

PART 3.2 COUNCIL PROCEDURE RULES

CONTENTS

Part 1: Introduction

- Rule 1.1: Application
- Rule 1.2-1.3: Amendment of Rules
- Rule 1.4-1.5: Interpretation
- Rule 1.6: Service of Notices and other Documents
- Rule 1.7: Suspension of Rules

Part 2: Meetings of the Council

- Rule 2: Annual Meeting
 - 2.1: *Timing*
 - 2.2: *Agenda*
- Rule 3: Ordinary Meetings of the Council
 - 3.1: *Meeting Days*
 - 3.2: *Time and Place*
- Rule 4: Extraordinary Meetings of the Council
 - 4.1-4.3: *Called by the Mayor*
 - 4.4: *Requisitioned by Members*
 - 4.5: *Called by Council or Officers*
- Rule 5: Person Presiding at Meetings of the Council
- Rule 6: Quorum of Meetings of the Council
- Rule 7: Order of Business at Meetings of the Council
 - 7.1: *Order of Business*
 - 7.2: *Variation of Order of Business*
 - 7.3: *Urgent Items*
 - 7.4: *Withdrawal of Items from the Agenda*

Part 3: Notices of Motion, Questions, Petitions & Deputations

- Rule 8: Notices of Motion
 - 8.1: *Procedural Requirements*
 - 8.2-8.3: *Substantive and declaratory Motions*
 - 8.4: *Members' Right to Speak*
 - 8.5: *Reporting of Outcome of Notice of Motion*
 - 8.6: *Moving a Motion*
 - 8.7: *Relevance*
 - 8.8: *Consultation*
- Rule 9: Questions
 - 9.1: *Relevance*
 - 9.2-9.7: *Written Questions from Members*
 - 9.8: *Oral Questions from Members on Reports*
 - 9.9-9.20: *Public Questions*
- Rule 10: Petitions
 - [10.1: Presentation of Petitions](#)
 - [10.4: Action following Petitions](#)
 - [10.5: Debate on Petitions](#)
 - [10.9: Officer evidence](#)

Deleted: 10.1: Preliminary Requirements¶
10.2: Notice of Petition¶
10.3-10.4: Presentation of Petition¶
10.5: Action following Petition

Rule 11: Deputations
 11.1-11.2: Procedural Requirements
 11.3: Relevance

Rule 10: Petitions

Presentation of Petitions

10.1 At a meeting of the Council any Member of the Council or a Member of the public may present a petition which is, submitted in accordance with the Council's scheme for handling petitions.

10.2 The presentation of the petition shall be limited to not more than three minutes, and shall be confined to reading out, or summarising, the prayer of the petition and indicating the number and description of the signatories.

10.3 Petitions shall be presented in the order in which notice of them is received by the Mayor.

Action following petitions

A petition with less than 1250 signatories presented to the Council meeting shall be received without discussion and shall be included on the agenda for the next available meeting of the Cabinet or relevant Cabinet Member, Committee or Sub-Committee. The Member of the Council or member of the public presenting the petition shall be invited to attend any meeting to which it is referred; and shall be informed subsequently of any action taken or proposed in accordance with the requirements of the Council's Petitions Scheme.

Debate on petitions

10.5 A qualifying petition with 1250 or more signatures will trigger a debate at full council, except where the petition is asking for a senior officer to give evidence.

10.6 A petition meeting the criteria set out at 10.5 above may be debated at the meeting at which it is presented or at a later meeting.

10.7 There shall be a quillotine on the debate on the petition of 15 minutes, after which the vote will be put, unless the Mayor at his or her discretion extends the debate.

10.8 The Council will decide how to respond to the petition and shall decide either:-

- To take the action the petition requests;
- Not to take the action the petition requests for reasons stated in the debate;

Deleted: Preliminary Requirements¶

Deleted: signed by persons other than Members of the Council, which is relevant to some matter in relation to which the Authority has functions, or which affects the area of the Authority, or part of it, or the inhabitants of that area, or some of the

Deleted: m.

Deleted: The Member presenting the petition shall satisfy himself/herself that the petition is proper to be received.

Deleted: ¶

Deleted: Notice of Petition¶

Deleted: A Member wishing to present a petition shall give notice of his/her intention to do so to the Mayor before the beginning of the meeting at which he/she wishes to present it. ¶

¶ **Presentation of Petition¶**

¶ 10.3

Deleted: The presentation of a petition shall be limited to not more than three minutes, and shall be confined to reading out, or summarising, the prayer of the petition and indicating the number and description of the signatories. ¶

¶ 10.4 . Petitions shall be presented in the order in which notice of them is received by the Mayor.

Deleted: Action following petition¶

Deleted: 5

Deleted: A petition presented to the Council meeting shall be received without discussion and shall be included on the agenda for the next available meeting of the Cabinet or relevant Cabinet Member, Committee or Sub-Committee. The Member of the Council presenting the petition shall be invited to attend any meeting to which it is referred; and shall be informed subsequently of any action taken or proposed in relation to the matters set out in the petition.

- To commission further investigation into the matter prior to consideration at a future meeting of the Council, which may include holding an inquiry or public meeting, commissioning research or reference to a particular committee or body for their views;
- To refer the petition to Cabinet or the relevant Cabinet Member Meeting where the matter relates to an executive function, in which case the Council may make recommendations to the relevant executive decision making body.

Officer evidence

10.9 The officers to be called to give evidence at a public meeting under section 16 Local Democracy, Economic Development and Construction Act 2009 and pursuant to the Council's scheme for handling petitions are:-

- The Chief Executive
- Directors

PART 4.3 CABINET PROCEDURE RULES

How are Cabinet Meetings Conducted?

2.1 Who presides?

If the Leader is present he/she will preside. In his/her absence, one of the Deputy Leaders shall preside. In the absence of both the Leader and Deputy Leaders, a person appointed to do so by those present shall preside.

In the case of Cabinet Committees (if any) the Leader shall appoint the person to preside at the meeting.

The relevant Cabinet Member shall preside at individual Cabinet Member decision-making meetings.

2.2 Who may attend and speak?

(a) All meetings of the executive are usually open to the public. The details are set out in the Access to Information Rules in part 8 of this Constitution.

(b) In addition to the rights Members may have as members of the public:

- i) the Leader/Convenor of the opposition parties or his/her nominee shall be entitled to attend and speak at the meeting of the Cabinet, its Committees and individual Cabinet Member meetings.
- ii) any other Member of the Council may, subject to the agreement of the chairman of the meeting, attend and speak at meetings of the Cabinet, its Committee and Cabinet Member meetings.
- iii) the provisions of the Council Procedure Rules regarding Member questions, presentation of petitions, deputations and Members' letters shall apply to meetings of the Executive. A Councillor or a member of the public wishing to present a petition, question or deputation shall have the option of presenting them at Full Council or the Cabinet, a Committee of the Cabinet or a Cabinet Member meeting.
- iv) where a person presents a question, petition or delegation but does not specify the forum at which he/she wishes it to be presented, the Head of Democratic Services may refer the same to the most appropriate

forum having taken reasonable steps to ascertain the wishes of the originator. There will be a presumption that any question, petition or deputation relating to an executive function shall be referred to the Cabinet meeting.

v) the protocol for public questions in Part 9 of the Constitution shall apply to meetings of the Executive.

vi) The Council's Petitions Scheme shall apply to meetings of the Executive. This includes the requirement that when deciding how to respond to the petition, the Executive will include in its consideration the following options:-

- agreeing the action requested in the petition
- not agreeing the action requested and a written response to the petition organiser setting out the authority's reasons
- referring the petition for consideration to a relevant decision making meeting of the authority
- holding an inquiry
- holding a public meeting
- commissioning research
- referring the petition to an overview and scrutiny committee

2.3 What business?

At each meeting of the Executive the following business shall be conducted:

- i) consideration of the minutes of the last meeting;
- ii) declarations of interest, if any;
- iii) public and Member questions;
- iv) petitions and deputations from the public;
- v) Members' letters;
- vi) matters referred to the Cabinet, Cabinet Committee or Cabinet Member (whether by an overview and scrutiny committee or by Full Council) for reconsideration in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules set out in Part 6 of this Constitution, or the Budget and Policy Framework Procedure Rules set out in Part 4;

- vii) consideration of reports from overview and scrutiny committees;
and
- viii) matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure rules set out in Part 8 of this Constitution.

2.4 Consultation

All reports to the Cabinet, a Cabinet Committee or a Cabinet Member relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant overview and scrutiny committees, and the outcome of that consultation. Reports about other matters shall set out the details and outcome of consultation as appropriate. The level of consultation required shall be appropriate to the nature of the matter under consideration.

PART 6.1 OVERVIEW AND SCRUTINY TERMS OF REFERENCE AND PROCEDURE RULES

1. The number and arrangements for Overview and Scrutiny Committees

- 1.1 The Council will appoint the Overview and Scrutiny Commission and five further Overview and Scrutiny Committees as set out in Article 6. The Overview and Scrutiny Commission will co-ordinate the Overview and Scrutiny function and work programme. The Commission will approve the appointment of Sub-Committees to carry out in depth reviews (Select Committees). Short, sharply focussed scrutiny reviews (Ad Hoc Panels) may be carried out by each Committee at its own instigation.

2. Terms of Reference of Committees

2.1 Overview and Scrutiny Commission – Resources and Corporate Performance

- 2.1.1 To co-ordinate the work of the Overview and Scrutiny Committees as set out under “Functions” below.

- 2.1.2 To review and scrutinise all matters, Executive decisions and service provision relating to the specific functions of Leader of the Council as set out under Part 4.2 of the constitution.

- 2.1.3 To review and scrutinise all matters, Executive decisions and service provision relating to the Finance function, including

- Council’s annual budget; and
- the Council’s performance in relation to overall budgetary management.

- 2.1.4 To review and scrutinise all matters, Executive decisions and service provision relating to Central Services, in particular;-

- to review and scrutinise the delivery and performance of the Council’s support services including:

- Finance
- Property
- ICT
- Customer Services
- Corporate Procurement
- Legal Services
- Democratic Services
- Policy
- Communications
- Human Resources

□ Improvement & Organisational Development

- to review and scrutinise the establishment of joint working with other authorities, including the effectiveness of any shared services arrangements
- Overview and Scrutiny of council wide performance monitoring, relationships with Auditors and Regulators, Comprehensive Performance Assessment, Local Area Agreement etc.

2.1.5 To review and scrutinise all matters, Executive decisions and service provision relating to Community Affairs, Equalities and Inclusion and sustainability.

2.1.6 To review and scrutinise any other Council function not otherwise addressed by any other Overview and Scrutiny Committee.

2.1.7 To scrutinise the effectiveness of the arrangements for partnership working including the local strategic partnership and the Local Public Service Boards and the Council's contribution to them and specifically in relation to the Local Area Agreement.

2.1.8 To scrutinise the effectiveness of the Council's representation in regional/sub regional and national forums.

2.1.9 To review and scrutinise all matters relating to corporate policy and methodology for public consultation and involvement undertaken by the Council.

2.1.10 To review and scrutinise the Council's corporate communications strategy.

2.1.11 In accordance with the Council's Petitions Scheme, to receive, or refer to the appropriate Overview and Scrutiny Committee, petitions containing 750 or more signatories asking for a senior council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job.

2.1.12 The officers who may be called to give evidence are:-

- The Chief Executive
- Directors

2.1.13 In accordance with the Council's Petitions Scheme, to consider requests, or refer them to the appropriate Overview and Scrutiny Committee, for a review of the Council's response to a petition under s21(2)(a) Local Government Act 2000 (or to arrange, pursuant to s21(3)(b) for a meeting of the full council to do so).