

Council Procedure Rules

ANNUAL MEETING OF THE COUNCIL

Timing and Business

1. In a year when there is an ordinary election of Councillors, the Annual Meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the Annual Meeting will take place on a suitable Thursday in May at 6.00 p.m.

The Annual Meeting will :-

- (a) elect a person to preside if the Mayor is not present;
- (b) elect the Mayor of the Council;
- (c) elect the Deputy Mayor of the Council;
- (d) receive any announcements from the Mayor and/or the Chief Executive;
- (e) elect the Leader, Deputy Leader and Cabinet;
- (f) appoint the Scrutiny Committees, a Standards Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Cabinet functions (as set out in Part 3 of this Constitution);
- (g) agree the Scheme of Delegation or such part of it as this Constitution determines should be decided by Council, as set out in Part 3 of this Constitution;
- (h) approve a programme of ordinary meetings of the Council for the Municipal Year; and
- (i) consider any business set out in the notice convening the meeting.

Selection of Councillors on Committees and Outside Bodies

2. At the Annual Meeting, the Council meeting will :-
 - (a) decide which Committees to establish for the Municipal Year;
 - (b) decide the size and terms of reference for those Committees;
 - (c) decide the allocation of seats to political groups in accordance with the political balance rules;

- (d) receive nominations of Councillors to serve on each Committee and outside bodies, where it is not a function of Cabinet; and
- (e) appoint to those Committees and outside bodies (which are Council appointments).

ORDINARY MEETINGS OF THE COUNCIL

- 3. Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's Annual Meeting.

Order of Business

- 4. The order of business at every ordinary meeting of the Council shall be :-
 - (a) to choose a person to preside if both the Mayor and Deputy Mayor are absent;
 - (b) to receive apologies for absence;
 - (c) to receive any declarations of interests from Members;
 - (d) to deal with any item of business required by statute to be done before any other business;
 - (e) to approve, as a correct record, and sign the Minutes of the last meeting of the Council;
 - (f) Mayor's announcements;
 - (g) Chief Executive's announcements;
 - (h) to make an Order to seal documents;
 - (i) to receive questions from, and provide answers to, members of the public in relation to matters which, in the opinion of the person presiding at the meeting, are relevant to the business of the Council;
 - (j) deal with any business from the last Council meeting;
 - (k) to consider any Cabinet recommendations and reports;
 - (l) to receive reports from the individual Cabinet Members and Scrutiny Chairs on their workings and receive questions and answers on those reports;
 - (m) to consider any reports and recommendations of Scrutiny Committees;
 - (n) to debate policy and strategy reports;
 - (o) to consider motions in the order in which notice has been received;

- (p) questions to nominated Member of the Police Authority in accordance with Section 20 of the Police Act 1996; and
- (q) any other business, if any, specified in the Summons.

The Mayor may, at his/her discretion, amend the order of business. This may also be done by the Council approving a motion moved and seconded but not discussed.

EXTRAORDINARY MEETINGS

- 5. Extraordinary Meetings may be called by the Mayor, or upon the signed written requisition of five Members of the Council, and shall be held on such date and at such time as may be determined by the Mayor. If the Mayor should refuse or neglect to call an Extraordinary Meeting within seven working days of receipt of such a requisition, any five Members of the Council may call an Extraordinary Meeting on such date and at such time as those Members may determine. When any Extraordinary Meeting of the Council is called, the next following meeting of the Council shall be treated as a suitable meeting for the purpose of the signing of the Minutes of the Extraordinary Meeting.

SPECIAL MEETINGS

- 6. Special Meetings may be called by the Mayor for a specific purpose and shall be held on such date and at such time as may be determined by the Mayor.

CANCELLATION OF COUNCIL MEETINGS

- 7. **The Mayor or the Deputy Mayor (in the Mayor's absence) can postpone, re-arrange or cancel a meeting of Council, provided that the required notice of meeting is given. Chairs or vice-chairs (in the absence of the Chair) of the relevant committee can postpone, re-arrange or cancel meetings of a committee provided that the required notice of meeting is given.** A meeting of the Council or its committees or sub-committees may not be cancelled or postponed after the meeting has been duly convened.

TIME AND PLACE OF MEETINGS

- 8. The time and place of meetings will be determined by the Director of Corporate Services and notified in the Summons.

NOTICE OF AND SUMMONS TO MEETINGS

- 9. The Director of Corporate Services will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules, as set out in Part 4. At least five clear working days before a meeting, the Director of Corporate Services will send a summons signed by him or her to every Member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

CHAIR OF MEETINGS

10. Any power or duty of the Mayor in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

QUORUM OF COUNCIL

11. The quorum at a meeting of the Council is one quarter of the membership. If the meeting lacks a quorum, its business shall be adjourned to a time fixed by the Mayor at the time the meeting is adjourned, or, if he/she does not fix a time, to the next ordinary meeting of the Council or to a Special meeting convened for that purpose.

QUESTIONS BY THE PUBLIC

General

12. ~~Members of the public may ask questions~~ **Any person can ask a question** of the Leader, Members of the Cabinet, or the Chair of a Committee at ordinary meetings of the Council.

Order of Questions

13. Questions will be asked in the order notice of them was received, except that the Mayor may group together similar questions.

Notice of Questions

14. A question may only be asked if ~~notice has been given by delivering it in writing or by electronic mail to the Director of Corporate Services no later than 12.00 noon, seven clear working days (that is not counting the day of the meeting or the day of delivery)~~ **24 hours notice has been given by delivering the question in writing or by electronic mail to Democratic Services no later than 6 pm on the day** before the day of the meeting. Each question must give the name and address of the questioner and must name the Member of the Council to whom it is to be put.

Number of Questions

15. ~~At any one meeting, no person may submit more than one question and no more than one such question may be asked on behalf of one organisation.~~

Scope of Questions

16. The Director of Corporate Services may reject a question if it :-
 - (a) is not about a matter for which the Local Authority has a responsibility or which affects the Borough;
 - (b) is defamatory, frivolous or offensive;

- (c) is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- (d) requires the disclosure of confidential or exempt information.

Record of Questions

- 17. The Director of Corporate Services will enter each question in a book open to public inspection and will immediately send a copy of the question to the Member to whom it is to be put. Rejected questions will include reasons for rejection. Copies of all questions will be circulated to all Members and will be made available to the public attending the meeting.

Asking the Question at the Meeting

- 18. The Mayor will invite the questioner to put the question to the Member named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Mayor to put the question on their behalf. The Mayor 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.

Supplementary Question

- 19. 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 Mayor may reject a supplementary question on any of the grounds set out under the title Scope of Questions above.

Written Answers

- 20. 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.

Reference of Question to Cabinet or a Committee

- 21. No discussion will take place on any question, but any Member may move that a matter raised by a question be referred to Cabinet, or the appropriate Committee. Once seconded, such a motion will be voted on without discussion.

NOTICE OF MOTION

- 22. A Motion given on notice, must be given in writing to the Director of Corporate Services, at least seven clear working days (that is not counting the day of the meeting or the day of delivery) before the relevant meeting and be signed by the Member(s) giving the notice.
- 23. The Director of Corporate Services shall :-

- (a) date and number each Notice of Motion on receipt of it and enter it in a register which anyone may inspect; and
 - (b) set out in the Council Summons, all Motions which comply with above, in the order in which they have been received, unless the Member(s) have, in writing, either withdrawn it or stated a wish to move it at a later meeting.
24. If a motion set out in the Summons is not moved by the Member(s) who gave notice thereof, it shall be treated as withdrawn and shall not be moved without fresh notice.
25. Motions containing subjects falling within the powers and duties of Cabinet or a Quasi-Judicial Committee shall, after being moved and seconded, be automatically referred to the Cabinet or Quasi-Judicial Committee. However, the Mayor has the power to allow them to be dealt with at the Council meeting.
26. If a submitted motion is similar to one which has been rejected by the Council less than six months or earlier it will not be included in the Summons.

Exclusion of Notices of Motion Out of Order

27. The Mayor, on the advice of the Borough Solicitor, may exclude from the Council Summons any notice of motion which may be out of order, or he/she may make such corrections therein as will bring it into due form with the approval of the mover(s).

Motions and Amendments which may be Moved without Notice

28. The following Motions and amendments may be moved without notice :-
- (a) appointment of a Chair for that meeting or the remainder of the meeting;
 - (b) dealing with routine business;
 - (c) Motions relating to the variation of the order of business;
 - (d) approval or otherwise of Cabinet recommendations, Scrutiny Committee reports and recommendations and policy and strategy reports;
 - (e) the referral of an item to Cabinet or a Quasi-Judicial Committee;
 - (f) that leave be given to withdraw a motion or amendment;
 - (g) amendments to motions;
 - (h) to move onto the next item on the agenda;
 - (i) to put the question immediately to the vote;
 - (j) to adjourn the debate;

- (k) to adjourn the meeting;
- (l) to suspend one or more of these Rules in accordance with Rule No. 117 below;
- (m) to exclude the public from the meeting under Section 100A(4) of the Local Government Act 1972 (as amended);
- (n) authorise the sealing of documents;
- (o) under 97 below by which the Mayor requires a Member to leave the meeting; and
- (p) to give any consent required by these Rules.

CABINET RECOMMENDATIONS

- 29. Cabinet recommendations will be moved by the Leader or relevant Cabinet Member.
- 30. Those recommendations will then be seconded.
- 31. Members will then be invited to ask questions of a technical or factual nature to which the relevant Chief Officer (or his/her nominee) will reply.
- 32. Members will then be invited to enter into discussion to which the mover of the recommendation (or his/her nominee) will reply.
- 33. Members who have asked questions of the Chief Officer shall not be precluded from discussion.
- 34. Following the reply to any discussion by the mover (or his/her nominee), the Cabinet recommendations will be put to the vote.

SCRUTINY COMMITTEE'S RECOMMENDATIONS

- 35. The Chair or other Committee Member will move the recommendations and speak to the report.
- 36. The recommendations will then be seconded.
- 37. Members will be invited to ask questions of a technical or factual nature to which the relevant Chief Officer (or his/her nominee) will reply.
- 38. Members will then be invited to enter into discussion to which the mover of the recommendation (or his/her nominee) will reply.
- 39. Members who have asked questions shall not be precluded from discussion.
- 40. Following the reply to any discussion, the Committee's recommendations will be put to the vote.

CABINET/SCRUTINY COMMITTEE UPDATE REPORTS

41. Following the introduction of the report by the relevant Cabinet Member/Scrutiny Chair, Members will be given the opportunity to comment and ask questions ~~on the content of the report.~~
42. Questions **can be asked** and made comments **on any aspect of the relevant Cabinet members portfolio or the remit of the relevant Scrutiny Committee.** ~~will only be allowed on the content of the prepared report of the Cabinet Member/Scrutiny Chair.~~
43. The Cabinet Member/Scrutiny Chair will reply **although a full reply may need to be deferred if prior notice has not been given to the relevant Cabinet Member/Scrutiny Chair.**

POLICY AND STRATEGY REPORTS

44. Policy and strategy reports shall be introduced to the Council by the Chief Officer (or his/her nominee).
45. Members will be invited to ask questions of a technical or factual nature to which the Chief Officer (or his/her nominee) will reply.
46. The Cabinet Member will move the recommendations and speak to the report.
47. The recommendations will then be seconded.
48. Members will then be invited to enter into discussion to which the Cabinet Member (or his/her nominee) will reply.
49. Members who have asked questions of the Chief Officer shall not be precluded from discussion.
50. Following the replies to discussion the recommendations in the reports will be put to the vote.

MEMBERS' QUESTIONS

General

51. Members may ask the Mayor or Cabinet Member, any question which is relevant to the Council's powers or duties, or which affects the Borough in some way, providing the Mayor or Cabinet Member has had at least one clear working day's notice, in writing (or via electronic mail). Questions should be directed to the Director of Corporate Services via the Support Manager within that Department.
52. Subject to written notice being given to the Director of Corporate Services at least one clear working day prior to the date of the Council meeting, any Member of the Council may put a question at the Council meeting to the nominated Member of the Police Authority in

accordance with Section 20 of the Police Act 1996.

53. No discussion will be allowed following questions under this Rule.

Asking the Question at the Meeting

54. The Mayor will invite the Councillor to put the question to the Member named in the notice.

Supplementary Question

55. A Councillor who has put a question 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 Mayor may reject a supplementary question on any of the grounds in scope of questions in 16 above.

MEMBERS TO BE SEATED

56. A Member/Community representative, when speaking, shall, normally, stand and address the Mayor. If two or more Members rise, the Mayor shall call on one to speak; the other or others shall then sit. Whilst a Member is speaking, the other Members shall remain seated, unless rising to a point of order or in personal explanation.

57. If the Mayor calls a Member to order or for the purpose of directing the course of the proceedings, the Member speaking shall thereupon resume his/her seat.

58. If a Member rises to a point of order, such Member shall resume his/her seat immediately on the Mayor giving his/her decision.

RULES OF DEBATE FOR COUNCIL MEETINGS

Motions and Amendments

59. Every motion and amendment (except a procedural motion) must be moved and seconded before any debate can take place thereon and, immediately after such motion or amendment has been seconded, the same shall be put in writing, signed by the proposer and handed to the Borough Solicitor prior to any discussion. The mover of a motion shall :-

- (a) if no amendment is moved, have a right to reply at the close of the debate thereon; and
- (b) if an amendment is moved, have a right to speak during, and a right to reply to, the debate thereon, provided that he/she shall be entitled to reply to the debate on any second or subsequent amendment, only so long as the motion remains the substantive question before the meeting. If an amendment is carried, the right to speak and to reply hereby conferred shall pass to the mover of the amendment, which has become the substantive question for the time being.

60. Any reply to the debate shall not introduce new matter. After the reply, the question shall be put without further debate.

Method of Dealing with Amendments

61. When an amendment is moved, it shall be dealt with before any further ones are moved.
62. When an amendment is carried, it shall become the substantive motion, following which further amendments can be moved and dealt with.
63. If no further amendments are moved, the Council will then vote on the substantive motion (i.e. either the original motion or the amended one).
64. All amendments must relate to the subject matter of the motion.
65. The Mover of an amendment must state at the beginning of his/her speech that he/she proposes to put forward an amendment.
66. Amendments must raise issues which are different from those contained in amendments which have been lost.
67. They must either add and/or delete words from the motion or refer the matter to Cabinet or Quasi-Judicial Committee for consideration/reconsideration.
68. Amendments which amount to direct negatives to motions are not permitted.
69. A Member moving a motion (but not one of which he/she has given notice) can, with the approval of Council (given without discussion) and his/her seconder, alter the motion if the alteration is one which could be made as an amendment.
70. The mover of a motion for the approval of Cabinet recommendations may if he/she wishes, include suggested amendments to the recommendations.

Secunder may reserve his/her Speech

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

Content of Speeches

72. When a Member speaks, he/she must confine his/her remarks to the question then under discussion and if, after the Mayor has drawn the attention of the Member to a contravention of this Rule, the Member further contravenes, the Mayor may rule the Member out of order and require him/her to resume his/her seat. The Member shall then take no further part in the discussion of the question.

When a Member may speak again

73. A Member who has spoken on any motion or amendment shall not speak again whilst it is the subject of debate, or on any comment or question he/she has made or asked in accordance with Rule 34 above, except :-

- (a) on a point of order;
- (b) by way of personal explanation in reply to points made during debate;
- (c) to speak once on any amendment moved by another Member; or
- (d) if his/her first speech was on an amendment moved by another Member, to speak on the main issue, whether or not the amendment on which he/she spoke was carried.

Withdrawal of Motion

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

Motions which may be moved during Debate

75. When a motion is under debate no other motion shall be moved except the following :-

- (a) to amend the motion;
- (b) to adjourn the meeting;
- (c) to adjourn the debate;
- (d) to proceed to the next business;
- (e) that the question be now put to the vote;
- (f) that a Member be removed;
- (g) a motion, under Section 100A(4) of the Local Government Act 1972 (as amended), to exclude the public;
- (h) to withdraw or amend a motion or amendment; or
- (i) a motion that the ruling of the Mayor under 84 and 116 below shall be of no effect.

Closure Motions

76. A Member who has the right to speak may move, without comment, at the conclusion of a speech of another Member :-

- (a) That the Council proceed to the next business;
- (b) That the debate be now adjourned;

- (c) That the Council do now adjourn; and
- (d) That the public be excluded on the grounds that the item involves the likely disclosure of exempt information as defined in paragraph of Part I of Schedule 12A of the Local Government Act 1972 (as amended) on the seconding of which the Mayor shall proceed as follows :-
- (e) on a motion to proceed to the next business: unless in his/her opinion the matter before the meeting has been insufficiently discussed, he/she shall first give the mover of the original motion a right of reply and then put to the vote the motion to proceed to the next business;
- (f) on a motion to adjourn the debate or the meeting: if, in his/her opinion, the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion, he/she shall put the adjournment motion to the vote without giving the mover of the original motion his/her right of reply on that occasion. No amendment may be proposed thereto and it shall not be competent for a Member under cover of a motion of adjournment to discuss any other subject; and
- (g) on a motion to exclude the public on the grounds that the item involves the likely disclosure of exempt information as defined in paragraph of Part I of Schedule 12A of the Local Government Act 1972 (as amended): he/she shall put the motion to the vote forthwith.

- 77. On resuming an adjourned debate, the Member who moved its adjournment shall be entitled to speak first.
- 78. A Member who has the right to speak may move, without comment, at the conclusion of a speech of another Member and after at least two Members, in addition to the mover and seconder, have spoken on any motion or amendment ‘That the question be now put to the vote’, on the seconding of which the Mayor shall proceed as follows :-

unless in his/her opinion the matter before the meeting has been insufficiently discussed, he/she shall first put to the vote the motion that the question be now put to the vote and, if it is passed, then give the mover of the original motion his/her right to reply before putting his/her motion to the vote.

Points of Order

- 79. A Member may rise to a point of order or in personal explanation, but a personal explanation shall be confined to some material part of a former speech by him/her at the same meeting which may have been misunderstood or misquoted. A Member so rising shall be entitled to be heard forthwith.
- 80. A point of order shall only call attention to an alleged breach of a Council Procedure Rule or statutory provision and the Member shall briefly refer, in the form of a question to the Mayor, to the relevant Council Procedure Rule or statutory provision and the way in which the Member considers that it has been broken.

81. The ruling of the Mayor on a point of order or on the admissibility of a personal explanation shall be final unless the meeting on motion put without debate by any Member resolves that the ruling of the Mayor shall be of no effect. If any such motion be moved, the Mayor shall call for a seconder and the motion shall, if seconded, be put to the meeting forthwith.

VOTING

82. 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.

Mayor/Chair's Second or Casting Vote

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

Show of Hands

84. Unless a ballot or recorded vote is demanded, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.
85. Members will vote by a show of hands but if a Member so requests a named vote before the Mayor begins to take the vote, and the request is supported by four other Members (who will show their support by also rising in their seats);
- (a) the Borough Solicitor will call the name of each Member;
 - (b) the Member will respond, for or against the motion or abstaining; and
 - (c) the Borough Solicitor will record each Member's response.
86. 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.

MINUTES

Signing the Minutes

87. The Mayor will sign the Minutes of the proceedings of a meeting of the Council at the next suitable meeting. The Mayor will move that the Minutes of the previous meeting be signed as a correct record. The only discussion on the Minutes is as to their accuracy.

No requirement to sign minutes of previous meeting at extraordinary meeting

88. Where in relation to any meeting, the next meeting for the purpose of signing the Minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of

paragraph 41(1) and (2) of schedule 12 relating to signing of Minutes.

Form of Minutes

89. Minutes will contain all motions and amendments thereto in the exact form and order the Mayor put them.

EXCLUSION OF PUBLIC

90. Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules, as set out in Part 4 of this Constitution or 100 and 101 below (General Disturbance).

EMPLOYEES OF THE COUNCIL

91. If any question arises at a meeting of the Council to which the public (including the Press) are admitted as to the appointment, promotion, dismissal, salary, superannuation or conditions of service of, or as to the conduct of, any person employed by the Council, such question shall not be the subject of discussion until the Council has decided whether or not the public (including the Press) shall be excluded under the provision of Section 100A(4) and (5) of the Local Government Act 1972 (as amended).
92. If any such question arises at a meeting of the Council, the Mayor shall forthwith rule that the question stands deferred to be considered after the remainder of the business of the meeting has been transacted.

DISORDERLY CONDUCT

93. When a Member speaks, he/she must confine his/her remarks to the question then under discussion and if, after the Mayor has drawn the attention of the Member to a contravention of this Rule, the Member further contravenes, the Mayor may rule the Member out of order and require him/her to resume his/her seat and the Member shall take no further part in the discussion of the question.
94. If a Member uses unbecoming language (e.g. racist, sexist, etc.) or is tediously repetitious or repeatedly irrelevant or otherwise commits a breach of order, the Mayor shall call his/her attention to the matter and may direct him/her forthwith to resume his/her seat and to remain silent. Should such Member disregard the direction of the Mayor, the Mayor shall further direct him/her forthwith to retire from the Council Chamber for the remainder of the proceedings of the meeting.
95. If the Member so ordered to retire fails to retire, any other Member may move, without debate, that he/she be removed and the motion, if seconded, shall be put forthwith.
96. If the motion is carried, the Mayor shall EITHER again call upon the Member to retire and, if he/she fails so to do, the Mayor is hereby empowered to direct the Police (if the Police is in attendance) or the Officers or Members of the Council, or any of them, to remove him/her from the meeting and to prevent his/her returning, using no more force than is necessary for the purpose, OR adjourn the meeting of the Council for such period as he/she, in his/her discretion, shall consider expedient.

GENERAL DISTURBANCE

97. The Mayor may, in the event of general disturbance which is disruptive of proceedings, adjourn the meeting of the Council for an appropriate time. Such action may be taken irrespective of other available powers to the Mayor and without putting the matter to the meeting.
98. The Mayor, in a case of general disturbance in any part of the Council Chamber open to the public, shall order that part to be cleared.

SEALING OF DOCUMENTS

99. Except where it is otherwise provided by statute, the Common Seal of the Council shall be attested by the Borough Solicitor or an Officer nominated by him/her, and an entry of every sealing of a document shall be made in a book provided for the purpose and signed by the Mayor at the meeting of the Council at which such sealing is authorised.

COMMITTEES ETC. OF THE COUNCIL

100. The Council shall, at its Annual Meeting, appoint the following and shall appoint Members to serve on the same :-

- Cabinet
- Scrutiny Committees (five)
- Standards Committee
- Quasi-Judicial Committees
- Statutory and Subsidiary Bodies

101. Committees and Subsidiary Bodies will have the power to :-

- (a) appoint their own Chairs and Vice-Chairs;
- (b) set the date and times of their meetings; and
- (c) exclude, by resolution, the public from the whole or specified part of the proceedings in the circumstances provided by the Local Government (Access to Information) Act 1985.
- (d) The Director of Corporate Services shall collate the items of business to be considered by the relevant Committee or Subsidiary Body and shall so arrange the agenda that there shall be grouped together :-
- (e) in Part I thereof, those items, other than those referred to in sub-paragraph (c) hereof, appearing to him/her to be of a controversial nature;
- (f) in Part II thereof, those items appearing to him/her to be of a non-controversial nature which, together with the reports and recommendations of the appropriate Officers, shall be circulated to Members in advance of the meeting; and

- (g) in Part III thereof, those items appearing to him/her to involve the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Local Government Act 1972 (as amended).

CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

102. Canvassing of Members and Officers of the Council directly or indirectly, for any appointment under the Council shall disqualify the candidate concerned for that appointment. The purport of this paragraph of this Rule shall be included in any form of application.
103. A Member of the Council shall not solicit for any person any appointment under the Council, but this shall not preclude a Member from giving a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.

RELATIVES/PARTNERS OF MEMBERS OR OFFICERS

104. A candidate for any appointment under the Council who knows that he/she is related to any Member or Officer of the Council shall, when making application, disclose that relationship to the Director of the relevant department. In addition, a candidate who has a partner who is a Member or Officer should also disclose that relationship. A candidate who fails to disclose such relationships shall be disqualified for the appointment and, if appointed, shall be liable to dismissal. Every Member and Officer of the Council shall disclose to the Director of Corporate Services any relationship known to him/her to exist between himself/herself and any person whom he/she knows is a candidate for an appointment under the Council.
105. The purport of this Rule shall be included in any form of application.

CHIEF OFFICERS' APPOINTMENTS

106. Where the Council proposes to appoint a Chief Officer, and it is not proposed that the appointment be made exclusively from among its existing Officers, the Council, in the case of the Head of Paid Service, and the Chief Executive, in the case of other Chief Officers, shall :-
- (a) draw up statements specifying :-
 - (i) the duties of the Chief Officer concerned; and
 - (ii) the qualifications or qualities to be sought in the person to be appointed;
 - (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
 - (c) make arrangements for a copy of the statements mentioned in sub-section (a) above, to be sent to any person on request.

107. Where a post has been advertised as provided in 109(b) above :-

- (a) the Council, in the case of the post of the Head of Paid Service (Chief Executive), or a Committee appointed by the Council for that purpose (the Human Resources Committee) shall interview all qualified applicants for the post or interview those included on a shortlist of qualified applicants for the post as selected by the Director of Corporate Services, in consultation with the Leader and Deputy Leader of the Council and the Cabinet Member with Resource Management Portfolio (or their respective nominees from Cabinet);
- (b) the Human Resources Chief Officers Appointments Panel, in the case of all other Statutory and Non-statutory posts (all Directors and the Borough Solicitor and the Head of Human Resource Management) shall interview all qualified applicants for the post or interview those included on a shortlist of qualified applicants for the post as selected by the Chief Executive, in consultation with the Leader (or Deputy Leader) of the Council; the relevant Cabinet Member(s) and the Cabinet Member with Resource Management Portfolio; and
- (c) the Human Resources Panel, in the case of all Heads of Service (see schedule of posts as detailed in the Officer Employment Procedure Rules as set out in part 4 of this Constitution) shall interview all qualified applicants for the post or interview those included on a shortlist of qualified applicants for the post as selected by the relevant Director, in consultation with the Leader (or Deputy Leader) of the Council; the relevant Cabinet Member and the Cabinet Member with the Resource Management Portfolio.

(NOTE – Further details regarding Officers’ Appointments are included in the Officer Employment Procedure Rules, as set out in part 4 of this Constitution).

DISCIPLINARY ACTION

108. No disciplinary action (within the meaning of Part II of the Local Authorities (Standing Orders) Regulations 1992) in respect of the Head of the Council’s Paid Service (the Chief Executive), the Monitoring Officer or the Chief Finance Officer except action described in 112 below, may be taken by the Council, or any other person acting on its behalf, other than in accordance with a recommendation in a report made by a designated independent person under Regulation 3 of those Regulations.

109. The action, mentioned in 111 above, is suspension of the Officer for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension shall be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.

FINANCIAL REGULATIONS

110. The Council; the Cabinet; the Scrutiny Committees; Quasi-Judicial Committees; subsidiary bodies; and all Council Officers must abide by the Financial Procedure Rules adopted by the Council.

GENERAL

111. References in these Rules to statutes shall be deemed to include any statutory modification or re-enactment thereof for the time being in force.
112. The ruling of the Mayor, as to the construction or application of any of these Rules, or as to any proceedings of the Council, shall not be challenged at any meeting of the Council unless the meeting on motion put without debate by any Member resolves that the ruling of the Mayor shall be of no effect. If any such motion be moved, the Mayor shall call for a seconder and the motion shall, if seconded, be put to the meeting forthwith.
113. No Council Procedure Rules shall be altered or repealed and no new Council Procedure Rules shall be made unless notice thereof shall have been duly given and appear upon the Council Summons or in Committee proceedings accompanying such Summons.
114. Any one or more of these Rules (other than Rule 11 above), in any case of urgency, as to which the Mayor's decision shall be final, or upon motion made on written notice duly given may be suspended so far as regards any business at the meeting where its suspension is moved.
115. A copy of the these Rules shall be given to every Member of the Council upon his/her Acceptance of Office.