~11.1.18. that a Councillor named under Procedure Rule 24 of this Part 4D should not be heard further;
- ~~40.1.19.~~11.1.19. by the Chair under Procedure Rule 24 of this Part 4D, that a Councillor do leave the meeting; and
- ~~40.1.20.~~11.1.20. giving consent of the Council where consent of the Council is required by these Procedure Rules.

11.12. General Questions by Councillors at Council meetings

Council

- ~~41.1.12.1.~~11.1.12.1. A Councillor may ask the Chair, the Leader, a Portfolio Holder or the Chair of a Committee any question about a matter which the Council, the Cabinet or the Committee has powers, duties or responsibilities.
- ~~41.2.12.2.~~11.2.12.2. Questions must be sent in writing to the Monitoring Officer or their nominated representative at least five clear working days before the meeting. In calculating the period the date of the meeting and the date of submission of the question are not included in the calculation.
- ~~41.3.12.3.~~11.3.12.3. The Chair may agree to take urgent questions where they consider that it has not been possible for a Councillor to give the required notice, provided that a copy of the question is given to the Monitoring Officer before the meeting starts.
- ~~41.4.12.4.~~11.4.12.4. A question will be rejected by the Chair in consultation with the Monitoring Officer where it:
 - ~~41.4.1.12.4.1.~~11.4.1.12.4.1. does not relate to a matter for which the Council has a responsibility, or which affects the Council's administrative area;
 - ~~41.4.2.12.4.2.~~11.4.2.12.4.2. is defamatory, frivolous, offensive, vexatious, unlawful, solely or mainly rhetorical or otherwise improper;
 - ~~41.4.3.12.4.3.~~11.4.3.12.4.3. requires the disclosure of Confidential or Exempt Information as defined by the Access to Information Procedure Rules;
 - ~~41.4.4.12.4.4.~~11.4.4.12.4.4. names or identifies individual service users, Officers or members of staff of partner agencies;
 - ~~41.4.5.12.4.5.~~11.4.5.12.4.5. is considered to be inappropriate for the particular meeting; or
 - ~~41.4.6.12.4.6.~~11.4.6.12.4.6. duplicates a question that has been asked within the preceding six months.
- ~~41.5.12.5.~~11.5.12.5. A Councillor may ask no more than two questions at any meeting, but the Councillor may not ask their second question until other Councillors, if any, have asked their first questions, subject to the Chair's discretion.

~~41.6.~~~~12.6.~~ Subject to Rule 11.5 of this Part 4D, questions will be asked in the order of receipt and answered without discussion. In replying, the Councillor answering the question will use their reasonable endeavours to address the matters raised in the question. The Councillor to whom the question is addressed may decline to answer any question or may: reply direct, refer the question to another appropriate Councillor to respond, reply by reference to a publication, reply by written answer with a copy to such other Councillors as the Council agrees, or refer the question to an appropriate Committee or to the Cabinet.

~~41.7.~~~~12.7.~~ Following the answer to each question, the questioner may only ask a one supplementary question which must relate to the initial answer. A reply may not be given if the question is: not related to the initial answer; is unduly lengthy; or is inappropriate. The Councillor answering the supplementary question will decide whether or not to reply.

~~41.8.~~~~12.8.~~ Where a question submitted under this Rule relates to a matter that appears on the Agenda for that meeting, the question shall be put and answered in accordance with this Procedure Rule, at the start of the consideration of that matter, and the time taken to deal with such questions will not form part of the 30 minutes set aside for General Questions.

~~41.9.~~~~12.9.~~ The time allowed for Councillors to ask questions under this Rule will be a maximum of 30 minutes but is otherwise a matter for the discretion of the Chair who, in exercising their discretion, will have regard to the business to be transacted at the meeting and the objective of ensuring that the meeting is managed efficiently.

~~42.~~~~13.~~ **Public participation at meetings**

~~42.1.~~~~13.1.~~ The following procedures enable members of the public to submit questions, make statements and present petitions at ordinary meetings of the Council, Cabinet, Committees and Sub-Committees.

~~42.2.~~~~13.2.~~ The time for questions, statements and petitions from members of the public shall normally commence immediately after the item 'Declarations of Interest' on the agenda for the meeting and shall be restricted to a total of 15 minutes, although, at the discretion of the Chair of the Council or the Chair of the meeting, this time may be extended. Where a question to which an answer is to be given is not reached within the time limit, a written answer shall be provided to the questioner within two working days of the meeting and a copy e-mailed to all Councillors.

~~42.3.~~~~13.3.~~ This procedure does not apply to Planning Committee, Licensing Committee or Appeals Committee. Separate protocols establish the arrangements for public representations at Planning and Licensing Committees. Such protocols are reviewed and approved by the respective Committee, included within Part 6 of the Constitution and published on the website.

Council,
Cabinet,
Committees and
Sub-Committees
(except
Planning,
Licensing and
Appeals
committees)
unless otherwise
stated

Public Questions

~~12.4.~~13.4. Members of the public may ask questions at meetings of the Full Council, Cabinet, Committees and Sub-Committees of the Council. The protocol for questions is as follows:

13.4.1. subject to the requirements of this Protocol, a member of the public who lives or works in the area of the Council may submit a written question to the Leader of the Council, a Portfolio Holder or the Chair of the Council or of a Committee of the Council;

~~12.4.1.~~13.4.2. the person to whom the question is submitted shall respond to the question at the relevant meeting unless the matter is of such a specialist nature that it requires a response from the Head of Paid Service, Monitoring Officer or Section 151 Officer, or a specialist officer nominated by one of those officers.

13.4.3. a person wishing to ask a question shall submit the question in writing which must be received by the Monitoring Officer or their nominated representative by mid-day threefour clear working days before the meeting at which it is to be asked. The person's name and address must be included. In calculating this period the date of the meeting and date of submission are to be excluded;

~~12.4.2.~~13.4.4. where a report is not published five-clear days before the meeting, the deadline for the submission of questions, as defined in 13.4.3, shall be adjusted accordingly by the number of days that the publication of the report is delayed;

~~12.4.3.~~13.4.5. a question at Council shall relate to Council business, shall not exceed 100 words in length and shall be so framed as to elicit information rather than make a statement;

13.4.6. a question at a Committee, Sub-Committee or at the Cabinet shall relate to an item of business as defined on the agenda of the meeting at which the question is asked and shall not exceed 100 words in length;

~~12.4.4.~~13.4.7. for the avoidance of doubt, headings, abbreviations, acronymns and grammatical symbols substituting words shall count towards the 100 word limit, whilst a singular date shall be counted as one word;

13.4.8. at Full Council no member of the public may ask more than four questions in any one Municipal Year;

~~12.4.5.~~13.4.9. no member of the public may ask more than one question on any individual item of business as defined on the agenda of the meeting;

~~12.4.6.~~13.4.10. questions shall be provided to Councillors electronically prior to the commencement of the meeting and hard copies made available for members of the public attending the meeting. No discussion shall be allowed upon questions or answers;

Council

Cabinet,
Committees and
Sub-Committees

Council

~~12.4.7.~~13.4.11. the person asking the question may attend the meeting to read out their question or nominate another member of the public only person to read out the question on their behalf, and to hear the answer. If someone is unable to attend and fails to nominate someone to attend on their behalf, the question will not be read out, but will be responded to by way of written answer;

~~12.4.8.~~13.4.12. if questions are unsuitable in form, frivolous, defamatory, derogatory or relate to a matter which the Council would be likely to consider in the absence of the press and public, the Chair shall have the right to rule the question out of order;

~~12.4.9.~~13.4.13. in exceptional cases members of the public who do not live or work in the administrative area of the Council but who are directly affected by a decision or potential decision of the Council can submit a question in accordance with the above protocol. In such cases, the Monitoring Officer will determine the validity or otherwise of the question in consultation with the appropriate Chair.

Public Statements

~~12.5.~~13.5. Members of the public may make statements at meetings of the Full Council, Cabinet, Committees and Sub-Committees of the Council. The protocol for statements is as follows:

~~12.5.1.~~13.5.1. subject to the requirements of this protocol, a member of the public who lives or works in the area of the Council may submit a written statement to the Council, Cabinet, Committee or a Sub-Committee of the Council;

~~12.5.2.~~13.5.2. a person wishing to make a statement under this protocol shall submit the statement in writing which must be received by the Monitoring Officer or their nominated representative by midday the day before the meeting at which it is to be raised. The person's name and address must be included;

~~12.5.3.~~13.5.3. a statement at Council shall relate to Council business and shall not exceed 100 words in length. At Full Council no member of the public may submit more than four statements in any one Municipal Year;

13.5.4. a statement at Committee, Sub-Committee or Cabinet shall relate to an item of business as defined on the agenda of the meeting at which the statement is made and shall not exceed 100 words in length;

~~12.5.4.~~13.5.5. for the avoidance of doubt, headings, abbreviations, acronyms and grammatical symbols substituting words shall count towards the 100 word limit, whilst a singular date shall be counted as one word;

13.5.6. at Full Council no member of the public may make more than four statements in any one Municipal Year;

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13.5.7. no member of the public may make more than one statement on any individual item of business as defined on the agenda of the meeting;

12.5.5.13.5.8. statements shall be printed in order of receipt and circulated electronically to Councillors prior to the commencement of the meeting and hard copies made available for members of the public attending the meeting. No discussion shall be allowed upon statements;

12.5.6.13.5.9. the person making the statement ~~shall~~ may attend the meeting to read out their statement or nominate another member of the public only to read out the statement on their behalf. If someone is unable to attend and fails to nominate someone to attend on their behalf, the statement will not be read out~~normally attend the meeting to read out their statement. However, persons may, if they prefer, ask for an officer of the Council to read out their statement;~~

12.5.7.13.5.10. if statements are unsuitable in form, frivolous, defamatory, derogatory or relate to a matter which the Council would be likely to consider in the absence of the press and public, the Chair shall have the right to rule the statement out of order;

12.5.8.13.5.11. in exceptional cases, members of the public who do not live or work in the administrative area of the Council but who are directly affected by a decision or potential decision of the Council can submit a statement in accordance with the above protocol. In such cases, the Monitoring Officer will determine the validity or otherwise of the statement in consultation with the appropriate Chair.

Petitions

12.6.13.6. Anyone who lives, works or studies in the Council's area may sign or organise a petition and trigger a response. This includes anyone under the age of 18. This petition scheme explains the rules that the Council will apply to any petition it receives.

12.7.13.7. Petitions submitted to the Council under this scheme must:

12.7.1.13.7.1. include a clear and concise statement covering the subject of the petition;

12.7.2.13.7.2. state what lawful action the petitioners wish the Council to take;

12.7.3.13.7.3. be signed by at least 20 people supporting the petition;

12.7.4.13.7.4. include the name and address (in a legible format) and signature of any person supporting the petition together with their connection with the Council's area (i.e., lives, works or studies); and

~~42.7.5.~~~~13.7.5.~~ contact details, including name, address, telephone number (and where possible, an e-mail address) of the petition organiser.

~~42.8.~~~~13.8.~~ The petition organiser is the person the Council will contact to explain how it will respond to the petition. The contact details of the petition organiser will not be placed on the Council's website.

~~42.9.~~~~13.9.~~ An electronic petition system is available on the Council's website.

~~42.10.~~~~13.10.~~ If a petition does not include all of the information required by this scheme it may not be accepted by the Monitoring Officer. In that case, the Council will write to the petition organiser to explain the reasons why.

Petitions not included in this scheme

~~42.11.~~~~13.11.~~ The Council will not take action on any petition which the Monitoring Officer considers to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in the acknowledgement of the petition.

~~42.12.~~~~13.12.~~ This petition scheme does not apply to:

~~42.12.1.~~~~13.12.1.~~ any petition which is not about a matter for which the Council has a responsibility, or which affects its area;

~~42.12.2.~~~~13.12.2.~~ any petition relating to a planning or licensing application or decision (which will be referred by the Monitoring Officer to the relevant officer/committee so that it can be considered in accordance with arrangements that the relevant committee has agreed);

~~42.12.3.~~~~13.12.3.~~ a statutory petition (for example requesting a referendum);

~~42.12.4.~~~~13.12.4.~~ a petition that is related to confidential staffing matters; or

~~42.12.5.~~~~13.12.5.~~ a petition relating to a matter where there is already an existing recourse to a review or right of appeal, such as council tax banding and non-domestic rates, where other procedures apply.

~~42.13.~~~~13.13.~~ In addition, any petition on the same or similar topic as one that the Council has received and dealt with in the previous six months is excluded.

~~42.14.~~~~13.14.~~ Details of petitions affecting particular wards that have been excluded will be sent to the Councillors representing those wards.

~~42.15.~~~~13.15.~~ In exceptional cases, members of the public who do not live, work or study in the Council's area but who are, nevertheless, affected by a decision or potential decision of the Council can submit a petition in accordance with this scheme and the Monitoring Officer will determine the relevance of such a petition in consultation with the Chair of Council or with the Chair of the appropriate Committee.

Guidelines for submitting a petition

~~12.16.~~13.16. Petitions can be submitted in paper format or electronically through the Council's e-petition portal.

~~12.17.~~13.17. Paper petitions can be submitted to the Monitoring Officer at the main office of the Council.

~~12.18.~~13.18. The Council will accept e-petitions hosted by third parties which meet the requirements of this scheme, in particular those required by Rule 12.7 of this Part 4D.

~~12.19.~~13.19. If the appropriate threshold is met, petitions can also be presented to a meeting of the Council or its Committees or to the Cabinet. Where the threshold is met for debate at a meeting of Council the petition organiser should contact the Monitoring Officer at least 10 working days before the meeting.

How the Council will respond to a petition

~~12.20.~~13.20. The Council will acknowledge receipt of a petition within 10 working days setting out what the Council plans to do with the petition. The acknowledgment will let the petition organiser know what the Council plans to do with the petition and when they can expect to hear from the Council again. The petition will be published on the Council's website, except in cases where this would be inappropriate. Where the subject matter of the petition affects particular wards, the Councillors representing those wards will be notified of the receipt of the petition.

~~12.21.~~13.21. If paragraph 3.3 applies to the petition, then the Council's acknowledgement will include details of any previous petition on the same topic. If the Council is still considering a petition on the same or similar topic, the acknowledgement will tell the petition organiser that the new petition has been amalgamated with the first petition.

~~12.22.~~13.22. The Council's response to a petition will depend on what a petition asks for, but may include one or more of the following:

~~12.22.1.~~13.22.1. taking the action requested in the petition;

~~12.22.2.~~13.22.2. considering the petition at a meeting of the Council or Cabinet;

~~12.22.3.~~13.22.3. holding an inquiry into the matter;

~~12.22.4.~~13.22.4. holding a public meeting;

~~12.22.5.~~13.22.5. holding a meeting with petitioners or the petition organiser;

~~12.22.6.~~13.22.6. undertaking research into the matter;

~~12.22.7.~~13.22.7. writing to the petition organiser setting out the Council's views about the request in the petition;

~~12.22.8.~~13.22.8. referring the petition to an Overview and Scrutiny Committee or another Committee of the Council for consideration;

~~12.22.9.~~13.22.9. referring the petition, in the first instance, to another formal body of the Council where the subject matter of the petition falls within the scope of the terms of reference of that body.

~~12.23.~~13.23. The Council's response may also depend on the number of people who have signed the petition. The table below sets out the thresholds:

Number of signatories	Response
20 – 49	Response from relevant director / service head (treated as standard correspondence)
50 – 1,999	Response from relevant Cabinet member
2,000 +	Referred for debate at a meeting of Full Council

~~12.24.~~13.24. If the Council is able to do what a petition asks, the acknowledgement to the petition organiser may confirm that the Council has taken the action requested and the petition will be closed.

~~12.25.~~13.25. Where the petition is referred to the relevant Cabinet member for a response, the petition organiser will be invited to make a written statement in support of the petition (if one has not already been included in the petition).

~~12.26.~~13.26. If the petition has enough signatures to be referred to trigger a debate at a meeting of the Full Council, then the acknowledgment will confirm this and inform the petition organiser when and where the relevant meeting will take place. The Council will try to consider the petition at its next meeting, although on some occasions this may not be possible, and consideration will then take place at the following meeting.

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~~12.27.~~13.27. Where the petition is referred to the Full Council, the petition organiser (or any person authorised by them) will, if they so wish, be given a period not exceeding three minutes to present the petition at the meeting and unless the petition is referred to the Overview and Scrutiny Committee or another Committee or Sub-Committee for consideration without debate; the petition will be debated by members. Members may ask questions of the petition organiser. ~~The petition organiser (or any person authorised by them) will be granted a right of reply for a further period not exceeding three minutes at the end of the debate and before a final decision or vote is taken.~~

Council

~~13.14.~~13.14. Rules of Debate

Motions and Amendments

~~13.1.~~14.1. No motion or amendment shall be discussed unless it has been proposed and seconded. Where required by the Chair, motions or amendments shall be put in writing and handed to the Chair before they are further discussed or put to the meeting.

~~13.2.~~14.2. At meetings other than those of the Full Council, the Chair of that meeting may, at their discretion, allow a motion or amendment to be put which is not in writing, provided that the Chair has concluded that the wording of the motion or amendment is understood by all members of the body concerned. This requirement does not apply to motions submitted under Procedure Rule 9 of this Part 4D.

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Seconders's Speech

~~13.3.~~14.3. When seconding a motion or amendment a Councillor may advise the Chair that they will reserve their right to speak until a later period in the debate.

Only One Councillor to Stand at a Time

~~13.4.~~14.4. When speaking at the Council meeting a Councillor shall stand if they are able and address the Chair. While a Councillor is speaking the other Councillors will remain seated, unless rising on a point of order or in personal explanation.

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Content and Length of Speeches, Questions and Responses to Questions

~~13.5.~~14.5. A Councillor will confine their speech to the question under discussion, a personal explanation or a point of order. Except as indicated below, in the case of speeches made by Councillors when the Council is agreeing a budget, or where the Council, Committee or Sub-Committee otherwise agrees, no speech, ~~or~~ question or response to a question will exceed three minutes.

~~13.6.~~14.6. In advance of the meeting at which the Council is due to agree a budget, the Council's Political Groups may agree a protocol which makes provision for a limited number of speeches to be made on behalf of each Political Group, and which exceed the three minute limitation contained in these Rules. The Chair will have discretion as to how such a protocol will be implemented at the meeting and, where no agreement can be reached between the Political Groups, whether and (if so) how any extension of the three minute limitation might be permitted to operate.

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When a Councillor may speak again

~~13.7.~~14.7. At the Council meeting a Councillor who has spoken on any motion shall not speak again whilst it is the subject of debate, except:

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~~13.7.1.~~14.7.1. to speak once on an amendment moved by another Councillor;

~~13.7.2.~~14.7.2. if the motion has been amended since they last spoke, to move a further amendment;

~~13.7.3.~~14.7.3. if their first speech was on an amendment moved by another Councillor, to speak on the main issue, whether or not the amendment on which they spoke was carried;

~~13.7.4.~~14.7.4. in exercise of a right of reply;

Scrutiny Committees where the item is within the remit of that particular body. It should be read in conjunction with the Overview and Scrutiny Procedure Rules set out in Part 4C of this Constitution. The restrictions in Rule 15.3 of this Part 4D on the number of items shall not apply.

16.17. Disclosure of Confidential/Exempt Matters

~~16.1.~~17.1. No Councillor shall disclose to any person the whole or any part of the contents of any agenda, report or other document which is marked “confidential” or “not for publication” unless and until the document has been made available to the public or the press by or on behalf of the Council, the Cabinet, a Committee or Sub-Committee.

~~16.2.~~17.2. No Councillor shall disclose to any person other than a Councillor any matter arising during the proceedings of the Council, the Cabinet, any Committee, or Sub-Committee and which comes to their knowledge by virtue of their office as a Councillor where such disclosure would prejudice the interest of the Council or would be contrary to law.

~~16.3.~~17.3. No Councillor shall disclose to any person any decision or proceedings of that body except when one of the following applies (provided that nothing in this paragraph shall authorise disclosure which would contravene Rule 16.1 or Rule 16.2 of this Part 4D):

~~16.3.1.~~17.3.1. a report on the matter has been circulated to the Council by that body;

~~16.3.2.~~17.3.2. the decision has become public knowledge; or

~~16.3.3.~~17.3.3. the matter comes within the powers of that body and a final decision has been made upon it.

17.18. Voting

18.1. It is the responsibility of each councillor to properly inform themselves and ensure that they are sufficiently appraised of any matter before voting.

~~17.1.~~18.2. Voting will be by a show of hands or where practical and the means are available to those present, by electronic means. Where there is a clear majority in favour of a proposal the person presiding will ask if any Councillor wishes to vote against or abstain from a proposal.

~~17.2.~~18.3. When a Councillor asks for a recorded vote to be taken, and one quarter of Councillors present support the request, the vote will be recorded to show whether each Councillor voted for or against the motion or abstained.

~~17.3.~~18.4. A recorded vote will not be taken if the vote has already begun to be taken by a show of hands.

~~17.4.~~18.5. A Councillor may require, after a vote is completed, that the minutes of the meeting record how they voted or abstained.

~~17.5-18.6.~~ Where there are equal votes cast for a motion or amendment the Chair or the person presiding will have a second or casting vote.

~~18-19.~~ Offices and Appointments

~~18.1-19.1.~~ A secret ballot will be held to elect the Chair and Vice-Chair of the Council, Committees and Sub-Committees, or Councillors to any office or position where more than one person is nominated.

~~18.2-19.2.~~ If a secret ballot is held and no person receives more than half of the votes cast, the name of the person with the least number of votes will be withdrawn. Further ballots will be held until one person receives a clear majority.

~~18.3-19.3.~~ The Chair, or person presiding, will have a second or casting vote where the votes are equal.

~~19-20.~~ Variation and revocation of Procedure Rules

Any motion under Procedure Rule 9 (Motions on Notice) of this Part 4D, to vary or revoke these Rules shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

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~~20-21.~~ Suspension of Procedure Rules

~~20.1-21.1.~~ Any of the Procedure Rules may be suspended to the extent permitted within the Rules and the law in respect of any business at a meeting of the Council, Cabinet, a Committee or Sub-Committee where its suspension is moved.

~~20.2-21.2.~~ A motion to suspend Procedure Rules shall not be moved without notice (that is under Procedure Rule 10 of this Part 4D) unless there shall be present at least one-half of the Members of the Council or that Cabinet, Committee or Sub-Committee respectively. The extent and duration of the suspension will be proportionate to the result to be achieved taking into account the purposes of the Constitution set out in Article 1.

~~21-22.~~ Interpretation of Procedure Rules

Subject to taking advice from the Monitoring Officer or their nominated representative, The ruling of the person presiding as to the construction or application of any of these Procedure Rules, or as to any proceedings of the Council, shall not be challenged at any meeting.

~~22-23.~~ Substitute Members

Committees and sub-committees

~~22.1-23.1.~~ A Political Group may, by notice to the Monitoring Officer or their nominated representative, appoint a substitute member from within its Group for a meeting of a Committee or Sub-Committee.

~~22.2-23.2.~~ Members of the Cabinet shall not be nominated as substitutes for any Overview and Scrutiny Committee or Regulatory Committee.