

## **Article 4 – The Council**

### **4.1 Meanings**

#### Policy Framework

The policy framework means the plans and strategies required statutorily to be adopted by the Council

- The Corporate Plan
- The Medium Term Financial Strategy
- The Local Plan – currently consisting of the Core Strategy and Development Policy Documents
- The Sustainable Communities Strategy
- The Pay Policy Statement
- The Gambling Statement of Licensing Principles

### **4.2 Functions of the Council Meeting**

Only the Council will exercise the following functions

- (i) Adopting and changing the Constitution
- (ii) Approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of any Housing Land Transfer subject to the urgency procedure contained in the Access to Information Procedure Rules in Article 17 of this Constitution, making decisions about any matter in the discharge of an Executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget
- (iii) Appointing the Leader (the Leader to appoint and select the Cabinet)
- (iv) Agreeing and/or amending the terms of reference for committees (including overview and scrutiny committees), deciding on their composition and making appointments to them including the appointments of Chairman and Vice-Chairman if not determined by the annual meeting and that no member be appointed in breach of the Constitution
- (v) Appointing representatives to outside bodies (unless the appointment is a Cabinet function or has been delegated by the Council)
- (vi) Adopting an allowances scheme under Article 2.5
- (vii) Changing the name of the area
- (viii) Conferring the title of Honorary Alderman

- (ix) Confirming the appointment of the Head of Paid Service in accordance with the Officer Employment Rules contained in Part 4 of the Constitution
- (x) Making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation or personal Bills
- (xi) The following local choice functions which the Council has decided should be undertaken by itself rather than the Cabinet
  - Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1. (*There are presently no local acts in force in South Kesteven*)
  - The appointment of any individual to
    - (a) Any office other than an office in which he is employed by the authority
    - (b) Any body other than
      - the authority
      - a joint committee of two or more authorities
    - (c) Any committee or sub-committee or such a body, and the revocation of any such appointment

and all other matters which, by law, must be reserved to Council.

### **4.3 Council Meetings**

There are three types of Council meeting

- (i) The annual meeting
- (ii) Ordinary meetings
- (iii) Extraordinary meetings

and they will be conducted in accordance with the Procedure Rules as outlined below.

### **4.4 Rules of Procedure**

#### **4.4.1. Annual Meeting**

##### **(a) Timing and business**

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

The annual meeting will

- (i) Elect a person to preside if the Chairman of Council is not present
- (ii) Elect the Chairman of Council
- (iii) Elect the Vice-Chairman of Council
- (iv) Approve the minutes of the last meeting
- (v) Receive any announcements from the Chairman and/or Head of the Paid Service
- (vi) Elect the Leader as required in accordance with Article 8.2 (b).
- (vii) Appoint the five overview and scrutiny committees and such other committees as the Council considers appropriate to deal with matters that are neither reserved to the Council nor are Executive functions
- (viii) That the Chairmanship and Vice-Chairmanship of all committees are appointed according to their suitability and merit in the opinion of the Leader. No member may be appointed in breach of the Constitution
- (ix) Agree any amendments to the scheme of delegation or such part of it as the Constitution determines it is for the Council to agree (as set out in Article 15 of this Constitution
- (x) Approve a programme of ordinary meetings of the Council for the year (Each Chairman or Vice-Chairman in the Chairman's absence has the authority to cancel meetings of a committee where there are insufficient items for the agenda of the next meeting).
- (xi) Consider any business set out in the notice convening the meeting

**(b) Selection of Councillors on Committees and Outside Bodies**

At the annual meeting, the Council meeting will

- (i) Decide which committees to establish for the municipal year
- (ii) Decide the size and terms of reference for those committees

- (iii) Decide the allocation of seats to political groups in accordance with the political balance rules
- (iv) Receive nominations of Councillors to serve on each committee and outside bodies
- (v) Appoint to those committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Cabinet

#### **4.4.2. Ordinary Meetings**

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. Ordinary meetings will

- (i) Elect a person to preside if both the Chairman and Vice-chairman are not present
- (ii) Approve the minutes of the last meeting
- (iii) Receive any disclosures of interest from members
- (iv) At each meeting receive announcements from the Chairman, Leader, members of the Cabinet or the Head of Paid Service
- (v) Receive questions from, and provide answers to, the public in accordance with the scheme set out at Procedure Rule 4.7
- (vi) Deal with any business from the last Council meeting including the appointment of chairmen and vice-chairman of overview and scrutiny committees and such other committees as the Council considers appropriate where such appointments have not been made or concluded at the Annual Meeting or as a result of any vacancies which have arisen
- (vii) Receive reports from the Cabinet, those Council committees not operating under delegated powers, and to receive relevant questions and answers on any of those reports
- (viii) Receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (ix) Debate motions
- (x) Consider any other business specified in the summons to the meeting including consideration of proposals from the Cabinet in relation to the Council's budget and policy framework and reports of overview and scrutiny committees and any other committees for debate.

- (xi) To receive reports from the Chief Executive, Section 151 Officer and the Monitoring Officer

#### **4.4.3. Extraordinary Meetings**

##### **(a) Calling extraordinary meetings**

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

- (i) The Council by resolution
- (ii) The Chairman of the Council
- (iii) The Monitoring Officer
- (iv) Any five members of the Council if they have signed a requisition presented to the Chairman of the Council and he or she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition

##### **(b) Business**

The business to be conducted at extraordinary meetings will be restricted to a single item, with no consideration of previous minutes or reports from committees unless such a report relates to that agenda item.

#### **4.5 Appointment of Substitute Members of Committees and Sub Committees**

The Chief Executive is authorised to give effect to the wishes of political groups, as expressed in accordance with paragraph 13 of the Local Government (Committees and Political Groups) Regulations 1990, by making appointments to committees and sub-committees in accordance with Section 16 of the Local Government and Housing Act 1989.

##### **4.5.1. Substitution**

Substitute members may attend meetings in that capacity only

- (i) To take the place of the ordinary member for whom they are the designated substitute
- (ii) Where the ordinary member will be absent for the whole of the meeting

- (iii) After the Group leader has notified the Assistant Director, Legal and Democratic or any other person so authorised by the Assistant Director, Legal and Democratic prior to the commencement of the meeting of an appropriate intended substitution.

#### **4.6 Time and Place of Meetings**

The time and place of meetings will be determined by the Chief Executive and notified in the summons.

##### **4.6.1. Notice and Summons to Meetings**

- (i) The Chief Executive will give notice to the public of the time and place of any meetings in accordance with the Access to Information Rules. At least five clear working days before a meeting, the Chief Executive will send a summons signed by him or her by post to every member of the Council or leave it at their usual place of residence. The meeting summons may also be sent by electronic means (with the consent from the Councillor) to an e-mail address that they have specified.
- (ii) 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
- (iii) The order of the agenda at Ordinary Council Meetings will be as follows with the Questions without Discussion and Notices of Motion given under 4.8(Questions by Members) and 4.9 (Motions on Notice) to always be the last two items on the agenda:
- Apologies for Absence
  - Declarations of Interest
  - Minutes of Previous Council Meeting
  - Communications (including Chairman's Engagements)
  - Reports for Consideration and Decision by Council
  - Open Questions by Members
  - Notices of Motion given under Council Procedure Rule 12

##### **4.6.2. Chairman of Meeting**

The person presiding at the meeting may exercise any power or duty of the Chairman. If the Chairman is present he or she must chair the meeting unless he or she has declared an interest and left the room. References to the Chairman also include the Chairmen of committees and sub-committees

##### **4.6.3. Quorum**

The quorum of a meeting will be one quarter of the whole number of members. During any meeting if the Chairman counts the number of members and declares there is not a quorum present, then the meeting will adjourn

immediately. Remaining business will be considered at a time and date fixed by the Chairman. If he or she does not fix a date, the remaining business will be considered at the next ordinary meeting.

#### **4.6.4. Duration of Meeting**

Unless the majority of members present vote for the meeting to continue, any meeting that has lasted for 3 hours, excluding any temporary adjournment, will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If he or she does not fix a date, the remaining business will be considered at the next ordinary meeting after the minutes of the previous meeting have been dealt with.

### **4.7 Public Open Forum**

#### **4.7.1 General**

Residents of the District or any non-domestic ratepayer may ask any question of any member of the Council subject to clause 4.7.5 but may only speak on any item on the agenda of any ordinary meeting of the Council during a period of 30 minutes set aside at the start of the meeting.

#### **4.7.2 Notice of Intention to Speak or Ask Questions**

Notice of any question to be asked or of any intention to speak on an item on the agenda must be given by delivering it in writing or by electronic mail to the Chief Executive at least 3 working days before the day of the meeting. Each notice must give the name and address of the speaker or questioner and must name the member of the Council to whom a question is to be put or the item on the agenda to be addressed. The Chairman may direct a question to another member if more appropriate and they agree to accept it.

#### **4.7.3 Order of Speakers and Questions**

Questions will be asked and speeches made in the order in which notice of them was received, except that the Chairman may group together similar questions or items to be spoken on. Each question or speech will be subject to a total time limit of 5 minutes.

#### **4.7.4 Number of Questions**

At any one meeting no person or organisation may submit more than two questions or speak on more than two items on the agenda of the relevant meeting and no more than six such questions or speeches will be tabled or delivered at any one meeting. If more than six notices of intention to speak are received, the first six received will be invited to attend to speak on the agenda item. Any questions tabled for that same meeting will be dealt with by way of written response or held over until the next meeting at the request of the questioner.

#### **4.7.5 Scope of Questions or items on which speeches are to be made**

The Chief Executive may reject a question or prevent the right to speak if it

- (i) Is not about a matter for which the local authority has a responsibility or which directly affects the district or is not an item on the agenda of the relevant meeting
- (ii) Is or becomes defamatory, frivolous, objectionable, improper or offensive
- (iii) It is substantially the same as a question which has been put at a meeting of the Council in the past six months(in respect of questions only)
- (iv) Requires disclosure of confidential or exempt information

#### **4.7.6 Record of Questions and requests to speak**

The Chief Executive will make a record of questions and requests to speak submitted correctly in accordance with this clause (4.7). The record will be open to public inspection. He or she will immediately send a copy of any question to the member to whom it is to be put. Rejected questions and requests to speak will include reasons for rejection. Any questions that are deemed by the Chief Executive to be defamatory will not be so recorded or open for public inspection. Copies of all questions and requests to speak will be circulated to all members and will be made available to members of the public attending the meeting.

#### **4.7.7 Asking a question or speaking at the meeting**

The Chairman will invite the questioner to put the question to the member named in the notice. If the questioner who has submitted a written question is unable to be present, they may ask the Chairman to put the question on their behalf. The Chairman may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner that the question will not be dealt with.

#### **4.7.8 Supplementary question**

A questioner who has put a question in person may also put one supplementary question without notice to the member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Chairman may reject a supplementary question on any of the grounds in rule 4.7.5 above or if the time limit in rule 4.7.3 has expired.



#### **4.7.9 Written answers**

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the member to whom it was to be put, will be dealt with by a written answer within 7 working days of the meeting.

#### **4.7.10 Reference of question or speech to the Cabinet or a Committee**

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

### **4.8 Open Questions by Members**

- 4.8.1**
- i) Open questions at Council will not be allowed at the Council budget meeting.
  - ii) Time allowed for questions will be a maximum of 45 minutes.
  - iii) Questions should be addressed to: Leader, Cabinet Members, Chairman or Vice-chairman of Overview and Scrutiny Committees, opposition Leaders.
  - iv) No questions are to be addressed to the Chairman or Vice-Chairman of the Development Control Committee, Licensing Committee (Alcohol, Entertainment and Late Night Refreshment Licensing Committee) or Governance and Audit Committee or any officer.
  - v) Questions will be on a first come, first served basis, members will join the queue through the electronic method using the speaker queuing system. (If the speaker queuing system is unavailable questions will be taken by a show of hands and this will be managed by the Chairman until the time allowed has been reached or before that if no more questions are forthcoming).
  - vi) No debate, speech or statement is to take place and members are limited to one question per meeting, no supplementary questions can be asked. Please note that questions only are to be asked and this will be managed through the Chairman.
  - vii) The response to any question that has been asked but not answered at the meeting is to be made available at the start of questions at the next full council meeting.

- viii) Questions will not be recorded verbatim in the Council minutes. Details in the minutes will consist of the Member who asked the question, a brief summary of the question and either the Leader, Cabinet Member, Chairman or Vice-chairman of the Overview and Scrutiny Committee or opposition Leader who answered the question. Recordings of council meetings are available for those Members who wish to listen to full council meetings.
- ix) Members must show respect to each other during the session.
- x) A question will be rejected by the Chairman:
  - if it is not about a matter for which the local authority has a responsibility or which directly affects the district; or
  - is of a defamatory, frivolous, objectionable, improper or of an offensive nature; or
  - which is substantially the same as a question which has been put at a meeting of the council in the past six months; or
  - if the answer requires disclosure of confidential or exempt information

## **4.9 Motions on Notice**

### **4.9.1 Notice**

Except for motions which can be moved without notice under Rule 4.10, written notice of every motion, signed by the member giving it, must be delivered to the Chief Executive at least 9 working days before the date of the meeting at which it is to be moved. These will be recorded in the order in which they are received and open to public inspection. Any motion which purports to contravene any current legislation or purports to contravene the arrangement or terms of this Constitution can be excluded by the Chief Executive in advance or at the meeting at which it is proposed to be debated.

### **4.9.2 Motions set out in agenda**

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

### **4.9.3 Scope**

Motions must be about matters for which the Council has a responsibility or which directly affect the district. The content of any motion on notice shall consist of one single subject matter. No motion on notice shall be debated in the absence of the member who has proposed the motion.

#### **4.9.4 Number of Notices of Motion**

No member shall have more than two notices of motion on the agenda for any meeting.

#### **4.10 Motions without Notice**

The following motions may be moved without notice

- (i) To appoint a Chairman of the meeting at which the motion is moved
- (ii) In relation to the accuracy of the minutes
- (iii) To change the order of business in the agenda
- (iv) To refer something to an appropriate body or individual; something that arises out of discussion or debate at the Council meeting
- (v) To appoint a committee or member arising from an item on the summons for the meeting
- (vi) To receive reports or adoptions of recommendations of committees or officers and any resolutions following from them
- (vii) To withdraw a motion by the mover only
- (viii) To amend a motion
- (ix) To proceed to the next business
- (x) That the question be now put
- (xi) To adjourn a debate
- (xii) To adjourn a meeting
- (xiii) That the meeting continue beyond 3 hours in duration
- (xiv) To suspend a particular Council procedure rule
- (xv) To exclude the public and press in accordance with the Access to Information Rules (contained in Article 15)
- (xvi) To not hear further a member named under Rule 4.18.3 or to exclude them from the meeting under Rule 4.18.4
- (xvii) To give the consent of the Council where its consent is required by this Constitution

- (xviii) A motion relating to any item on the agenda of that meeting where no motion has been proposed

#### **4.11 Rules of Debate**

##### **4.11.1 No speeches until motion seconded**

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

##### **4.11.2 Right to require motion in writing**

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

##### **4.11.3 Secunder's speech**

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

##### **4.11.4 Content and length of speeches**

Speeches must be directed to the matter under discussion or to a personal explanation or point of order. No speech may exceed 5 minutes without the consent of the Council.

##### **4.11.5 When a member may speak again**

A member who has spoken on a motion may not speak again whilst it is the subject of debate except

- (i) To speak once on an amendment moved by another member
- (ii) To move a further amendment if the motion has been amended since he or she last spoke
- (iii) 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)
- (iv) In exercise of a right of reply
- (v) On a point of order
- (vi) By way of personal explanation

##### **4.11.6 Amendments to motions**

- (i) An amendment to a motion must be relevant to the motion and will either be

- (a) To refer the matter to an appropriate body or individual for consideration
- (b) To leave out words
- (c) To leave out words and insert or add others
- (d) To insert or add words

As long as the effect of (b) to (d) does not negate the motion.

- (ii) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of
- (iii) If an amendment is not carried, other amendments to the original motion may be moved
- (iv) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved
- (v) After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote
- (vi) The Chairman may require any amendment to a motion to be written down and handed to him or her before it is discussed

#### **4.11.7 Alteration of motion**

- (i) A member may alter a motion of which he or she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion
- (ii) A member may alter a motion which he or she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion
- (iii) Only alterations which could be made as an amendment may be made

#### **4.11.8 Withdrawal of motion**

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

#### **4.11.9 Right of Reply**

- (i) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote
- (ii) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it
- (iii) The mover of the amendment has no right of reply to the debate on his or her amendment

#### **4.11.10 Motions which may be moved during debate**

When a motion is under debate, no other motion may be moved except the following procedural motions

- (i) To withdraw a motion
- (ii) To amend a motion
- (iii) To proceed to the next business
- (iv) That the question be now put
- (v) To adjourn a debate
- (vi) To adjourn a meeting
- (vii) That the meeting continue beyond 3 hours in duration
- (viii) To exclude the public and press in accordance with the Access to Information Rules
- (ix) To not hear further a member named under Rule 4.18.3 or to exclude them from the meeting under Rule 4.18.4

#### **4.11.11 Closure motions**

- (i) A member may move, without comment, the following motions at the end of a speech of another member
  - (a) To proceed to the next business
  - (b) That the question be now put
  - (c) To adjourn a debate
  - (d) To adjourn a meeting

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

#### **4.11.12 Point of Order**

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

#### **4.11.13 Personal Explanation**

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

### **4.12 State of the District Debate**

#### **4.12.1 Calling of Debate**

The Leader may call a State of the District debate annually on a date and in a form to be agreed with the Chairman.

#### **4.12.2 Form of Debate**

The Leader will decide the form of the debate with the aim of enabling the widest possible public involvement and publicity. This may include holding workshops and other events prior to or during the State of the District debate.

### **4.12.3 Chairing of Debate**

The debate will be chaired by the Chairman, the Vice-Chairman, or if neither are present a Chairman elected by the Council for that meeting.

### **4.12.4 Results of Debate**

The results of the debate will be

- (i) Disseminated as widely as possible within the community and to agencies and organisations in the area
- (ii) Considered by the Leader in proposing the budget and policy framework to the Council for the coming year

## **4.13 Voting**

### **4.13.1 Majority**

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members voting and present in the room at the time the question was put.

### **4.13.2 Chairman's casting vote**

If there are equal numbers of votes for and against, the Chairman will have a second casting vote. There will be no restriction on how the Chairman chooses to exercise a casting vote.

### **4.13.3 Method of Voting**

Unless otherwise provided by law or in these procedure rules, the vote on any motion or amendment proposed at any meeting of the full Council shall be taken by means of a show of hands for, against and abstentions. Where a physical restriction prevents any Member from making a show of hands, on notifying the Chairman of that restriction that Member may vote by voice. An electronic voting system will remain available for all other committees of Council to use in the Council Chamber if required. It will be for each committee of the Council to determine the voting system to be used.

### **4.13.4 Recorded Vote**

Before the vote is taken if 10 members present at the meeting demand it, the names of those Councillors voting for and against the motion or amendment or abstaining from voting will be recorded and entered into the minutes.



A recorded vote shall be taken in respect of any vote for a decision or against a decision or any abstention from voting on any decision relating to the making of calculations in accordance with the Local Government Finance Act 1992 at any budget decision meeting of the Council.

#### **4.13.5 Right to require individual vote to be recorded**

Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

#### **4.13.6 Dissent**

Subject to Rule 4.13.5, no expression of dissent or disapproval shall be recorded in the minutes.

#### **4.13.7 Voting on appointments**

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

#### **4.14 Election of Leader**

- (i) The Council will elect a Leader in accordance with Article 8.2 of this Constitution
- (ii) The Leader, when appointed by the Council, will be solely responsible for the selection and appointment of the Deputy Leader

#### **4.15 Appointment of Cabinet**

The Leader will appoint the Cabinet in accordance with Article 8 of this Constitution.

#### **4.16 Minutes**

##### **4.16.1 Signing the minutes**

The Chairman will sign the minutes of the proceedings at the next suitable meeting. Any member of the Council will move and second that the minutes of the previous meeting be signed as a correct record. The only discussion permitted on the minutes is that relating to their accuracy.

#### **4.16.2 No requirement to sign minutes of previous meeting at extraordinary meeting**

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is an Extraordinary Meeting then the minutes will be signed at the next ordinary meeting.

#### **4.16.3 Form of minutes**

Minutes will contain all motions and amendments in the exact form and order the Chairman put them. Whilst outcomes and decisions will be fully recorded the preamble will comprise a summary of what transpired at a meeting.

Where a written answer is provided at a Council meeting to a question under Rule 4.8 then the written answer shall be enclosed with the minutes and not recorded within the minutes.

#### **4.17 Exclusion of the Public**

Members of the public and press may only be excluded either in accordance with Access to Information Rules in Article 15 and the Access to Information paragraph 15.3 of this Constitution or Rule 4.19 (Disturbance by Public).

#### **4.18 Members' Conduct**

##### **4.18.1 Interests**

- (i) Members with interests to declare in respect of any item of business to be transacted at a meeting should do so at the earliest opportunity on the agenda
- (ii) A Member who has disclosed a disclosable pecuniary interest or other interest in any item on the agenda of a meeting must leave the meeting during the consideration of that item to which the interest relates, take no part in the debate and not vote on the item

##### **4.18.2 Standing to speak**

When a member speaks at the Council meeting they must stand and address the meeting through the Chairman. If more than one member stands, the Chairman will ask one to speak and the others must sit. Other members must remain seated whilst another member is speaking unless they wish to make a point of order or a point of personal explanation.

##### **4.18.3 Chairman standing**

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

#### **4.18.3 Member not to be heard further**

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

#### **4.18.4 Member to leave the meeting**

If the Member continues to behave improperly after such a motion is carried, the Chairman may move that either the member leaves the meeting or that the meeting is adjourned for a specific period. If seconded, the motion will be voted on without discussion.

#### **4.18.5 General Disturbance**

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

#### **4.19 Disturbance by the Public**

##### **4.19.1 Removal of member of the public**

- (i) If a member or the public interrupts proceeding, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room
- (ii) If a member of the public and a member of the Council wish to converse during a meeting, both parties shall retire from the meeting room

#### **4.20 Suspension and amendment of Council Procedure Rules**

##### **4.20.1 Suspension**

All of these Council Rules of Procedure except Rule 4.13.5 and 14.16.2 may be suspended by motion on notice or without notice if at least two thirds of members of the Council present vote in favour of the resolution. Suspension may be for the duration of the meeting or in respect of any particular item of business.

##### **4.20.2 Motions affecting Council Procedure Rules**

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next annual or ordinary meeting of the Council after having been debated by the Constitution Committee.

## **4.21 Budget and Policy Framework Procedure Rules**

**These rules are made in accordance with and incorporate the relevant provisions of the Local Authorities (Standing Orders) (England) Regulations 2001(as amended)**

### **4.21.1 The framework for Budget and Policy Framework decisions**

The Council will be responsible for the adoption of its annual Budget and the Policy Framework documents as set out in Article 4. Once a Budget or a Policy Framework document has been adopted by Council, it will be the responsibility of the Cabinet to implement it.

A recorded vote shall be taken in respect of any vote for a decision or against a decision or any abstention from voting on any decision relating to the making of calculations in accordance with the Local Government Finance Act 1992 at any budget decision meeting of the Council.

### **4.21.2 Process for developing the Budget**

- (a) The Cabinet will publish in its Schedule of Decisions a timetable for making proposals to the Council for the adoption of an annual budget, including those decisions which are required by detailed at Schedule 2 of the Local Authorities (Standing Orders) (England) Regulations 2001(as amended) which are required to be made before the 8<sup>th</sup> February in any financial year and its arrangements for consultation after publication of those initial proposals. The Chairmen of the Overview and Scrutiny Committees will also be notified. The consultation period shall be a period of not less than two weeks.
- (b) At the end of that period, the Cabinet will then draw up draft proposals having regard to the responses to that consultation. If a relevant Overview and Scrutiny Committee wish to respond to the Cabinet in that consultation process then they may do so. As the Overview and Scrutiny Committees have responsibility for fixing their own work programme it is open to the Overview and Scrutiny Committee to investigate, research or report in detail with policy recommendations before the end of the consultation period. The Cabinet will take any response from any Overview and Scrutiny Committee into account in drawing up its proposals for submission to the Council, and its report to Council will reflect the comments made by consultees and the Cabinet's response.

### **4.21.3 Process for developing the Policy Framework documents**

- (a) The Cabinet will publish, by including in the Schedule of Decisions, a timetable for proposals to Council for the adoption, revision or amendment of any plan or strategy which forms part of the Policy Framework.

- (b) Within the timetable the relevant Overview and Scrutiny Committees will conduct such research, consultation with stakeholders and investigations as are necessary to enable it to develop proposals for the content or amendment or revision of the relevant plan or strategy.
- (c) The relevant Overview and Scrutiny Committee will present recommendations as to the proposed content, revision or amendment of the plan or strategy to the Cabinet in accordance with the timetable set out in the Schedule of Decisions.
- (d) The Cabinet will finalise its proposals for the Council to consider having taken into account the proposals of the relevant Overview and Scrutiny Committees.

#### **4.21.4 Approval of the Budget and Policy Framework**

- (a) The Council will consider the proposals of the Cabinet for the Budget and Policy Framework and may adopt, amend and refer them back to the Cabinet for further consideration, or substitute its own proposals setting out any objections which it has to the Cabinet proposals requiring the Cabinet to reconsider its proposals in the light of those objections.
- (b) A copy of the notice of the Council's decision will be given to the Leader.
- (c) If the Council accepts the Cabinet's proposals without amendment, the decision will be effective from the date of the decision. If the Council does not accept the Cabinet's proposals, the Council's decision will become effective on the expiry of 5 clear working days after the notice of the Council's decision has been given to the Leader unless the Leader objects to the decision within that period.
- (d) If the Leader objects the decision of the Council, the Leader will give written notice to the Chief Executive to that effect prior to the date upon which the decision would have become effective. The written notification must state the reasons for the objection. Where such notification is received, the Chief Executive will convene an extraordinary meeting of the Council to reconsider its decision.
- (e) The Council meeting must take place within 15 clear working days of receipt of the Leader's written objection. At the Council meeting, the decision of the Council will be reconsidered, taking into account the objection of the Leader and any revised draft budget or policy framework document. The Council will make its final decision on the matter, the decision will be published and implemented immediately.

In approving the budget and policy framework, the Council will also specify the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken by the Cabinet, in accordance with paragraphs 7 and 8 of these Rules (virement and in-year adjustments). Any other changes to the policy and budgetary framework are reserved to the Council.

#### **4.21.5 Decisions outside the budget or policy framework**

- (a) Subject to the provisions of paragraph 7 (virement) the Cabinet, individual Cabinet members and any officers, area committees or joint arrangements discharging executive functions may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wish to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by full Council, then that decision may only be taken by the Council, subject to 6 below.
- (b) If the Cabinet, its Committees, individual Cabinet members and any officers, area committees or joint arrangements discharging executive functions want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Finance Officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 6 (urgent decisions outside the budget and policy framework) shall apply.

#### **4.21.6. Urgent decisions outside the budget or policy framework**

- (a) The Cabinet, a Committee of the Cabinet, an individual Cabinet member or officers, area committees or joint arrangements discharging executive functions may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:
  - (i) if it is not practical to convene a quorate meeting of the Council ;  
and
  - (ii) if the Chairman of a relevant Overview and Scrutiny Committee agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of a Council meeting and the chair of the Overview and Scrutiny Committee consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chairman of a

relevant Overview and Scrutiny Committee the consent of the Chairman of the Council, and in the absence of both the Vice-Chairman will be sufficient.

- (b) Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

#### **4.21.7 Virement**

- (a) The guidance to the Council's Financial Regulations sets out the rules for the operation of virement across the budgets allocated for particular functions of the Council.
- (b) Steps taken by the Cabinet, an individual Cabinet Member or officers, area committees or joint arrangements discharging executive functions to implement Council policy shall not exceed those budgets allocated to each budget head. However, such bodies or individuals shall be entitled to vire across budget heads on up to three occasions in any one year where each individual virement does not exceed £10,000 or other constraints agreed by Council. Beyond that limit, approval to any virement across budget heads shall require the approval of the full Council.

#### **4.21.8 In-year changes to policy framework**

The responsibility for agreeing the budget and framework lies with the Council and decisions by the Cabinet, an individual Cabinet member or officers, area committees or joint arrangements discharging executive functions must be in line with it. No changes to any policy and strategy which make up the policy framework may be made by those bodies or individuals except those changes:

- (a) which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;
- (b) necessary to ensure compliance with the law, ministerial direction or government guidance;
- (c) in relation to the policy framework in respect of a policy which would normally be agreed annually by the Council following consultation but where the existing policy document is silent on the matter under consideration.

#### **4.21.9 Call-in of decisions outside the budget or policy framework**

- (a) Where an Overview and Scrutiny Committee is of the opinion that a Cabinet decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Monitoring Officer and/or Chief Finance Officer.
  - (b) In respect of functions which are the responsibility of the Cabinet, the Monitoring Officer's report and/or Chief Finance Officer's report shall be to the Cabinet with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the Cabinet must meet to decide what action to take in respect of the Monitoring Officer's report and to prepare a report to Council in the event that the Monitoring Officer or the Chief Finance Officer conclude that the decision was a departure, and to the relevant Overview and Scrutiny Committee if the Monitoring Officer or the Chief Finance Officer conclude that the decision was not a departure.
  - (c) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Finance Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the Scrutiny Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 5 working days of the request by the Overview and Scrutiny Committee. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Finance Officer. The Council may either:
    - (i) endorse a decision or proposal of the Cabinet decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted, circulated to all Councillors and published in the normal way;
    - (ii) or amend the Council's financial regulations or policy concerned to encompass the decision or proposal of the body or individual responsible for that executive function and agree to the decision with immediate effect. In this case, no further action is required save
    - (iii) that the decision of the Council be minuted, circulated to all Councillors and published in the normal way;
- Or
- (iii) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to



accommodate it, require the Cabinet to reconsider the matter in accordance with the advice of either the Monitoring Officer/Chief Finance Officer.

## **4.22 Review Board**

### **4.22.1 Membership**

3 Members of the Licensing Committee

### **4.22.2 Remit**

- (i) To consider appeals against decisions made by the Council, the Cabinet or an officer in relation to housing benefit, Council Tax reduction and various matters including tenancy allocations provided for in the Housing Act 1996.
- (ii) Members Code of Conduct
  - a) To receive reports on investigations carried out into alleged failure to comply with the Members Code of Conduct
  - b) To consider whether a complaint should be investigated as required by the Monitoring Officer
  - c) Determine the outcome of investigations by hearing reports of investigations, the evidence of the parties involved and any other evidence available to the Board.

## **Appeal Panel**

### **4.25.1 Membership**

- (i) This must be a politically balanced panel made up of three members who:
  - Are not members of the Employment Committee.
  - Who have no involvement with any of the matters within the remit of the appeal.
  - It must include at least one member of the Cabinet.
- (ii) The membership of this panel is to be determined by the Council.
- (iii) The Leader has the delegated authority of the Council to make any necessary substitutions to ensure that the appeal panel is independent of the subject of the appeal.