

PART 2 – THE FULL COUNCIL

A – COUNCIL TERMS OF REFERENCE

A. Council Terms of Reference

1.1 Functions of Full Council

Only the full Council will exercise the following functions:

1. Approving and amending the following plans and strategies which shall comprise the Policy Framework (as required by law):
 - (a) Children and Young People's Plan
 - (b) Crime and Disorder Reduction Strategy
 - (c) Local Transport Plan
 - (d) Licensing Authority Policy Statements under the Licensing Act 2003 and Gambling Act 2005
 - (e) Local Development Documents which together comprise the Local Development Framework
 - (f) Council Plan
 - (g) Housing Strategy
2. Approving and amending the following plans and strategies which shall comprise the Policy Framework (although not required by law):
 - (a) Any Plan or Strategy that must be approved by the authority and submitted to the Secretary of State or a Minister of the Crown for approval;
 - (b) Such other plans and strategies as the Council may decide to adopt.
3. Approving and amending the Budget, including:
 - (a) Housing Revenue Accounts Budget, General Fund Budget and Capital Programme
 - (b) Establishing contingency funds
 - (c) Agreeing the Collection Fund Balance
 - (d) Agreeing the Council Tax base
 - (e) Setting the Council Tax
 - (f) Making decisions relating to the control of the Council's borrowing requirement
 - (g) Approving the Annual Investment Strategy / Annual Treasury Management Strategy
 - (h) Approving the annual policy for making a Minimum Revenue Provision (MRP)
4. Approving and amending the Constitution (other than as detailed in Part 1 Article 14.3).
5. Appointment of Leader at the Annual Council following the local elections, or following the death or disqualification or resignation, or if removed from office by resolution at any other Council meeting.

6. Adopting a Councillors' Allowances Scheme in accordance with the Local Authorities' (Councillors' Allowances) (England) Regulations 2003 as set out in Part 9A of this Constitution
7. Confirming the appointment or dismissal of the Head of Paid Service, Chief Finance Officer or Monitoring Officer.
8. Changing the name of the area, conferring the title of Honorary Alderman or Freedom of the Borough.
9. Appointing the Returning Officer and Electoral Registration Officer.
10. Agreeing the cycle of Council meetings.
11. Agreeing and/or amending Terms of Reference for Committees, Panels and other bodies and deciding on their compositions and appointments thereto.
12. Subject to the Urgency Procedure contained in the Access to Information Procedure Rules in Part 8E of the Constitution, making any decision where the Cabinet is proposing to make a decision which would be contrary to the Policy Framework or contrary to / or not wholly in accordance with the Budget.
13. Exercising any functions reserved for Council as set out in Part 2B – Responsibility for Council Functions.
14. Making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation or personal Bills;
15. Adopting a Code of Conduct for Councillors (Councillors);
16. Taking decisions in respect of functions which are not executive functions and which have not been delegated by the Council to Committees, Sub-Committees or officers;
17. To consider and decide on recommendations of Committees on non-Executive functions not within their delegation or which a committee has referred to the Council for decision;
18. To consider decisions referred from Overview and Scrutiny in respect of executive functions where decisions have not yet been implemented and Overview and Scrutiny considers the decisions may be contrary to the Budget or Policy Framework;
19. To receive reports from the Leader or Cabinet on urgent decisions contrary to the Policy Framework;
20. To provide a means whereby councillors may ask questions of matters relevant to the Council's functions and to bring forward motions for debate;

21. To receive an Annual Report from the Overview and Scrutiny Panels in relation to Scrutiny and an Annual Report from Audit and Governance Committee in relation to Audit and Performance of the Council.
22. To receive reports from the Leader or the Cabinet which they have referred to Council;
23. All other matters which, by law, must be reserved to Council as a whole.

B. Responsibility for Council Functions

TABLE 1: Responsibility for Local Choice

These are functions which may be (but need not be) the responsibility of an authority's Executive (i.e. the Cabinet) identified in Schedule 2 to *The Local Authorities (Functions and Responsibilities) (England) Regulations 2000*, as amended.

These functions are sometimes called “Local Choice Functions” because the Council can decide whether the Cabinet should or should not be the decision making body. The Council has allocated these functions as follows:

Functions from Schedules 2 Reg 3(1)	Decision making body
1. Any function under a Local Act not specified in Table 2	Cabinet
2. The determining of an appeal against any decision made by or on behalf of the authority. (This excludes matters where statutory arrangements exist)	Council function delegated to the Appeals Panel and Employment Appeals Sub Committee
3. The making of arrangements for appeals against exclusion of pupils from maintained schools	Council function delegated to relevant Executive Director
4. The making of arrangements for admission appeals by pupils and Governing Bodies	Council function delegated to relevant Executive Director
5. Questions on police matters and appointments to the Police Authority	Cabinet function delegated to relevant Executive Director
6. Any function relating to contaminated land	Cabinet function delegated to relevant Executive Director
7. Any function relating to the control of pollution or the management of air quality	Cabinet function delegated to relevant Executive Director
8. Any function relating to the abatement of statutory nuisances	Cabinet function delegated to relevant Executive Director
9. Any function relating to noise nuisances	Cabinet function delegated to relevant Executive Director

Functions from Schedules 2 Reg 3(1)	Decision making body
10. Powers of inspection to detect statutory nuisances	Cabinet function delegated to relevant Executive Director
11. Investigation of complaints of statutory nuisances	Cabinet function delegated to relevant Executive Director
12. Power to obtain information about interests in land under the Town & Country Planning Act 1990 (sec.330)	Cabinet function delegated to relevant Executive Director
13. Power to obtain information about persons with interests in land under Local Government (Miscellaneous Provisions) Act 1976	Cabinet function delegated to relevant Executive Director
14. Highways agreements	Cabinet function delegated to relevant Executive Director
15. Appointments to external bodies and the revocation of such appointments.	Cabinet function delegated to relevant Executive Director
16. The making of agreements with other local authorities for the placing of staff at the disposal of those authorities	Cabinet function delegated to relevant Executive Director
17. Functions under ss. 106, 110, 111 and 113 of the Local Government and Public Involvement in Health Act 2007	Council function delegated to relevant Executive Director

TABLE 2: Responsibility for Council Functions

These are functions which must not be the responsibility of an authority's Cabinet from Schedule 1 to *The Local Authorities (Functions and Responsibilities) (England) Regulations 2000*, as amended.

The full Council can discharge these functions itself or may delegate one or more functions to a committee or sub-committee of councillors, an officer of the Council or another authority. The full Council may always exercise powers it has delegated to the other bodies or persons set out above. It may also discharge its functions jointly with one or more other Councils.

Delegations to Officers are listed in the Articles, under the Scheme of Delegation to Officers under Part 5 and the terms of reference to committees contained in Part 6.

Function	Decision making body
<p>Functions relating to town and country planning and development control as listed in Section A. of Schedule 1 to the Regulations and as may be amended by law from time to time.</p>	<p>The Council has also established two Area Development Management Committees – Maidenhead Development Management Committee and Windsor and Ascot Development Management Committee to consider other planning applications and matters as set out in the terms of reference in Part 6.</p> <p>The committees have made delegations to Officers, which are included within its terms of reference and the scheme of delegation.</p>

<p>Functions relating to licensing and registration as listed in Section B. of Schedule 1 to the Regulations and as may be amended by law from time to time</p>	<p>The Council has delegated powers to the Licensing Panel. The Panel has made delegations to officers, which are included within their terms of reference and the scheme of delegation.</p> <p>NB: (1) Powers in relation to common land, town or village greens identified in Paragraphs 37 and 38 of Section B are delegated to the Rights of Way & Highways Licensing Panel.</p> <p>(2) Those powers concerning highways listed in Paragraphs 47 to 53 inclusive of Section B are delegated to the relevant Executive Director.</p>
<p>Functions relating to Health and Safety at work as listed in Section C of Schedule 1 to the Regulations and as may be amended by law from time to time</p>	<p>Council.</p>
<p>Functions relating to elections as listed in Section D of Schedule 1 to the Regulations and as may be amended by law from time to time</p>	<p>Council.</p> <p>In addition there are delegations to Officers within this Constitution and the Council's Scheme of Delegation including permitting the Returning Officer to re-designate new Polling Places where such becomes unavailable or unsuitable before an election.</p>
<p>Functions relating to name and status of areas or individuals as listed in Section E of Schedule 1 to the Regulations and as may be amended by law from time to time</p>	<p>Council</p>
<p>Functions relating to making, amending, revoking or re-enacting byelaws as listed in Section F of Schedule 1 to the Regulations.</p>	<p>Council</p>

Functions relating to promoting or opposing local or personal Bills as listed in Section G of Schedule 1 to the Regulations	Council
Functions relating to local government pensions as listed in Section H of Schedule 1 to the Regulations	The Council has delegated all functions relating to the Local Government Pensions under Regulations made under sections 7, 12 or 24 of the Superannuation Act 1972, except where these functions may not lawfully be delegated to an officer or are reserved to the Full Council or a Committee of the Council under legislation or under any Scheme or policy made by the Council.
Miscellaneous functions as listed in Section I of Schedule 1 to the Regulations and as may be amended by law from time to time	Council. NB: (1) The Council has delegated powers in relation to highways and rights of way listed in Paragraphs 1, 2, 4 to 7, 9 to 11, 13, 20, 23, 30 to 32 inclusive to the Rights of Way & Highway Licensing Panel . (2) The Council has delegated to the Appointment Committee its powers to appoint certain staff. There are also delegations to Officers in respect of staff.

C1 ANNUAL MEETING OF THE COUNCIL

C1.1 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 May.

The annual meeting will:

- a) elect a person to preside if the Mayor or Deputy Mayor is not present.
- b) elect the Mayor of Council
- c) elect the Deputy Mayor of Council
- d) elect the Leader on nomination of the Group or groups forming the administration of the Council (only required at an Annual meeting following ordinary local elections)
- e) appoint the Overview and Scrutiny Panels and such other Committees, Forums and Panels as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions. The Council shall appoint the Chair and Vice-Chair to each body appointed under this rule with the exception of the Appeals Panel, which shall elect a Chair from the Panel Membership at the start of each Panel Meeting for the duration of that meeting, and the Overview and Scrutiny Panels, which shall elect a Chair and Vice-Chair from its membership. The Council shall approve the establishment, terms of reference, membership and operation of any Committee, Forum, or Panel, working party or similar body. The life of such Panel etc. will be clearly prescribed and can only be extended by resolution of the Council.
- f) if required, agree the scheme of delegation or such part of it as the Constitution determines it is for the Council to agree.
- g) consider any business set out in the notice convening the meeting.

C1.2 Selection of Councillors on Committees, Forums, Panels and Outside Bodies

At the annual meeting, the Council meeting will:

- i) decide which Committees, Forums and Panels to establish for the municipal year.
- ii) decide the size and terms of reference for those Committees, Forums and Panels.

- iii) decide the allocation of seats and substitutes, if any, to political groups in accordance with the political balance.
- iv) appoint those Committees, Forums and Panels and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Cabinet.

Appointments to the Berkshire Fire Rescue Authority are subject to the rules of political balance where the Council appoints 3 or more members to the fire authority¹.

C2 ORDINARY MEETINGS

C2.1 Ordinary meetings of the Council will take place in accordance with a programme decided by the Council. Ordinary meetings, aside of the Budget meeting, will:

- i) elect a person to preside if the Mayor and Deputy Mayor are not present;
- ii) receive apologies for absence;
- iii) approve the minutes of the last meeting;
- iv) receive any declarations of interest from Councillors;
- v) receive any announcements from the Mayor;
- vi) receive questions from, and provide answers to, the public under C9,;
- vii) receive petitions pursuant to the Petitions Procedure;
- viii) deal with any business from the last Council meeting;
- ix) receive reports from the Cabinet and the Council's Committees, Forums and Panels and receive questions and answers on any of those reports;
- x) receive reports about and receive questions and answers on the business of joint arrangements and external organisations, if any;
- xi) receive questions from Councillors under C11;
- xii) consider Motions from Councillors under C12;
- xiii) receive any confidential reports from the Cabinet and the Council's Committees, Forums and Panels and receive questions and answers on any of these reports;
- xiv) 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 any of the Overview and Scrutiny Panels for debate;
- xv) receive reports from officers of the Council.

C2.2 Varying the order of business under C2.1.

¹ Section 15, s21(1)(f) and Schedule 1 part 1(c) of the Local Government and Housing Act 1989

Business falling under items C2.1 i) - v) inclusive shall not be displaced but, subject to that provision, the order of business under C2.1 may be varied by a resolution passed on a Motion (which need not be in writing) moved and seconded in accordance with these rules, such a Motion shall be moved, seconded and put to the vote without discussion, other than an explanation for the proposed variation to the order of business set out in C2.1. A Motion carried under this Rule shall override any other Rule or provision in relation to the order of business.

C2.3 To ensure Councillors are able to properly consider the budget at the Budget meeting, only items of business relating to the budget will be considered at this meeting, unless otherwise agreed by the Mayor.

C3 EXTRAORDINARY MEETINGS

C3.1 Calling extraordinary meetings

Those listed below may request the Service Lead – Electoral & Democratic Services to call Council meetings in addition to ordinary meetings:

- i) The Council by resolution.
- ii) The Mayor.
- iii) The Monitoring Officer.
- iv) Any 5 Members of the Council if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting, or has failed to call a meeting to be convened within 21 days, within 7 days of the presentation of the requisition (maximum of 28 days between request and date of the meeting).
- v) The Mayor, at the request of the Leader and Cabinet.
- vi) An Overview and Scrutiny Panel in accordance with terms of Part 4).

C3.2 Business

Where the extraordinary meeting has been called by Members of the Council the only business to be transacted at the Meeting shall be the business specified in the Notice of Meeting as specified in the Councillors requisition submitted to the Mayor under 3.1 (iv) above and such business as the Mayor in his/her discretion shall allow.

C3.3 Additional Items

No additional items may be added to the Agenda for extra-ordinary meetings after the Notice of Meeting has been issued

C4 APPOINTMENT OF SUBSTITUTE MEMBERS OF PANELS**C4.1 Allocation**

For Committees, Forums and Panels the Council on allocating seats shall also permit Substitute Members to attend such meetings on the same political balance as applied to the Substantive Members on the relevant Committee, Forum or Panel.

A Substitute Member will be able to act as a Substitute for one meeting only, the Substantive Member will automatically replace the Substitute at the next Panel, Forum or Committee meeting, unless the Substitute is re-appointed in accordance with C4.4.

C4.2 Numbers

For each Committee, Forum or Panel, the Council will appoint up to the total entitlement to seats for each political group in such proportions as that group holds substantive seats on the Council.

C4.3 Powers and duties

Substitute Members will have all the powers and duties of any ordinary Member of the Committee, Forum and Panel but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

C4.4 Substitution

Substitute Members may attend meetings in that capacity only:

- i) To take the place of the ordinary Councillor for whom they are designated substitute for their meeting; ii) Where the ordinary Councillor will be absent for the whole of the meeting; if the ordinary Councillor arrives after the meeting has started, the Substitute Councillor shall continue and the ordinary Councillor shall be present as a non-member of that body.
- ii) After the ordinary Councillor or relevant group, has notified Democratic Services, prior to the commencement of the meeting; at minimum under the item 'Apologies for Absence' at the start of the meeting, of the substitute Councillor's attendance. This applies to all panels, committees, and forums of the Council.
- iii) Democratic Services shall be responsible for arranging substitute Councillors for all quasi-judicial appeals, such as for the Appeals Panels and all Licensing & Public Space Protection Order Sub-Committees.

C5 TIME AND PLACE OF MEETINGS

- C5.1 In accordance with the programme of meetings for the municipal year as agreed by full Council the time and place of ordinary meetings will be determined by the Monitoring Officer and notified in the Notice of Meeting (the summons).
- C5.3 If the summons for an ordinary meeting has yet to be issued then the Monitoring Officer, in consultation with the Members of the committee, can decide to either cancel or postpone the meeting, or amend the meeting date, start time or venue (including moving to a virtual meeting if appropriate). The reason for the cancellation, postponement or amendment will be communicated to all Members of the committee.
- C5.4 Once a summons for a meeting has been issued, there is no provision for meetings to be cancelled or postponed unless the circumstances make it impossible for the meeting to be held. Amendments to the start time or venue should also only be taken if the meeting could not go ahead unless a change is made. The Monitoring Officer will make this determination, in consultation with the Chair of the committee. The reason for the cancellation, postponement or amendment will be communicated to all Members of the committee.
- C5.5 Extraordinary meetings of full Council will be determined as detailed in Paragraph C3. The arrangements for extraordinary meetings of other committees will be determined by the Service Lead – Electoral & Democratic Services or the Monitoring Officer in consultation with the Chair of the committee.

C6 NOTICE OF AND SUMMONS TO MEETINGS

- C6.1 The Monitoring Officer 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, Democratic Services will send a Notice of Meeting including a summons signed by him or her by post to every Member of the Council or leave it at their usual place of residence or send it by e-mail. The Notice of Meeting 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.
- C6.2 Where, by reason of special circumstances, the Mayor is of the opinion that an item should be considered at a meeting as a matter of urgency, the requirement to give five clear days shall not apply

and any Motion relating to such an item will be treated as a Motion without Notice under C13(s).

C7 CHAIR OF MEETING

C7.1 The Mayor or any person presiding at the meeting may exercise any power or duty of the Chair. Where these rules apply to Committee, Forum and Panel meetings, references to the Mayor or Chair also include the Chair of Committees, Forums and Panels.

C7.2 The Mayor or any person presiding as Chair over a meeting shall conduct and make decisions in relation to the business of the meeting always in an objective, non-political and reasonable manner with the intention of achieving the efficient and orderly conduct of the meeting, facilitating full and effective debate and decision-making by the Council with the overriding aim of promoting confidence in the Council by the public.

C7.3 The Mayor may consult any officer present with the aim of compliance with Rule C7.2 and the Councillors in attendance shall not speak during such consultation. The Mayor or any person presiding as Chair shall (subject to Rule C27) have the final decision on any rule or procedure in this Part including compliance with Rule C7.2.

C8 QUORUM

The quorum of a meeting will be **one quarter** of the whole number of Councillors appointed to the relevant body unless otherwise specified in that body's Terms of Reference. During any meeting if the Mayor or Chair counts the number of Councillors present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at time and date fixed by the Mayor or Chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

C9 QUESTIONS BY THE PUBLIC

C9.1 General

Members of the public who live, work, study, or own property within the borough may ask questions of

- i. the Leader; or
- ii. a Cabinet Member;

at ordinary meetings of the Council for which the Council will set aside a period of **30 minutes**, which may be extended at the discretion of the Mayor in exceptional circumstances. Public questions at the meeting at which the council budget is considered must relate directly to the budget proposals. Public questions are permitted at Extraordinary meetings of the Council where such a question is directly related to an item on the Agenda.

C9.2 **Answering Questions**

Although the public may only direct questions to those Councillors in C9.1, the Councillor specified in C9.1 may request that another more appropriate Member of the Council answer the question, whether in whole or part, but only where the other Councillor has agreed and has communicated their agreement prior to the Meeting and the substitute Member can provide a more substantive reply to the question (for example, if the Councillor has a greater understanding of a ward issue or if it falls within the portfolio of the substitute Member).

Councillors with specific responsibilities cannot pass the question if it falls within their responsibility.

C9.3 **Order of questions**

Questions will be asked in the order that notice of them was received, except that the Mayor may group together similar questions or decide that questions should be asked in a particular order.

C9.4 **Notice of questions**

A question may only be asked if notice has been given by delivering it in writing or by email to Democratic Services no later than midday, 7 clear working days 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 specified in C9.1 to whom it is to be put. The Mayor may, in their discretion, allow a question to be asked when the period of notice required has not been given, if he considers the matter to be urgent and that the Councillor receiving the question has agreed to answer the question.

If a question cannot be answered at the Meeting, then the questioner shall be offered the opportunity to raise the question in the next ordinary meeting of the Council or a written response provided. Any written response will be published by the Council as soon as provided.

The deadline for submission of questions for the Budget meeting and Extraordinary Meetings shall be decided by the Mayor, to enable members of the public to view the reports in the Part I agenda before submitting questions.

C9.5 Number of questions

At any one meeting no person may submit more than two questions.

C9.6 Scope of questions

Democratic Services may reject a question if it:

- Is not about a matter for which the Council has a responsibility or which affects the Borough.
- Is defamatory, frivolous or offensive;
- Relates to a planning or planning enforcement matter or licensing application before it has been determined by a planning or licensing panel or by officers under delegated powers or by the court if subject to criminal or civil litigation..
- Relates to an appeal or review procedure that has not yet been concluded.
- Is substantially the same as a question which has been put at a meeting of the Council in the past six months;
- Requires the disclosure of confidential or exempt information.
- No question shall be longer than 60 words.
- Democratic Services may, after consultation with the questioner and with the questioner's consent, amend the wording of the question for the purpose of clarification.

C9.7 Record of questions

Democratic Services will maintain a register of all questions, which will be open to public inspection. Following the deadline for receipt of questions, a copy of the question will be sent immediately to the Councillor to whom it is to be put. Rejected questions will include reasons for rejection. Copies of all questions will be circulated to all Councillors and will be made available to the public attending the meeting.

C9.8 Response

The Councillor who provides the response will do so in writing. The written response will be published as a supplement to the agenda by 5pm one working day before the meeting. The only exception to this process would be if an urgent question was accepted under C9.4 above and the timescales did not allow for a written response to be provided one working day in advance of the meeting.

C9.9 Supplementary question

A questioner who has put a question in writing may also put one supplementary question without notice to the Councillor who has replied to their or her original question. If a questioner who has submitted a written question is unable to be present, they may ask the Mayor to put the supplementary question on their behalf.

The supplementary question must arise directly out of the reply provided and shall not have the effect of introducing any new subject matter. The questioner shall be allowed up to 1 minute to put the supplementary question. The Mayor may reject a supplementary question on any of the grounds in Rule 9.6 above. A Councillor verbally responding to a supplementary question shall be allowed up to **2 minutes** to do so. The supplementary question shall be put and answered without discussion

C9.10 No longer used

C9.11 No longer used

C9.12 Reference of question to Cabinet, Committee, Forum or Panel

No discussion will take place on any question, but any Councillor may move that a matter raised by a question be referred to Cabinet or the appropriate Committee, Forum or Panel. Once seconded, such a Motion will be voted on without discussion.

C10 PETITIONS

C10.1 Petitions will be received and considered by the Council in accordance with the Petitions Procedure in Part 7G.

C10.2 Any petition that contains at least 1000 signatories or petitioners may be reported to and debated at a meeting of the Full Council if requested by the petitioner organiser unless restricted by the terms of the Petitions Procedure This is then considered by the Council to be a 'Petition for Debate'.

C10.3 Petitions for Debate will be reported to the next convenient meeting of Council, as determined by the Mayor. Petitions will not be considered at the Annual Meeting of Council or at Extraordinary Meetings of Council which are not convened to consider the subject matter of the petition, unless the Mayor agrees to do so. Only petitions relating to the budget will be considered at the Budget meeting. Such petitions, whether receiving over 1000 signatories or not, will be considered as part of the debate on the relevant budget item rather than as a separate 'Petition for Debate'. The petition organiser will retain the right to address the meeting for 5 minutes at the start of the item as per the Petitions Procedure.

- C10.4 Petitions which do not relate to an ordinary item of business will be considered before the normal business of the Meeting and will be considered in the order in which they were received, unless the Mayor determines otherwise. The Mayor will determine the number of petitions that would be convenient to consider at any one meeting. A maximum of **30 minutes** will be allowed to consider each petition. The maximum time of **30 minutes** per petition can be overruled at the Mayor's discretion. The 30 minutes will begin immediately after the petition organiser has spoken.
- C10.5 The relevant officer will include in the agenda for the meeting a report setting out the background to the issue. At the start of the item the petition organiser will be invited to address the meeting for up to **5 minutes**. The Mayor will then invite the relevant Cabinet Councillor to speak for up to **5 minutes**, including proposing any recommendation included in the covering report. The Mayor would then ask for the motion to be seconded. Motions without Notice (other than those detailed in C13) will not be allowed. The Mayor will then invite any relevant Ward Councillors present to address him/her on the matter for up to **5 minutes** each. The Mayor will then open the matter for debate among Members of the Council.
- C10.6 Within 5 working days of the consideration of the petition by the Council, the Petitions Officer will notify the petition organiser of the decision if they were not present during the debate.

C11 QUESTIONS BY COUNCILLORS

C11.1.1 On reports of Cabinet, Committees, Forums or Panels

A Member of the Council may ask:

- i. the Leader; or
- ii. a Cabinet Member;

any question, without written or other notice, upon an item contained in a report of Council, Cabinet or a Committee, Forum or Panel, when that item is being received or is under consideration by Council at an ordinary Meeting.

- C11.1.2 A Councillor may nominate another relevant Member of the Council to answer the question whether in whole or part but only where:
- (i) the other Councillor has agreed and has communicated their agreement prior to the Meeting and;
 - (ii) the substitute Member can provide a more substantive reply to the question (for example, if the Councillor has a greater understanding of a ward issue or if it falls within the portfolio of the substitute Member); and
 - (iii) the Councillor asking the question has agreed prior to the meeting that the substitute may provide the reply.

Councillors with specific responsibilities cannot pass the question if it falls within their responsibility.

C11.2.1 **Questions on notice at Council**

Subject to Rule C11.4, a Member of the Council may ask a written question on any matter in relation to which the Council has powers or which affects the Borough, to:-

- i. the Leader; or
- ii. a Cabinet Member;

at ordinary meetings of the Council, other than the meeting at which the budget is considered, for which the Council will set aside a period of **30 minutes**, which may be extended at the discretion of the Mayor in exceptional circumstances.

Councillor questions directly relating to the budget at the budget meeting, or asked at Extraordinary meetings of the Council, fall under C11 1.1 above and would therefore be dealt with during the item in question.

C11.2.2 A Councillor may nominate another relevant Member of the Council to answer the question whether in whole or part but only where:

- (i) the other Councillor has agreed and has communicated their agreement prior to the meeting and;
- (ii) the substitute member can provide a more substantive reply to the question (for example, if the Councillor has a greater understanding of a ward issue or if it falls within the portfolio of the substitute Member); and
- (iii) the Councillor asking the question has agreed prior to the meeting that the substitute may provide the reply.

Councillors with specific responsibilities cannot pass the question if it falls within their responsibility

C11.3 **Questions on notice at Panels, Committees and Forums**

Subject to Rule C11.4 any Councillor may ask the Chair of a Committee, Forum or Panel a question on any matter which falls within the terms of reference of that Committee, Forum or Panel.

C11.4 **Notice of questions**

C11.4.1 A Councillor may only ask a question under Rule C11.2 or C11.3 if either:

- a) they have given at least 7 clear working days' notice in writing of the question to Democratic Services; or

- b) the question relates to urgent matters and is raised by the Leader, Opposition Leader or Deputy Leaders and they have the consent of the Councillor to whom the question is to be put. The content of the question shall be given to Democratic Services by 10.00 hours on the day of the meeting;

C11.4.2 No Councillor (other than the Leader, Opposition Leader or Deputy Leaders under C11.4.1(b) above) shall submit more than 2 questions under Rule C11.2 or C11.3 to a single Council or other meeting;

C11.4.3 Every question shall be put and answered without discussion; if the Councillor is unable to attend the meeting to put the question, the Councillor can nominate another Councillor to ask the question on his/her behalf or give notice to Democratic Services to hold the question over to the next meeting.

C11.4.4 Each question must not exceed 60 words and where such a question exceeds the limit or the question is not clear, Democratic Services may with the consent of the Councillor who submitted the question, amend the wording for clarification or to bring it within the 60 word limit.

C11.5 Democratic Services may reject a question if it:

- Is not about a matter for which the Council has a responsibility or which affects the Borough.
- Is defamatory, frivolous or offensive;
- Relates to a planning or planning enforcement matter or licensing application before it has been determined by a planning or licensing panel or by officers under delegated powers or by the court if subject to criminal or civil litigation..
- Relates to an appeal or review procedure that has not yet been concluded
- Is substantially the same as a question which has been put at a meeting of the Council in the past six months;
- Requires the disclosure of confidential or exempt information.
- No question shall be longer than 60 words.

Democratic Services may, after consultation with the questioner and with the questioner's consent, amend the wording of the question for the purpose of clarification.

C11.6 **Supplementary question**

A Councillor who has put a question in person may also put one supplementary question without notice to the Councillor who has replied to their or her original question.

The supplementary question must arise directly out of the reply provided and shall not have the effect of introducing any new subject matter. The questioner shall be allowed up to 1 minute to put the supplementary question. The Mayor may reject a supplementary question on any of the grounds in Rule 11.5 above.

C11.7 Response

The Councillor who provides the response will do so in writing. The written response will be published as a supplement to the agenda by 5pm one working day before the meeting. The only exception to this process would be if an urgent question was accepted under C11.4.1b) above and the timescales did not allow for a written response to be provided one working day in advance of the meeting.

All supplementary questions will be responded to verbally at the meeting. A Councillor verbally responding to a supplementary question shall be allowed up to **2 minutes** to do so.

C12 MOTIONS ON NOTICE

C12.1 Notice

Except for Motions which can be moved without notice under Rule C13, written notice of every Motion, signed by the Councillor proposing it or sent by email by the Councillor proposing it must be delivered to Democratic Services not later than 12 noon, 7 clear working days immediately preceding the next ordinary Council Meeting. These will be dated, numbered in the order they are received and entered in a register open to public inspection. Councillor motions on notice will not be considered at the Annual meeting or the meeting at which the budget is considered.

C12.2 Motion set out in agenda

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the Councillor giving notice states, in writing, that they propose to move it at a later meeting or withdraw it.

C12.3 Scope

Motions must be about matters for which the Council has a responsibility or which affect the Royal Borough and shall neither contain more than three related proposals nor be preceded by more than 60 words. No Motion shall be accepted or debated which, in the opinion of the Mayor:

- is not about a matter for which the Council has a responsibility or which affects the Borough;
- is defamatory, frivolous or offensive;
- relates to a planning or planning enforcement matter or licensing application before it has been determined by a planning or licensing panel or by officers under delegated powers or by the court if subject to criminal or civil litigation..
- Relates to an appeal or review procedure that has not yet been concluded
- .
- is substantially the same as a motion which has been put to any meeting of the Council in the past six months;
- requires the disclosure of confidential or exempt information.

Democratic Services may with consent of the Councillor who has submitted a Notice of Motion, amend the wording of the Motion either for the purpose of clarification or to ensure that it is not offensive or frivolous.

C12.4 Number of Motions

A Member of the Council shall have no more than one Notice of Motion for any single Council meeting.

A maximum period of 30 minutes will be allowed for each Motion to be moved, seconded and debated, including dealing with any amendments. At the expiry of the 30-minute period debate will cease immediately, the mover of the Motion or amendment will have the right of reply before the Motion or amendment is put to the vote

C12.5 Motions not Moved

If a Motion is not moved it shall, unless postponed by resolution of the Council, be treated as abandoned and shall not be moved without fresh notice. Any Councillor who has not submitted that Notice of Motion may in the event of the absence or inability of the Councillor who has submitted the Motion, move the Motion.

C12.6 Motion of No Confidence

Motions of no confidence in the Leader, a Cabinet Member, any Councillor holding a Special Responsibility, or any Vice-Chair of an Overview and Scrutiny Panel must be signed by ten Councillors and must be delivered to Democratic Services no later than 10.00am on the seventh working day before the meeting (excluding the day of the meeting). The wording of the Motion shall be “That this Council has no confidence in the [insert relevant post]”

No amendments will be allowed to the Motion at the meeting where the matter is discussed.

Motions of no confidence can be accepted at any Council meeting, including Annual and Budget Council meetings.

If following a Motion of no confidence the majority of Members of the Council vote to remove the Leader or any Councillor with a Special Responsibility (other than a Cabinet Member, as the power to remove a Cabinet Member is within the remit of the Leader), a Motion, under Rule 13(t), to nominate a new Leader or Councillor with a Special Responsibility may be moved without notice. If a Motion to nominate is not moved then the election of the Leader of Council or re-appointment to the role with the Special Responsibility will take place at the next Council meeting.

If a majority of Members of the Council agree a motion of no confidence in a Chair or Vice-Chair of an Overview and Scrutiny Panel, the Panel will be required to consider the appointment of a Chair or Vice-Chair (as appropriate) at the next scheduled meeting of the Panel.

C13 MOTIONS WITHOUT NOTICE

The following Motions may be moved without notice:

- a) to appoint a Chair of the meeting at which the Motion is moved;
- b) in relation to the accuracy of the minutes;
- c) to change the order of business in the agenda;
- d) to refer something to an appropriate body or individual;
- e) to appoint a Committee, Panel or Councillor arising from an item on the Notice of the meeting;
- f) to receive reports or adoption of recommendation of Cabinet, Committee, Forums, Panel or Officers and any resolutions following from them;
- g) to withdraw a Motion;
- h) to amend a Motion;
- i) to proceed to the next business;
- j) that the question be now put;
- k) to adjourn a debate;

- l) to adjourn a meeting including under rule C25;
- m) to suspend a particular Council procedure rule;
- n) to exclude the public and press in accordance with the Access to Information Rules;
- o) to not hear further a Councillor named under Rule C21.5 or to exclude them from the meeting under Rule C21.6;
- p) to give the consent of the Council where its consent is required by this Constitution;
- q) to extend the time limit for speeches;
- r) to vote on the Mayor's ruling under Rule C27.
- s) to consider an urgent item under Rule C6.2
- t) to appoint a new Leader or to a role with a Special Responsibility after a vote of no confidence has passed under Rule C12.6

C14 RULES OF DEBATE

C.14.1 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.

C14.2 Right to require Motion in writing

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

C14.3 Secunder's speech

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

C14.4 Length and content of speeches

C14.4.1 Other than debate for the annual budget in rule C14.4.3, a Councillor shall not speak for more than **5 minutes**.

C14.4.2 A Councillor proposing and seconding a Motion or a recommendation of amendment to a Motion shall not speak for more than **5 minutes**. The Councillor proposing the motion may speak for a further **5 minutes** when exercising a right of reply.

- C14.4.3 For the **annual budget debate** the Councillor proposing the adoption of the budget and the Opposition spokesman shall each be allowed to speak for **10 minutes** to respectively propose the budget and respond to it. The Councillor proposing the budget may speak for a further five minutes when exercising a right of reply.
- C14.4.4 The content of speeches must be directed to the question or motion under discussion or to a personal explanation or point of order.
- C14.4.5 The content of speeches must be relevant to the issue in question and shall enable the Councillor to argue reason or persuade other Councillors of the strength or validity of their view or that their viewpoint is the correct decision.
- C14.4.6 Councillors shall stop speaking where in the opinion of the Mayor (in consultation with the Monitoring Officer) considers that the content of the speech does not have any relevancy to the matter of the debate or the content breaches the Councillors' Code of Conduct.
- C14.4.7 Councillors shall avoid repetition of statements or views expressed previously in the debate. Councillors should treat other Councillors, officers and the public with respect and courtesy and avoid improper and/or offensive remarks. The Mayor may require a Councillor making remarks the Mayor has judged offensive or improper to withdraw them.
- C14.5 **When a Councillor may speak again**

A Councillor who has spoken on a Motion may not speak again whilst it is the subject of debate, except:

- a) to speak once on an amendment moved by another Councillor;
- b) to move a further amendment if the Motion has been amended since he/she last spoke;
- c) if his/her first speech was on an amendment moved by another Councillor, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- d) In exercise of a right of reply;
- e) On a point of order; and
- f) By way of personal explanation.

C14.6 **Amendments to Motions**

- a) An amendment to a Motion must be relevant to the Motion and will either be:

- i) to refer the matter to an appropriate body or individual for reconsideration;
- ii) to leave words out;
- iii) to leave out words and insert or add others;
- iv) to insert or add words;

as long as the effect of ii) to iv) is not to negate the purpose of the Motion or to introduce a new proposal unrelated to the Motion.

- b) 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, provided the Mayor may permit two or more amendments to be discussed (but not voted on) together if in his/her opinion this would facilitate the proper conduct of the Council's business.
- c) If an amendment is not carried, other amendments to the original Motion may be moved.
- d) 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.
- e) After an amendment has been carried, the Mayor will read out the amended Motion before accepting any further amendments, or if there are none, put it to the vote.
- f) Amendments to proposals contained within the annual budget report must follow a process to be set out in advance of the meeting by the Chief Finance Officer. This will include details of any proposed amendments being submitted in writing to the Finance team in advance of the meeting to ensure sufficient time to assess the financial consequences of any such proposals.

C14.7 Alteration of Motion

- a) A Councillor may alter a Motion of which he/she has given notice if the motion has not yet formally be moved.
- b) A Councillor may alter a Motion which he/she has moved (with or without notice) with the consent of both the meeting and the seconder. The meeting's consent will be voted on without discussion.
- c) Only alterations which could be an amendment may be made.

C14.8 Withdrawal of Motion

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

C14.9 **Right of reply**

- a) 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. The time limit for a right of reply will be 5 minutes maximum.
- b) 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.
- c) The mover of the amendment has a right of reply to the debate on their or her amendment, immediately after b) above and immediately prior to the amendment being put to the vote.

C14.10 **Motions which may be moved during debate**

When a Motion is under debate, no other Motion may be moved except the following procedural Motions:

- a) to withdraw a Motion;
- b) to amend a Motion;
- c) to proceed to the next business;
- d) that the question be now put to the vote;
- e) to adjourn a debate;
- f) to adjourn a meeting;
- g) to extend the time limit for speeches;
- h) to exclude the public and press in accordance with the Access to Information Rules;
- i) to not hear further a Councillor named under Rule C21.5 or to exclude them from the meeting under Rule C21.6;
- j) to vote on the Mayor's ruling under Rule C27.

C14.11 **Closure Motions**

- a) A Councillor who has not previously spoken in the debate may move, without comment, any of the following Motions at the end of a speech of another Councillor:
 - i) to proceed to the next business;
 - ii) that the question be now put to the vote;

- iii) to adjourn a debate; or
 - iv) to adjourn a meeting.
- b) If a Motion to proceed to next business is seconded, the Mayor will give the mover of the original Motion a right of reply and then put the procedural Motion to the vote.
 - c) If a Motion that the question be now put to vote is seconded, the Mayor will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
 - d) If a Motion to adjourn the debate or to adjourn the meeting is seconded, the Mayor will put the procedural Motion to the vote without giving the mover of the original Motion the right of reply.

C14.12 Point of order

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

C14.13 Personal explanation

A Councillor may make a personal explanation at any time with the permission of the Mayor. A personal explanation may only relate to some material part of an earlier speech by the Councillor which may appear to have been misunderstood in the present debate. The time limit for personal explanations shall be one minute. The ruling of the Mayor on the requirement of a personal explanation will be final.

C15 Not used

C16 PREVIOUS DECISIONS AND MOTIONS

C16.1 Motion to rescind a previous decision

A Motion or amendment which has the effect or intention to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of Motion is signed by at least fifteen Councillors. (In applying this Rule C16.1 and Rule C16.2 to Committees, Forums and Panels, the Motion must be signed by at

least 1/3rd of the Members of the relevant Committee, Forum or Panel.) This rule does not prevent the relevant proper officer (or Monitoring Officer) from bringing a motion to the attention of the Council, Committee, Forum or Panel.

C16.2 Motion similar to one previously rejected

A Motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of Motion or amendment is signed by at least twenty Councillors. Once the Motion or amendment is dealt with, no one can propose a similar Motion or amendment for six months.

C16.3 Similar items on Council Agenda

Where two items being recommended or proposed as Motions appear on an agenda, or where two or more items appear to relate to the same issue, one of which would have the effect or intention of rescinding the other, the following procedure will be adopted:-

- i) The Mayor will put to the vote, without debate, that the order of business should be varied under Rule C2.2 to allow the items to be debated together but voted upon separately, the order of matters debated and put to the vote will be determined by Council. If the vote is carried, he/she will specify the order of speeches proposing, seconding and exercising the right of reply to be followed.
- ii) If the vote is not carried, the items will be put to the Council strictly in accordance with C2.1. When a second or subsequent item is to be debated and it would have the effect or intention of rescinding a resolution passed earlier in the Meeting, it shall not be debated but shall be deemed to have been rejected and thereafter Rules C16.1 and C16.2 will apply.

C17 VOTING

C17.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Councillor voting and present in the room at the time the question was put. The Mayor may, at any stage in the process, exercise their second or casting vote as set out in C17.2.

C17.2 Mayor's casting vote

- C17.2.1** If there are equal numbers of votes for and against, the Mayor will have a second or casting vote. There shall be no restriction on how the Mayor chooses to exercise their second or casting vote.

- C17.2.2 Where the Mayor has voted on the proposition which is tied, he may exercise a second vote.
- C17.2.3 Where the Mayor has not voted on the proposition which is tied, he may exercise a casting vote.
- C17.2.4 If the Mayor declines to exercise a second or casting vote, the proposal the subject of the vote shall be rejected, subject to C17.1 above.

C17.3 **Recording of Votes**

- C17.3.1 Immediately before a vote the Mayor shall ask the Councillors whether a named vote is required.
- C17.3.2 Unless a named vote is requested, the Mayor will take the vote by a show of hands or if there is no dissent, by the affirmation of the meeting.
- C17.3.3 If requested by any **5** Councillors the mode of voting at meetings of the Council shall be via a named vote. The clerk will record the names and votes of those Councillors present and voting or abstaining and include them in the Minutes of the meeting.
- C17.3.4 Where any Councillor 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.
- C17.3.5 The Mayor shall ascertain the numbers voting for or against any motion and his/her decision as to the result shall be conclusive.
- C17.3.6 The result of the vote will be announced to the meeting.
- C17.3.7 A named vote will always be required:
- i) on any business relating to approving the annual budget, budget amendments, setting the council tax or issuing precepts at Council meetings and;
 - ii) For any decisions made at Development Management Panels
- C17.3.8 In relation to meeting of other Panels, Subcommittees or Forums, a named vote shall be called if requested by any **2** voting Councillors.

C17.4 **Voting on appointments**

If there are more than two people nominated for any position to be filled and there is not a majority of votes in favour of one person, then the name of the person with the least 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.

C18 MINUTES

C18.1 Signing the minutes

The Mayor will sign the minutes of the proceedings at the next suitable meeting. The Mayor will move that the minutes of the previous meeting be signed as a correct record. Only the accuracy of the minutes can be discussed.

C18.2 No requirement to sign minutes of previous meeting at an Extraordinary Meeting or at the Annual Meeting

Where an Extraordinary Meeting has been called under paragraph 3 of Schedule 12 of the Local Government Act 1972 or the Annual Meeting has been held, and either would be the next meeting for the purpose of A18.1, then the minutes will be considered at the next following meeting (after the Extraordinary Meeting or the Annual Meeting, as the case may be) and that meeting shall be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

C18.3 Form of minute

Minutes will contain all Motions and amendments in the exact form and order the Mayor put them.

C19 RECORD OF ATTENDANCE

The clerk will ensure a record of attendance, for those attending in-person and virtually, is taken.

C20 EXCLUSION OF PUBLIC

Councillors of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 8E of this Constitution or Rule C22 (Disturbance by Public).

C21 COUNCILLORS' CONDUCT

C21.1 Councillor wishing to Speak

A Councillor wishing to speak shall indicate by raising their hand and shall speak when called upon to do so by the Mayor. When called the Councillor shall stand or remain seated when speaking and shall address The Mayor using the form 'Mr Mayor' or 'Madam

Mayor' as appropriate. The Councillors shall speak of each other and of Officers by their respective titles.

C21.2 Standing to speak

When a Councillor speaks at full Council, unless the Mayor in their discretion provides otherwise, may either stand or remain seated and address the meeting through the Mayor. If more than one Councillor stands, the Mayor will ask one to speak and the others must sit. Other Councillors must remain silent whilst a Councillor is speaking unless they wish to make a point of order or a point of personal explanation.

C21.3 Conduct during Speeches

When a Councillor speaks then all other Councillors shall not speak and will remain silent unless requested to speak by the Mayor. Councillors should treat other Councillors with respect and courtesy and avoid improper and/or offensive remarks or actions. The Mayor may require a Councillor making remarks or actions the Mayor has judged offensive or improper to withdraw them.

C21.4 Mayor standing or using their gavel

When the Mayor stands during a debate or uses his/her gavel and invokes this Rule, any Councillor speaking at the time must stop and sit down. The meeting must be silent.

C21.5 Councillor not to be heard further

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

C21.6 Councillor to leave the meeting

If the Councillor continues to behave improperly after such a Motion is carried, the Mayor may move that either the Councillor leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the Motion will be voted on without discussion.

C21.7 General disturbance

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

C22 DISTURBANCE BY PUBLIC

C22.1 Removal of Member of the public

If a Member of the public interrupts proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor will order their removal from the meeting room.

C22.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Mayor may call for that part to be cleared.

C23 FILMING, RECORDING AND PHOTOGRAPHY AT COUNCIL MEETINGS

C23.1 The Council supports the principle of transparency and encourages the filming, recording and photographing of meetings open to the public. This will be permitted in accordance with the Filming and Recording Protocol in Part 7H.

C24 SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**C24.1 Suspension**

All of these Council Rules of Procedure except Rule C17.4 and C18.2 may be suspended by Motion on notice or without notice if at least one half of the whole number of Members of the Council are present. Suspension can only be for the duration of the meeting.

C24.2 Amendment

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 ordinary meeting of the Council.

C25 DURATION OF MEETINGS

C25.1 Unless the majority of Councillors present vote without debate, for the meeting to continue, any meeting of the Council, its Committees, Forums, Panels and Sub-Committees, together with meetings of the Cabinet and its Sub-Committees, that has not concluded within 3 hours from its start time, will adjourn immediately at the conclusion of the agenda item then under discussion. Remaining business will be considered at a time and date fixed by the Chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

C26 APPLICATION TO COMMITTEES, FORUMS, PANELS AND SUB-COMMITTEES

C26.1 All of the Council Rules of Procedure apply to meetings of the Council. None of the rules apply to meetings of the Cabinet. Only Rules C4-8; C11 - 20 (but not Rule 14.4 and 14.5 (so far as they apply to length of speeches and speaking only once in the debate)); C21 - 28 (but not Rule C21.2) and C30 - 31 apply to meetings of Committees, Forums and Panels. (See Appendix to these Rules.)

C26.2 Voting at Committee, Forum and Panel meetings shall be as set out in rule C17.3 of these procedure rules.

C26.3 In the minutes of Panels, Forums and Committees it shall not be necessary for particulars of Motions and amendments preceding the resolution eventually carried to be recorded.

C27 INTERPRETATION OF COUNCIL PROCEDURE RULES

The ruling of the Mayor, on the advice of Democratic Services, as to the construction or application of any of the Council Procedure Rules or as to proceedings of the Council may only be challenged by a Motion under Rule C13) moved and seconded in accordance with these rules. Such a Motion shall be moved, seconded and put to the vote without discussion, other than an explanation by the proposer for the Motion being proposed.

C28 SEATING ARRANGEMENTS

Democratic Services shall settle and publish seating plans for meetings of the Council.

C29 MEMBERSHIP OF COMMITTEES, FORUMS AND PANELS

C29.1 The maximum number of Councillors to serve on the Cabinet is set out in Article 6 of the Constitution. Membership of other Panels, Forums and Committees is as set out in Parts 4 and 6 of the Constitution. Except where authorised by statute or set out elsewhere in the Constitution the quorum specified in C8 shall apply, being rounded up to the nearest whole number.

C29.2 Subject to the Councillors' Code of Conduct, any Member of the Council may attend any formal meeting of a Panel, Forum or Committee of which he/she is not a Member and, subject to prior approval of the Chair, may speak but not vote at such meeting, providing this right may not be exercised:

- i) When a Committee, Forum or Panel is sitting in a judicial or quasi-judicial role, e.g. as an Appeals Panel.
- ii) When a Committee, Forum or Panel is considering a confidential matter, i.e. press and public are excluded, the Councillor will be presumed to be able to make a real contribution to the decision-making.

- iii) When the Cabinet is not a public Cabinet meeting.
- iv) When the meeting is a briefing meeting and at which no decision will be taken.

Cabinet Members may attend meetings of the Overview and Scrutiny Panels but are only entitled to answer questions put to them by the Panel or to respond to call-in of a decision within their area of responsibility.

- C29.3 Any Member of the Council may attend public meetings (Part I meetings) of Cabinet. A Member may only attend private meetings (Part II meetings) of Cabinet when invited to do so by the Leader (or chair of the meeting in question).
- C29.4 No Councillor may be permitted to serve as a member or a substitute member of any regulatory Panel/Committee without first having attended a training session, which must have been held since the Councillor was last elected. For the purpose of this rule, regulatory panels/committees are any Development Management Committee, Licensing Panel or Appeals Panel. For Development Management Committees, the mandatory training must take place on an annual basis.
- C29.5 No Member of the Cabinet can be a Member of an Overview and Scrutiny Panel.
- C29.6 Any vacancy on a Forum, Panel or Committee caused as a result of the Councillor no longer being a Councillor or as a result of that Councillor notifying Democratic Services in writing that they have resigned their Membership of that Forum, Panel or Committee shall be reported to the next meeting of the Council to enable the vacancy to be filled in accordance with political balance requirements as appropriate.

C30 CHAIRPERSON

- C30.1 Whenever the Chair or Vice-Chair of a Forum, Panel or Committee shall cease to hold office, the vacancy so caused shall be agreed by Group Leaders in consultation with the Monitoring Officer, with the exception of the individual Appeals Panels which will appoint a Chair amongst themselves for each meeting and Overview and Scrutiny Panels, who will appoint a Chair or Vice-Chair for the remainder of the municipal year at their next meeting, in accordance with C1.1.
- C30.2 All other Forums, Panels and Committees which consist of Members of the Council and other persons shall have a Member of the Council as Chair unless the Council shall agree otherwise.

C30.4 In the event of the Chair being absent on any occasion, the Vice-Chair shall take the Chair. In the event of both of them being absent, a Chair for the time being may be appointed by the Members of that meeting.

C31 MATTERS AFFECTING PERSONS EMPLOYED

C31.1 No matter shall be raised at any meeting of the Council or at any meeting of any Committee, Forum or Panel, which is directed at the personal performance or conduct of an individual employee of the Council unless provided under the Terms of Reference for the Committee, Forum or Panel or where required by the Officer Employment Procedure (Part 8B).

C31.2 If any matter arises at any meeting of the Council, Cabinet, Forum, Committee or Panel as to the appointment, promotion, dismissal, salary, superannuation or conditions of service or as to the performance or conduct of any person employed by the Council such matter shall not be the subject of any discussion until a motion under Section 100(A)(4) of the Local Government Act 1972 to exclude the public has been put and carried.

Appendix

Rules which apply to Committees, Forums, Panels and Sub-Committees (Rule C26)

C4 Appointment of Substitute Members of Panels

C5 Time and place of meeting

C6 Notice of and summons to meetings

C7 Chair of meeting

C8 Quorum

C11 Questions by Councillors

C12 Motions on notice

C13 Motions without notice

C14 Rules of debate but not Rules C14.4 and C14.5

C16 Previous decisions and motions

C17 Voting

C18 Minutes

C19 Exclusion of public

C21 Councillors' conduct but not Rule C21.2

C22 Disturbance by public

C23 Filming, recording and photography at Council Meetings

C24 Suspension of Rules

C25 Duration of Meetings

C26 Application

C27 Interpretation

C29 Membership of committees and panels

C30 Chairperson

C31 Councillors affecting persons employed