

Changes to the Constitution – New Wording

Council Procedure Rules

3. SPECIAL MEETINGS

3.4 Questions

There will not be a public question time at special meetings of the Council, except in exceptional circumstances agreed in advance by the Mayor.

4. TIME AND PLACE OF MEETINGS

The time and place of meetings will be determined by the proper officer and notified in the summons. Evening meetings will normally commence at 7pm.

9. QUESTIONS FROM THE PUBLIC

9.2 Order of questions

Questions will be asked in the order notice of them was received, with all first questions heard first, then all second questions and then all third questions. The Mayor may group together similar questions or vary the order as he or she sees fit.

10. QUESTIONS BY MEMBERS

10.2.4 Questions will be asked in the order notice of them was received, with all first questions heard first, then all second questions and then all third questions. The Mayor may group together similar questions or vary the order as he or she sees fit.

13. RULES OF DEBATE

13.14 Chief Officers

Chief Officers will participate in debates at Council only if invited to do so by the Mayor but the Mayor will always exercise the discretion to permit a Chief Officer to speak to facilitate the exercise of a statutory responsibility of a Chief Officer.

15. VOTING

15.1 Majority

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 unless the meeting decides otherwise. Members should only vote on a matter if they have been present in the room for the whole of that item.

15.5 Recorded vote

If five of the Members present at the meeting demand it by rising in their seats, the names for and against the motion or amendment or abstaining from voting will be

taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot. A recorded vote will be taken on Budget and Council Tax setting matters and where required by law.

21. **SUBSTITUTES**

- 21.1 All Members of the Council except for the Executive may serve as substitute Members of a Committee or Sub-Committee in the absence of the appointed Member. Members of the Executive may serve as substitutes on the regulatory Committees, provided that they only substitute for other Executive Members.

Executive Procedure rules

1.8 **How are decisions to be taken by the Executive?**

- (e) Where a scrutiny committee is operating as a select committee, the Executive Portfolio Holder may publish a “minded to” at least report five clear days before making a decision which will be circulated to all Members of the Council. The following may make a referral for scrutiny within this five day period –
- The chairman of the relevant select committee
 - A group leader and one other Member;
 - Where a decision affects a particular ward, all ward Members (or the ward Member plus one other Member in the case of Darwyn ward);
 - Any five Members.

Where a referral for scrutiny is made, the issue must be considered by the relevant select committee within ten working days of the decision being referred.

In cases of urgency, where agreed by the Leader and the select committee chairman, the five day period for referral for scrutiny may be waived.

2.5 **Right to attend and speak**

Over and above the rights of the public, the following have the right to attend meetings of the Executive and Executive Committees (whether public or private):

- all Members of the Executive
- Chairman of Policy Development & Scrutiny Committees
- Nominees of the two major opposition parties
- the Chief Executive, the Director of Corporate Services and the Director of Finance
- all other Chief Officers for items within their sphere of responsibility
- all Councillors but with the right to speak only on items in respect of which they have a Ward or special interest and subject to the overriding discretion of the Chairman
- in addition, the Executive and Executive Committees have discretion to permit other persons to attend meetings for public and private items (including

Councillors who have been appointed to support the Executive in their work) and to speak

2.6 Meetings of Portfolio Members

The meetings of Portfolio members of the Executive will be held in public, except for those items dealt with in private under the statutory provisions relating to access to information. The following have the right to attend and speak when individual Members of the Executive are making decisions

- the Chairman of the relevant Policy, Development & Scrutiny Committee
- the Chief Executive, the Director of Corporate Services and the Director of Finance
- all other Chief Officers for items within their sphere of responsibility
- Councillors, but with the right to speak only on items in respect of which they have a Ward or special interest and subject to the overriding discretion of the Portfolio member
- any other person at the discretion of the individual Portfolio Member of the Executive

2.7 Member support for the Executive

The Executive may appoint other Members of the Council to support them in their work in accordance with arrangements agreed from time to time, covering numbers and roles of such support Members.

Policy Development and Scrutiny Procedure Rules

8. Agenda items

- (b) The Chief Executive, Director of Corporate Services and Director of Finance and any other Chief Officer in respect of any matter coming within his or her sphere of responsibility will be entitled to have items included on the agenda of Policy Development and Scrutiny Committees.

13. Members and officers giving account

- (b) Where any Member or officer is required to attend a Policy Development and Scrutiny Committee under this provision, the Chairman of that Committee will inform the Proper Officer. The proper officer shall inform the Member or officer in writing giving at least 5 working days notice of the meeting at which he/she is required to attend, except in cases of urgency. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the Member or officer concerned will be given sufficient notice to allow for preparation of that documentation.
- (c) The right of Policy Development & Scrutiny Committees to require officers to attend before them is unlimited in terms of the status and functions of officers. By Council convention, the following officers may

be subject to a requirement to attend to answer questions from time to time:

- the Chief Executive
- all other Chief Officers
- any other officer (but the relevant Chief Officer shall be entitled to attend with that officer and to participate.)

14. Attendance by others

- (a) The following persons will be entitled to attend meetings of the committees by virtue of their office, rather than in exercise of public rights:
- The Leader and all Members of the Executive
 - All other Members of the Council
 - All Chief Officers

15. Call-in

- (c) During that period, the Proper Officer shall make arrangements to call-in a decision for scrutiny by the Committee if so requested with reasons by any five Members of the Council and shall then notify the decision-taker of the call-in. A PDS Committee will meet within a time period agreeable to all parties to the call-in. This must be within ten working days (including the day of the call-in and the day of the meeting) unless the parties agree to extend the date to the next ordinary meeting of the PDS Committee, if this is later. In cases where there is not unanimity on the date of the Committee to consider the call-in, the Chairman of the main PDS Committee to decide.
- (d) Having considered the decision, the PDS Committee may refer it back to the full Executive, with its reasons. The Executive shall then reconsider. A decision which has been referred back to the Executive following a call-in must be considered within 20 working days of the call-in meeting, or it will fall.
- (h) Where Executive decisions have been submitted for pre-decision scrutiny at full Council there will not be a right of call-in, provided that the Executive decision accords with the views of Council.
- (i) A Member who is a party to the call-in shall not chair the PDS meeting considering the call-in.

18. Right to Speak

The following will be entitled to speak at meetings of the committee:

- (a) any Councillor on a matter which affects his or her Ward or in respect of which he or she has a special interest, subject to the overriding discretion of the Chairman of the Committee
- (b) the Chief Executive, the Director of Corporate Services and the Director of Finance in respect of any matter coming within their statutory responsibilities; they and all other Chief Officers in respect of matters coming within their

sphere of responsibility (whether or not covered by a specific statutory provision)

(c) any other person, subject to the agreement of the Committee.

19 **Officer Support**

Officer support for Policy Development and Scrutiny Committees will be provided by the Chief Executive and Chief Officers. Chief Officers and their departments will be “double hatted” (ie: will provide support not only to Policy Development & Scrutiny Committees but also to the Council and its Committees and the Leader and Executive). The Chief Executive will keep under review the support provided to Policy, Development & Scrutiny Committees.

20 **Minority Reports** -

Generally, any reports by Policy Development & Scrutiny Committees shall be prepared on the basis of majority decision. However, it shall be open to any Member or Members to produce a minority report.

21 **Portfolio Attendance at PDS Committees and Pre-decision Scrutiny**

A key function of policy development and scrutiny is to hold the Portfolio Holder to account and to undertake pre-decision scrutiny of prospective portfolio decisions. PDS Committees, in their work programmes, shall allocate a slot for Portfolio Holders to attend to answer questions from the public and Members and to give a general account for their Portfolios. PDS Committees shall also undertake pre-decision scrutiny of prospective Portfolio decisions which are brought to their attention.

Where a Portfolio decision cannot be considered by a service PDS Committee, the Executive & Resources PDS Committee can fulfil the pre-decision scrutiny function.

It is important to remember that PDS Committees cannot make decisions and are fulfilling the important role of challenge to the Portfolio Holder.