

Public Document Pack
**CONSTITUTION AND GOVERNANCE
COMMITTEE**



**Thursday 20 October 2022
2.00 pm Luttrell Room - County Hall,
Taunton**

To: The members of the Constitution and Governance Committee

Cllr T Butt Philip (Chair), Cllr S Carswell (Vice-Chair), Cllr B Clarke, Cllr H Davies, Cllr D Johnson, Cllr H Kay, Cllr C Lawrence, Cllr M Lovell, Cllr M Murphy, Cllr S Osborne, Cllr S Pugsley, Cllr R Wilkins and Cllr A Wiltshire

All Somerset County Council Members are invited to attend.

Issued By Scott Wooldridge, Monitoring Officer – Head of Governance and Democratic Services
- 12 October 2022

For further information about the meeting, please contact Clare Rendell - Governance Specialist on 01823 357628 or email - democraticservicesteam@somerset.gov.uk

Guidance about procedures at the meeting follows the printed agenda.

This meeting will be open to the public and press, subject to the passing of any resolution under Section 100A (4) of the Local Government Act 1972.

This agenda and the attached reports and background papers are available on request prior to the meeting in large print, Braille, audio tape & disc and can be translated into different languages. They can also be accessed via the council's website on www.somerset.gov.uk/agendasandpapers

Are you considering how your conversation today and the actions you propose to take contribute towards making Somerset Carbon Neutral by 2030?



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AGENDA

Item Constitution and Governance Committee - 2.00 pm Thursday 20 October 2022

****Public guidance notes contained in agenda annexe****

1 **Apologies for Absence**

To receive members' apologies.

2 **Declarations of Interest**

Details of all Members' interests in District, Town and Parish Councils can be viewed on the [Council Website](#)

The Statutory Register of Member's Interests can be inspected via request to the Democratic Service Team. Any new or updated declarations of interest will be received.

3 **Minutes from the previous meeting held on 12 September 2022** (Pages 9 - 14)

The Committee is asked to confirm the minutes are accurate.

4 **Public Question Time**

The Chair will allow members of the public to ask a question or make a statement about any matter on the agenda for this meeting. **These questions may be taken during the meeting, when the relevant agenda item is considered, at the Chair's discretion.**

5 **Work Programme** (Pages 15 - 16)

To consider the work programme of the Committee.

6 **Public Participation** (Pages 17 - 56)

To receive PowerPoint presentation and verbal update

Public Participation – for information and reference, please see attached relevant extracts from: -

- a) Somerset County Council (2 documents) – pages 17 – 21;
- b) Buckinghamshire Council - pages 23 – 37; and
- c) Wiltshire Council (2 documents) – pages 39 – 56.

Item Constitution and Governance Committee - 2.00 pm Thursday 20 October 2022

7 **Full Council Meeting Procedures** (Pages 57 - 120)

To receive PowerPoint presentation and verbal update

Full Council Meeting Procedures – for information and reference, please see attached relevant extracts from: -

- a) Somerset County Council – pages 57 – 67;
- b) Buckinghamshire Council – pages – 69 – 92; and
- c) Wiltshire Council – pages 93 – 120.

8 **Recruitment of Independent Persons for new Somerset Council**

To receive PowerPoint presentation and verbal update

9 **2023 Boundary Review - Parliamentary Constituencies** (Pages 121 - 136)

The Monitoring Officer will provide information about the final stage of the review.

For context to this item, the 'Easy read Guide to the 2023 Review', published by the Boundary Commission for England, is attached. The full version of this Guide is available online here – [Guide to the 2023 Review of Parliamentary constituencies](#)

10 **Any other urgent items of business**

The Chair may raise any items of urgent business.

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Guidance notes for the meeting

1. **Council Public Meetings**

The former regulations that enabled virtual committee meetings ended on 7 May 2021. Since then, all committee meetings need to return to face-to-face meetings. The requirement is for members of the committee and key supporting officers to attend in person, along with some provision for any public speakers. Provision will be made wherever possible for those who do not need to attend in person including the public and press who wish to view the meeting to be able to do so virtually.

2. **Inspection of Papers**

Any person wishing to inspect minutes, reports, or the background papers for any item on the agenda should contact Democratic Services at democraticserviceteam@somerset.gov.uk or telephone 01823 357628.

They can also be accessed via the council's website on www.somerset.gov.uk/agendasandpapers.

Printed agendas can also be viewed in reception at the Council offices at County Hall, Taunton TA1 4DY.

3. **Members' Code of Conduct requirements**

When considering the declaration of interests and their actions as a councillor, Members are reminded of the requirements of the Members' Code of Conduct and the underpinning Principles of Public Life: Honesty; Integrity; Selflessness; Objectivity; Accountability; Openness; Leadership. The Code of Conduct can be viewed at: [Code of Conduct](#)

4. **Minutes of the Meeting**

Details of the issues discussed, and recommendations made at the meeting will be set out in the minutes, which the Committee will be asked to approve as a correct record at its next meeting.

5. **Public Question Time**

If you wish to speak, please contact Democratic Services by 5pm 3 clear working days before the meeting. Email democraticserviceteam@somerset.gov.uk or telephone 01823 357628.

Members of public wishing to speak or ask a question will need to attend in person or if unable can submit their question or statement in writing for an officer to read out.

After entering the Council building you may be taken to a waiting room before being taken to the meeting for the relevant agenda item to ask your question. After the agenda item has finished you will be asked to leave the meeting for other members of the public to attend to speak on other items.

A slot for Public Question Time is set aside near the beginning of the meeting, after the minutes of the previous meeting have been agreed. However, questions or statements about any matter on the agenda for this meeting may be taken at the time when each matter is considered.

At the Chair's invitation you may ask questions and/or make statements or comments about any matter on the Committee's agenda – providing you have given the required notice. You may also present a petition on any matter within the Committee's remit. The length of public question time will be no more than 30 minutes in total (20 minutes for meetings other than County Council meetings).

You must direct your questions and comments through the Chair. You may not take a direct part in the debate. The Chair will decide when public participation is to finish.

If an item on the agenda is contentious, with many people wishing to attend the meeting, a representative should be nominated to present the views of a group.

An issue will not be deferred just because you cannot be present for the meeting. Remember that the amount of time you speak will be restricted, to three minutes only.

In line with the council's procedural rules, if any member of the public interrupts a meeting the Chair will warn them accordingly.

If that person continues to interrupt or disrupt proceedings the Chair can ask the Democratic Services Officer to remove them as a participant from the meeting.

Provision will be made for anybody who wishes to listen in on the meeting only to follow the meeting online.

6. **Meeting Etiquette for participants**

- Only speak when invited to do so by the Chair.
- Mute your microphone when you are not talking.
- Switch off video if you are not speaking.
- Speak clearly (if you are not using video then please state your name)

- If you're referring to a specific page, mention the page number.
- Switch off your video and microphone after you have spoken.
- There is a facility in Microsoft Teams under the ellipsis button called turn on live captions which provides subtitles on the screen.

7. **Exclusion of Press & Public**

If when considering an item on the agenda, the Committee may consider it appropriate to pass a resolution under Section 100A (4) Schedule 12A of the Local Government Act 1972 that the press and public be excluded from the meeting on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, as defined under the terms of the Act.

If there are members of the public and press listening to the open part of the meeting, then the Democratic Services Officer will, at the appropriate time, ask Participants to leave the meeting when any exempt or confidential information is about to be discussed.

8. **Recording of meetings**

The Council supports the principles of openness and transparency. It allows filming, recording, and taking photographs at its meetings that are open to the public - providing this is done in a non-disruptive manner. Members of the public may use Facebook and Twitter or other forms of social media to report on proceedings. No filming or recording may take place when the press and public are excluded for that part of the meeting.

Please contact the Committee Administrator or Democratic Services on 01823 357628 or email democraticservicsteam@somerset.gov.uk if you have any questions or concerns.

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CONSTITUTION AND GOVERNANCE COMMITTEE

Minutes of a Meeting of the Constitution and Governance Committee held in the Luttrell Room - County Hall, Taunton, on Monday 12 September 2022 at 2.00 pm

Present: Cllr T Butt Philip (Chair), Cllr S Carswell (Vice-Chair), Cllr B Clarke, Cllr H Davies, Cllr D Johnson, Cllr H Kay (virtually), Cllr C Lawrence, Cllr M Lovell, Cllr M Murphy, Cllr S Pugsley, Cllr R Wilkins and Cllr A Wiltshire

Other Members present virtually: Cllr A Dingwall, Cllr A Kendall, Cllr L Redman, Cllr L Trimnell and Cllr S Wakefield

Apologies for absence: Cllr S Osborne

CHAIR'S ANNOUNCEMENT

The Chair advised the Committee that agenda item 7 is withdrawn from the agenda as it is a legacy item from a previous agenda.

1 **Apologies for Absence** - Agenda Item 1

Apologies were received from Cllr S Osborne.

2 **Declarations of Interest** - Agenda Item 2

There were no additional declarations of interest made at the meeting.

3 **Minutes from the previous meeting held on 18 July 2022** - Agenda Item 3

The minutes of the meeting held on Monday 18 July 2022 were approved and signed as a correct record.

4 **Public Question Time** - Agenda Item 4

There were no questions asked, statements made or petitions presented.

5 **Constitution Review** - Agenda Item 5

The Committee considered a report from the Council's Monitoring Officer and Strategic Manager – Governance and Democratic Services, Scott Wooldridge, which outlined the approach and options to developing the proposed new Constitution for the new Somerset Council.

The following points were highlighted:

- The Council's AGM in May 2022 agreed an interim Constitution for 2022/23, recognising there needed to be a comprehensive review of the Constitution during 2022/23, resulting in the proposed Constitution for the new Somerset Council being recommended to the County Council meeting in February 2023 ahead of vesting day (on 1 April 2023)
- The work of this Committee to develop the Constitution for the new Somerset Council
- Would look at best practice from other Councils and review the Constitutions of recent LGRs
- The principles, approach and options to developing the proposed new Constitution as set out in paragraph 3.5 of the Report: -
 - 'Option 1' - expand / build upon the existing SCC Constitution; '
 - 'Option 2' - develop a completely new Constitution with reference to best practice / relevant peer councils and this was the preferred option
- Structure of a new Constitution, as set out in paragraph 3.6 of the Report
- Highlighted the resources needed for both options, in particular Option 2.

Members of the Committee discussed the report and points raised included – where the proposed LCN's would fit in the new Constitution; what 'proportionate' meant; the 'added value' of Option 2; the significant amount of work in developing new Constitution; whether Option 1 would be *pragmatically* the best solution due to scale of work involved and new Chief Executive starting in post soon; comment made that the Constitution was a 'living' document and should be under constant review and amendment.

In response to the points raised, Mr Wooldridge said: -

- 'proportionate' and the advantages of Option 2 (the 'added value' of this option) and referred to paragraph 3.4 of the report which meant 'proportionate' in its design, and an example of this was to have more in it describing Full Council than some other Committees
- referred to the timeline of work set out in paragraph 3.7 and the meeting in January would be making its overall recommendations to the Full Council meeting in February 2023, to include proposals relating to the democratic arrangements to operate from 1 April 2023;
- there would also be a committee such as this one, which would review and keep the Constitution up to date and a standing provision within the Constitution for an annual review to take place at the Full Council AGM each year;
- explained that essentially option 1 would be focussing on the 'bolt-ons' (the District Council functions such as licensing and so on) whilst option 2 would be looking at best practice / learn from other areas and work in

a more structured basis in terms of looking at the functions of a unitary Council and then building the Constitution accordingly;

- highlighted the additional benefits from option 2, in terms of the committee informing what it saw as those key organisational messages to go forward as part of the Constitution;
- both options would take time and required dedicated level of resource and flagged that Option 2 would require the council to draw upon potentially its external legal advisers to assist as well;
- stressed that option 2 would require the leadership and sole focus of the Monitoring Officer for its delivery and other resources to deliver (around reprioritisation of legal and democratic work);
- LCN's, Licensing / Planning functions would be in Part D (Committee arrangements) in the new Constitution;
- referred the Scheme of Delegation to officers and mentioned that work with District colleagues was ongoing to inform what was defined in the draft Constitution;
- referenced the role of other bodies / the Executive in working up the draft Constitution;
- referred to aspects of the current Constitution which would not want to lose going forward.

The Committee AGREED: -

1. To endorse the proposed phased approach to developing the Constitution for the new Somerset Council set out in the Report; and
2. That the approach to developing the Constitution for the new Somerset Council, is to develop a completely new Constitution for the new Somerset Council, with reference to best practice from Councils who have recently undertaken Local Government Reorganisation and other relevant peer Councils, (referred to as Option 2), as set out in paragraphs 3.5 and 3.6 of the Report.

6 **DBS Check Policy** - Agenda Item 6

The Committee considered a report from the Council's Monitoring Officer and Strategic Manager – Governance and Democratic Services, Scott Wooldridge, which revisited the Council's Disclosures and Barring Service (DBS) check policy, with a view to requiring all members to be enhanced DBS checked, regardless of their role. Mr Wooldridge also referred to the financial implications in making the change, as detailed at paragraph 3.3.4 of the Report.

Members of the Committee discussed the report, and the following points were raised and responded to at the meeting: -

- the implications if a member 'fails' and their position – clarified that this will reveal whether a member has any convictions or not and there are

other mechanisms if any election offences had been highlighted, for example;

- Query why proposing enhanced DBS check without barred list check – clarified that the proposal is around extending the existing arrangements to all Councillors
- The Chair asked for a briefing at some stage on the different level of 'check's'

The Committee AGREED: -

1. To recommend to Full Council that the existing DBS policy for Councillors be extended to provide:
 - (a) An extension of the current mandatory requirement to have Enhanced DBS checks without barred list checks to: all Executive Lead Members; Associate Lead Members; members of the Adults & Health and Children & Families Scrutiny Committees; members of the Adoption and Foster Panels; members of the Corporate Parents Board; and Members appointed to Panels or working groups relating to education or adult social care services, to ensure that all Members of the Council and co-opted members are required to undergo an Enhanced DBS check without barred list checks. (Option 3 in paragraph 3.1 of the Report)
 - (b) That all DBS checks required above will be carried out by the Council immediately following each Council election to ensure that such checks are renewed halfway through this election period, approximately May 2025. This is relevant as DBS checks are effectively only valid on the day they are issued and this current election period is unusually long.
 - (c) That the Monitoring Officer maintains a register of approved applications.
2. The Committee noted paragraph 2.2 of the submitted Report, which set out the implications if the amended policy set out above is agreed by the Council.

7 **Work Programme** - Agenda Item 8

The Committee considered the work programme of future work.

The Committee AGREED that: -

1. The work programme be updated as discussed.
2. The October Committee meeting be rescheduled and a further meeting will take place in November 2022
3. The planned informal workshop will now be held on 26 September 2022.

8 **Any other urgent items of business** - Agenda Item 9

There were no other items of business.

(The meeting ended at 3.51 pm)

CHAIR

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Constitution and Governance Committee Work Plan		
Meeting Date	Proposed Agenda Items	Officer
26/09/2022 @ 10 am	Informal meeting to discuss work to be carried out on the New Council Constitution and Work Programme for the Committee.	Scott Wooldridge
12 September 2022 @ 2pm <i>Report Deadline = 12 noon 1 September 2022</i>	Agenda Items Constitution Review - Standing Item DBS Check Policy	Scott Wooldridge Jamie Jackson
20 October 2022 at 2pm <i>Report Deadline = 12 noon 11 October 2022</i>	Agenda Items Work Programme Public Participation Full Council Meeting Procedures	Scott Wooldridge Scott Wooldridge Scott Wooldridge
21 November 2022 at 2pm <i>Report Deadline = 12 noon 10 November 2022</i>	Proposed Agenda Items LCNs Functions and Arrangements Decision Making Arrangements Senior Officer Arrangements	Scott Wooldridge Scott Wooldridge Scott Wooldridge
15 December 2022 at 2pm <i>Report Deadline = 12 noon 6 December 2022</i>	Proposed Agenda Items Scheme of Delegation and Proper Officer Appointments Planning Functions and Arrangements Licensing Functions and Arrangements Community Governance Review Update Pensions Committee Terms of Reference	Scott Wooldridge Scott Wooldridge Scott Wooldridge Marcus Prouse Anton Sweet
30 January 2023 at 2pm <i>Report Deadline = 12 noon 19 January 2023</i>	Proposed Agenda Items Scrutiny Arrangements Executive Arrangements Community Governance Review Update	Scott Wooldridge Scott Wooldridge Marcus Prouse
14 February 2023 at 10am <i>Report Deadline = 12 noon 3 February 2023</i>	Proposed Agenda Items Democratic Arrangements Annual Report of Constitution and Governance Committee and Future Role for Somerset Council Overall Constitution to Recommend to Council	Scott Wooldridge Scott Wooldridge Scott Wooldridge

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Section 3 - Citizens and the Constitution

3.1 **CITIZENS' RIGHTS:** The Constitution explains citizens' rights to access information about the democratic process and opportunities to participate in it. For reasons of space, it does not detail all of the rights of citizens in respect of the work of the Council and much more information can be found on the Council's website.

3.2 **VOTING AND PETITIONS:** Somerset citizens registered on the electoral roll can:

- (a) Vote at the County Council elections.
- (b) Petition the Council (subject to meeting the minimum number of signatures required and published by the Council annually) for a referendum to request the election of a directly elected mayor model of governance for Somerset and the Council as an alternative to the Leader and Executive governance model.
- (c) Petition for a community governance review of the area to request changes to electoral division arrangements.

Also, if you live, work or study within Somerset you can submit or present a petition on any matter which relates to a function of the Council and you will receive a response. The Council has a petitioning scheme on its website together with the facility to submit on-line petitions.

3.3 **ACCESSING INFORMATION:** This is a summary of the provisions set out in Section 8 – Decision-making Access to Information Procedure Rules. Citizens can:

- (a) Attend formal member meetings and make representations;
- (b) Find out about decisions made and to be made and make representations to decision makers before decisions are taken (for all Member decisions and some Officer decisions);
- (c) Inspect the Council's accounts and submit views to the external auditor;
- (d) Access certain information held by the Council using the provisions of the Freedom of Information Act 2000;
- (e) Access personal information held about them by the Council, in accordance with the relevant data protection legislation.

3.4 **COMPLAINTS:** Citizens rights to make complaints or submit views on services are detailed on the Council's website. Complaints about Members are dealt with under a separate procedure and the process is also detailed on the Council's website.

3.5 **CITIZENS' RESPONSIBILITIES:**

3.5.1 Citizens must not be violent, abusive or threatening to Members or Officers (either physically or verbally), nor may they harass or victimise Members or Officers of the Council.

3.5.2 Citizens must not wilfully harm any property owned by the Council, Members or Officers. In addition they must not misuse information obtained in the course of their contact with the Council (e.g. for personal/commercial financial gain).

3.5.3 The Council take complaints very seriously but it also has a procedure – the **Unacceptable Customer Behaviours Policy** - which will only be used in exceptional circumstances, to respond to habitual and vexatious complainants.

4.11 PUBLIC QUESTION TIME (INCLUDING TREATMENT OF SMALL PETITIONS)

Note: References in this section to petitions relate to petitions which individually or collectively (on the same subject matter) contain under 5000 signatures.

4.11.1 Public representations (questions, statements or a petition) must be received in writing by the Monitoring Officer by 5pm on the Thursday prior to the meeting (for Wednesday Council meetings) to be considered at that meeting. Any questions, statements or petitions received after the deadline will only be considered with the discretion of the Chair of the relevant meeting. The questioner will need to set out reasons for their late submission to be considered at the meeting. If the Chair rejects the late question or statement then a written reply will be provided by the council within 20 working days of the meeting.

Notwithstanding the above, where a question relates to a matter which is included on the agenda for a meeting at which the question is to be put but that agenda or any Officers Report has not been made available before the normal deadline for submission of questions by 5pm three clear working days before the meeting then provided written notice of a question is received within 24 hours of that Agenda or Report having been so published then the question shall be allowed.

4.11.2 If a person submits more than three questions (including any sub-division or component questions ie. Question 1a, 1b and 1c would mean three questions the same as Question 1, 2 or 3) then only the first three questions shall be accepted for a meeting (subject to those questions not duplicating or being similar to other questions received from other persons for the meeting). Where there is duplication or the question or statement is similar then it is proposed that those will be rejected. The Monitoring Officer shall adjudicate on the application of this in consultation with the Chair.

4.11.3 Public representations will be rejected by the Chair of the Council, following consultation with the Monitoring Officer, if they:

- (a) Do not relate to a matter for which the council has a responsibility or which affects the County;
- (b) Are defamatory, frivolous, offensive, vexatious or unlawful;
- (c) Are substantially the same as a public representation which has been put at a meeting of the Council, Executive or a Committee in the past six months;
- (d) Require or request the disclosure of confidential or exempt information in any response;
- (e) Relate to any non-determined planning application or town and village green application
- (f) Name or identify individual service users, members of staff or members of staff of partner agencies
- (g) Are considered to be inappropriate for the particular meeting

The Monitoring Officer can edit public representations in consultation with the author and the Chair. If changes cannot be agreed the Monitoring Officer can reject the representations.

4.11.4 The Chair's Schedule for the meeting includes details of public representations. They are also detailed in the Minutes together with the responses (given at the meeting or provided following the meeting). Up to 20 minutes is allowed for public question time.

4.11.5 Members of the public have up to 3 minutes to introduce and present their representations. If a member of the public is unable to attend a meeting in person, then they will be allowed to arrange for someone to ask the question on their behalf. If no person is able to put the question to the meeting then either the Chair or the Monitoring Officer shall present their question to the meeting.

4.11.6 A Member (usually the relevant Lead Member) will normally provide a brief verbal response to public representations at the meeting. There will be no member debate. If a full response cannot be given at the meeting, then a written response will be provided within 20 working days of the meeting.

4.12 TREATMENT OF LARGE PETITIONS

4.12.1 Petitions of 5000 or more signatures (individually or collectively) qualify for a 15 minute debate at a Full Council meeting if notice is given in accordance with 4.11 above.

4.12.2 The petition will be regarded as having been formally handed over to the Chair and the Council by being placed on the front table at the meeting.

4.12.3 The petition organiser will have a maximum of 5 minutes to introduce the petition. Any related public questions to the petition will then be considered – the normal rules for public questions set out in 4.11 above apply.

4.12.4 The relevant Lead Member has a maximum of 5 minutes to respond to the petition organiser / public questions prior to a member debate which is limited to 15 minutes.

4.13 FILMING OF FULL COUNCIL MEETINGS BY THIRD PARTIES

4.13 Recording and transmission of formal Council meetings by third parties is allowed to in accordance with the Somerset County Council Recording Protocol: Third Party Recording of Committees, Boards and Panels as set out as Appendix I in Part 2 of the Constitution. Details of the provisions are included on all formal meeting agendas and are displayed in the meeting rooms.

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Part B – Public Participation

[Section 1 Public Participation](#)

[Section 2 Access to Information Procedure Rules](#)

[Section 3 Petition Scheme](#)

1. Public Participation with Buckinghamshire Council

- 1.1. At Buckinghamshire Council we encourage and actively support people getting involved in our work to serve our area. We want to make it easy for people to get involved and give us their views to help influence and develop what we do and the decisions we take.
- 1.2. We welcome suggestions which will help us improve the way we work and how we involve the public. You can make suggestions on the Council's website.
- 1.3. There are lots of ways you can get involved with the work we do and find out about the decisions we make.

Attendance at Meetings of Council, Cabinet and Committee Meetings

- 1.4. The public are encouraged to attend meetings of the Council to hear the debate. The public are only able to speak at certain meetings but all meetings are open and if you can't make it to the meeting you can usually watch it live on our website.
- 1.5. You can find out when and where we have our meetings on our website. You can also see what we will be covering in our meetings by looking at the agenda and reports for each meeting. We publish these on our website at least five days ahead of the date of the meeting.
- 1.6. There are limited occasions when we need to discuss confidential details. When this happens we exclude press and public from the meeting while these issues are discussed. This is also called a private session. We will only do this when absolutely necessary and where there is legal justification for us to go into private session.

Public Speaking

- 1.7. The public can speak in accordance with set procedures at the following meetings:
 - a. Select Committees:

The Select Committees are open to the public and public involvement in key issues is encouraged. Please see the website for further details.
 - b. Community Boards:

We encourage people to attend Community Board meetings, ask questions and get involved. The rules for public speaking at community boards are set out in a terms of reference document and published on the website.
 - c. Other Meetings:

Special rules apply to speaking at other meetings such as at the Planning Committees or Regulatory Committees. Further details can be found on the sections dealing with those Committees.

Planning Committees, Licensing Committee and the Licensing Sub-Committees

- 1.8. Although special rules apply to speaking it is also possible to write beforehand with views that you want the Committee to consider. There are rules about this which are set out on our website.
 - a. You can find out how you can attend or speak at our planning committees, licensing committee or sub-committees' meetings [here](#).

Cabinet

- 1.9. The Cabinet has developed a Forward Plan. This is found on the Council's website. It indicates the most important decisions (known as "key decisions") which the Cabinet will be taking in the future and when this is likely to be done.
- 1.10. If you are interested in attending a Cabinet meeting when a key decision is discussed, you can subscribe to electronic updates which will let you know when the meeting will take place.
- 1.11. You can also send in your views in writing to democracy@buckinghamshire.gov.uk

Select Committees

- 1.12. The Council has a number of Select Committees which deal with separate parts of the Council work. These committees help the Council to develop new policy by finding out what is needed they also act as a "critical friend" to hold decision makers to account. Select Committees also carry out inquiries and reviews and welcome suggestions from residents as to areas they could investigate. You can get more details via the website or in [Part G](#).

Community Boards

- 1.13. Community Boards will take place in 16 local areas and there will be a Board for each area. The Boards welcome public participation. Although they are formal meetings they have a more relaxed way of working. Details about Community Boards and what they do are available on the Council's website.

Petitions

- 1.14. The Council is pleased to accept petitions dealing with something for which the Council is responsible. There are rules which set out how to make a petition to the Council and what happens when we receive a petition and how we respond as a Council. The Petition Scheme is in [Section 3](#) below and on our website.
- 1.15. Petitions need to clearly show what they are about. Names of everyone who supports the petition must be set out in an identifiable way. Some petitions, for example, those asking for the Council to have a different form of governance, must follow special rules set out in law.

Consultation

1.16. We try to consult as widely and as fairly as possible. Sometimes, with matters such as planning and licensing applications, there are specific statutory consultation processes that the Council must follow. Other than this, we will try to consult on important decisions as widely as possible and give feedback about the outcome of the consultations.

Councillors

1.17. The area of Buckinghamshire Council is divided into administrative areas, called wards. Each ward is represented by elected councillors as detailed on the website. If you are registered and eligible to vote you can vote for the people that you want to represent your ward at Buckinghamshire Council during local elections which are normally held every four years unless there is a vacancy or the Government has set a different time (such as 2025 for Buckinghamshire Council's next election). Find out more about elections and how to register to vote [on the website](#). Although they have responsibility for the whole of the Buckinghamshire Council area, your local ward councillors also have a particular responsibility to the residents of their ward.

1.18. You can find out who your local councillor is, and how to get in touch with them [here](#).

1.19. Your local councillor may hold scheduled sessions where you can meet them face to face to talk about issues which concern you or where you need advice about Council matters. You can find out how to contact your local councillor using the contact details on our website.

Webcasting and Social Media

1.20. Members of the public are welcome to come and watch meetings of Buckinghamshire Council in person. Many meetings are also available to view online using the [webcast service](#).

1.21. Updates from Buckinghamshire Council can also be found on social media:

[Facebook](#)

[Twitter](#)

[Youtube](#)

Linked In – Buckinghamshire Council

Instagram - @BucksCouncil

Many local councillors have their own social media accounts too.

Budget and Policy Development

- 1.22. Buckinghamshire Council wants to include and involve local people when Councillors come to set the budgets and key policies so that residents can directly influence the decisions the Council make.
- 1.23. When appropriate the Council runs consultations inviting people to [have their say](#). Focus groups and residents or user panels may also be arranged as a way of seeking out views. In addition, Community Boards will publicise proposed changes or consultations with a view to encouraging members of the community to have their say.

2. Access to Information Procedure Rules

Introduction

- 2.1. The Council is committed to the principles of transparency laid down in the Access to Information legislation (including the Freedom of Information Act 2000 and Environmental Information Regulations 2004). In accordance with the legislation, it maintains a Publication Scheme approved by the Information Commissioner which is available on the Council's website. It is committed to:
- a. Promoting a positive attitude to dealing with requests for information.
 - b. Maintaining information in an orderly and efficient fashion and disposing of information that is no longer required.
 - c. Increasing awareness and understanding of the implications of the Act, both amongst its employees and amongst members of the public.

These Procedure Rules make provision for access to information to relevant matters set out in this Constitution. They do not affect any additional rights to information contained elsewhere in this Constitution or the law.

Scope

- 2.2. These Rules apply to all meetings of the Council, Select Committees, Community Boards, Joint Committees, and other Council Committees including the Health and Wellbeing Board and public meetings of the Cabinet (together called meetings) unless otherwise stated.

Rights to Attend Meetings

- 2.3. Members of the public may attend, record, photograph, film and report on all meetings subject only to the exceptions in these Rules.
- 2.4. Members of the public who wish to report or record public meetings are required to comply with any Council guidance on the reporting and recording of meetings which may be issued on practical arrangements. The Council will not permit the recording or reporting of proceedings where the public are not allowed to attend the meeting, or that part of the meeting, by reason of the likely disclosure of exempt or confidential information, and such reporting and recording must be conducted in such a manner as not to disrupt the conduct of the authority's business.
- 2.5. It is recommended that members of the public who wish to record, photograph, film and report on public meetings advise Council officers in advance of the meeting so that all necessary practical arrangement can be made.
- 2.6. In relation to Cabinet Meetings, non-Cabinet Members can attend the meeting as a member of the public. Members of the public are not able to ask questions at Cabinet Meetings however councillors attending as a member of the public will be

allowed to ask questions at the meeting subject to complying with any relevant procedural rules.

Notices of Meeting

- 2.7. The Council will give at least five clear days' notice of any meeting by posting details of the meeting on the Council's website and at principal offices.
- a. Meetings will normally be held in public unless the content of the meeting requires it to be held in private (sometimes called private session),
 - b. If the Cabinet wishes to consider an item in private it will give 28 clear Days' notice of its intention to do so on the Forward Plan unless there are exceptional circumstances,
 - c. After having given 28 clear days' notice of its intention to consider an item in private, a further notice at least 5 clear working days before the meeting that the meeting will proceed in private will be given. This Notice will be given by the Monitoring Officer (the Proper Officer) and will give the Cabinet's reasons for meeting in private, details of the representations received that a private meeting should not take place and contain a statement of the Council's response,
 - d. If it is proposed that the Cabinet consider an item in private and 28 clear days' notice of such a meeting has not been given on the Forward Plan, the agreement of the Chairman of the appropriate Select Committee is required if the public are to be so excluded.

Access to Agenda and Reports Before the Meeting

- 2.8. The Council will make copies of the agenda and reports open to the public available on the Council's website and available for inspection at its designated office at least five clear days before the meeting. Where an urgent item is added after this time, the Monitoring Officer shall make each such report available to the public as soon as the report is completed and sent to Councillors, and will ensure that it will be open to inspection from the time the item was added to the supplementary agenda.

Supply of Copies

- 2.9. The Council will supply copies of:
- a. any agenda and reports which are open to public inspection;
 - b. any further statements or particulars necessary to indicate the nature of the items in the agenda; and
 - c. if the Monitoring Officer thinks fit, copies of any other documents supplied to Councillors in connection with an item;

To any person. The Council may charge to supply this information if it would be permitted to do so under its Charging Policy.

Access to Minutes Etc. After the Meeting

- 2.10. Draft minutes of a decision are only confirmed as a correct record of a decision when:
- a. Approved as a correct record at the next convenient meeting of the body (Council, Committees and Sub Committees)
 - b. Signed as a correct record by the Proper Officer (Cabinet and Cabinet Committees)
 - c. Signed by the Cabinet Member who has taken the decision or by an Officer alone.
- 2.11. Where appropriate, the Council will prepare and make available on request, a draft decision notice, as soon as practicable after the decision has been made, but any such draft should not be relied on as a correct record until it has been confirmed as such.
- 2.12. The Council will make available access to copies of the following after a meeting in accordance with its Retention Schedule:
- a. the minutes of the meeting, or, where appropriate, records of decisions taken, together with reasons, for all meetings of the Cabinet excluding any part of the minutes of proceedings when the meeting was not open to the public and which disclose exempt or confidential information;
 - b. a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
 - c. the agenda for the meeting; and
 - d. reports relating to items when the meeting was open to the public provide that such reports do not contain confidential or exempt information or, if they do the information disclosed is no longer confidential or exempt.

Background Papers

- 2.13. The Author of a Report will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:
- a. disclose any facts or matters on which the report or an important part of the report is based; and
 - b. which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined in Rules 2.17 and 2.20 below)
- 2.14. The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers, except in so far as they disclose exempt or confidential information.

Summary of the Public's Rights

- 2.15. A written summary of the public's rights to attend meetings and to inspect and copy documents will be kept at all principal Council offices open to the public. Details of where inspection and copying may take place will be included.

Confidential Information – Exclusion of the Public

- 2.16. The public must be excluded from an item at a meeting whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings, that confidential information would be disclosed.

Meaning of Confidential Information

- 2.17. For the purposes of access to reports, confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by reason of a Court Order or any enactment.

Exempt Information – Discretion to Exclude Public

- 2.18. The public may be excluded from an item at a meeting whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings, that exempt information would be disclosed.
- 2.19. Where a decision on an item at a meeting will determine any person's rights or obligations, or adversely affect their possessions, Article 6 of the European Convention on Human Rights establishes a presumption that the discussion of the item will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

Meaning of Exempt Information

- 2.20. Subject to paragraph 2.21 below, and to the test of the Public Interest set out in paragraph 2.22 below, information is exempt information where it falls within any of the following categories:
- a. Information relating to an individual.
 - b. Information which is likely to reveal the identity of an individual.
 - c. Information relating to the financial or business affairs of any particular person (including the public authority holding the information), except where the information is required to be registered under certain prescribed statutes detailed in Part 2 of Schedule 12A Local Government Act 1972 from time to time which include the Companies Acts (as defined by s.2 of the Companies Act 2006) and the Charities Act 2011.
 - d. "Financial or business affairs" includes contemplated, as well as past or current activities.

- e. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the Authority. "Labour relations matter" means any matter which may be the subject of a trade dispute, or any dispute about any such matter (i.e. a matter specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992.
 - f. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
 - g. Information which reveals that the Authority proposes: a to give under any enactment a notice, under or by virtue of which requirements are to be imposed on a person; or b to make an order or direction under any enactment.
 - h. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
- 2.21. Planning permission Information falling within any of the categories in paragraph 2.20 above is not thereby exempt if it relates to proposed development for which the local planning authority may grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

Public Interest Test

- 2.22. Information falling within any of categories in paragraph 2.20 above, which is prevented from being exempt because either:
- a. it falls within category c., and is required to be registered under the prescribed enactments; or
 - b. paragraph 2.21 applies to it
- is exempt information if, and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Freedom of Information Act 2000 and Environmental Information Regulations 2004

- 2.23. In compliance with the Freedom of Information Act 2000, the Council will respond to any requests for information. There is no charge for responding to requests for information other than 'disbursement' costs; however, a charge may be made if it exceeds the Government's advisory fee level or the request is one which comes under the Environmental Information Regulations 2004.

Exclusion of Access by the Public to Reports

- 2.24. The Monitoring Officer may exclude access by the public to a report which, in his or her opinion, relates to an item during which, in accordance with Rules 2.16 or 2.18, the meeting is likely not to be open to the public; or, as the case may be, was

not open to the public. Such reports will be marked “Not for Publication”, together with the category of information likely to be disclosed. Before the Public are excluded in accordance with this provision, the Council must have complied with the Notice provisions in Rule 2.7 above and Notice of the proposal to meet in private will have been given by the Council’s Proper Officer.

Rights of Access to Information by Councillors

- 2.25. Where a Committee has resolved to exclude the public from a meeting or part of a meeting on the grounds that exempt or confidential information is being considered, Members who are not Members of that Committee will generally also be excluded from that meeting or part of the meeting. However, a Member may attend the meeting and/or inspect any exempt or confidential documents relating to the business of the Committee if he/she can demonstrate a "need to know".
- 2.26. A Member’s “need to know” arises when he/she requires the information in order to carry out properly his/her duties as a Member. It may apply to information about matters affecting his/her electoral division or matters which relate to a Council body or informal working group to which he/she belongs. It does not arise where a Member would simply like to know what is in a document or what may be said at a meeting. It also does not enable a Member to “rove through” a large number of files in search of information (sometimes known as “fishing for information”). Whether a need to know arises in a particular case will be a matter of fact and degree, to be decided in the light of all the circumstances of the request.
- 2.27. It is a general presumption that all reports, including those containing confidential or exempt information, will be available to Select Committees where they are relevant to that business to be conducted by that Committee. This presumption may be dis-applied in exceptional circumstances.
- 2.28. In the event of a dispute, the Monitoring Officer will determine whether a Member has demonstrated a “need to know”. The test that will be applied is whether it is reasonable to refuse access given all the circumstances. For example, if a Member is motivated by improper or ulterior reasons, it would be appropriate to refuse access.

3. Petition Scheme

- 3.1. Buckinghamshire Council welcomes petitions and recognises that they are one way in which people can let us know their concerns. Councils have discretion on how petitions are approached locally. This is Buckinghamshire Council's Petition Scheme.

What is a Petition?

- 3.2. The Council treats as a petition any communication which is identified as being a petition or if it seems to us that it is intended to be a petition and has a minimum of 10 signatories of people who live, work or study in the Buckinghamshire Council area.

The Role of Councillors

- 3.3. Before considering whether or not to submit a petition to the Council the petition organiser may want to discuss their issue with one of their [local councillors](#). Their Local Councillor will be able to advise whether the matter is one for the Council and also whether a petition is the best form of engagement with the Council on the matter which has been raised.
- 3.4. When a petition is received by the Council which relates to a local matter (particularly affecting a specific ward), the Council will notify each relevant local Councillor.

How Do I Submit a Petition?

- 3.5. You can submit a petition by post, by hand, e-mail or through the e-petition scheme if available.
- 3.6. Petitions can be sent to:

The Petitions Officer, Monitoring Officer, Buckinghamshire Council, Walton Street, Aylesbury HP20 1UA

Or emailed to democratic services at democracy@buckinghamshire.gov.uk

Or by hand at any of our offices

Or be set up as an e-petition via the website

The Council welcomes e-petitions which are created and submitted through the e-petitions section of our website. E-petitions must follow the same guidelines as paper petitions. All e-petitions will run for **28 days** (unless the Petitions Officer agrees an alternative timescale) to ensure that the Council's decision making process is not delayed. The petition will need to be checked before it is published on line and if the Council is unable to publish it, an officer will contact the Petition Organiser to explain why.

How We Will Deal with a Petition

- 3.7. All petitions submitted to Buckinghamshire Council will receive an acknowledgement from the Council within 3 clear working days of receipt.
- 3.8. If the petition is not valid it will be returned to the Petition Organiser with an explanation within 10 clear working days of receipt.
- 3.9. If the petition is valid the Petition Organiser will then be informed of how the petition will be handled within 20 clear working days of acknowledgement
- 3.10. If the Petition Organiser is submitting the petition in response to a Council consultation or on a specific matter, it is important to identify the matter which it relates to, so that the Council can ensure that the petition is considered along with the original matter. See below for further guidance.
- 3.11. Please be aware any petition submitted to the Council will be publicly available and may form part of an agenda and published on the Council's website

What Makes a Petition Valid?

- 3.12. A petition must include:-
 - a. what it is about – it must relate to a responsibility of the Council (this must be on each page of the petition)
 - b. What the petitioner wants the Council to do (this must be on each page of the petition)
 - c. name of everyone who supports the petition must be set out in an identifiable way
 - d. For paper petitions the signature of each petitioner
 - e. The name and contact details of the “petition organiser” or someone the petition organiser would like any correspondence about the petition to be sent. This can be either a postal or an email address

The Petition Organiser may include the addresses of petitioners, which may be useful to the Council, for example, in assessing the degree of local support or opposition to a particular matter, but this is not essential.

- 3.13. The Monitoring Officer may reject a petition if in their view:
 - a. It is not relevant to Council functions
 - b. It does not qualify under the scheme or does not comply with the above rules
 - c. It is vexatious, abusive or otherwise inappropriate
 - d. It is a duplicate or repeat petition
 - e. It is a petition qualifying under another enactment
 - f. It is excluded because for example:
 - i. It relates to a planning decision and/or ancillary applications and decisions and/or follow on decisions;

- ii It relates to a licensing decision;
- iii It relates to any other matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment.

3.14. In the period immediately before an election or referendum the Council may need to deal with the petition differently – if this is the case the Petition Officer will explain the reasons and discuss the revised timescale which will apply. Political impartiality must be maintained during the pre-election (purdah) period. If the petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In this case, the Petitions Officer will write to the Petition Organiser to explain the reasons.

Different Types of Petition

3.15. There are different types of petitions which are submitted for various reasons:-

- a. Consultation - Petitions are submitted in response to an invitation from the Council to submit representations on a particular proposal. The petition will be taken into account either by the appropriate body, officer, or the Cabinet Member taking the decision.
- b. Council-wide - the Petition will be presented at full Council. The Council will not debate the petition. The relevant Local Councillor will be allowed 3 minutes to present the petition at the meeting. Except with the consent of the Chairman only one person may speak to present a petition. At any one meeting, no councillor may present more than two petitions unless approved at the time of receipt by the Monitoring Officer in consultation with the Chairman. The full Council may refer the petition to the relevant Cabinet Member for consideration. The Cabinet Member may provide an immediate verbal response to the petition, or refer it to a relevant Committee, Community Board or the Cabinet for further consideration. Presentations at Committees may be made by the relevant councillor or the petition organiser. The relevant councillor or the petition organiser will be allowed **3 minutes** to present the petition unless otherwise agreed by the Chairman.
- c. Petitions on Local issues will normally be presented to and dealt with by the Community Boards (please see the website for more information). A report will be written giving an officer response to the petition which will be considered by the Community Board. (If there is a deadline to respond to the petition before the meeting the petition could be considered by the officer, Local and Cabinet Member). If the Board does not agree with the officer response they can decide to refer the issue to the relevant Cabinet Member for reconsideration with an explanation of their reasoning. If there is a petition relating to a local issue which is currently being consulted upon the Petitions Officer may consider that the best route for this petition is via the Council or Consultation route as explained above to be taken into account by the decision taker rather than being submitted to the Community Board.

The Petitions Website

- 3.16. The Council maintains a petitions website.
- 3.17. As soon as it is decided who the petition will be considered by within the Council, and when that consideration will occur, this information will be entered on the website at the same time as it is sent to the Petition Organiser. Once the petition has been considered, the Council's decision will be notified to the Petition Organiser and put on the website.
- 3.18. Petitions are presented on the petitions website in the order in which they are received. All petitions are kept on the website for two years from the date of receipt. Signatories names will be retained and published on e-petitions only.
- 3.19. **What can the Petition Organiser do if they feel their petition has not been dealt with properly?**
- a. Contact their local councillor; or
 - b. Go through the Council's complaints procedure;
The Petitions Officer (Monitoring Officer)
Buckinghamshire Council
Walton Street
Aylesbury
Buckinghamshire
HP20 1UA

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**Wiltshire Council
Constitution
Part 5
Access to Information
Procedure Rules**

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PART 5

ACCESS TO INFORMATION PROCEDURE RULES

1. Wiltshire Council believes in public access to information in order to ensure that members of the public can exercise their rights to have a say about decisions and can understand what decisions have been taken and why. Although some information has to remain private, for example to respect personal privacy, commercial confidentiality or for legal reasons, the Council has adopted a presumption of openness that information will be available unless there is a substantial lawful reason why not.
2. This Part 5 reflects the current statutory requirements set out in Section 100 Local Government Act 1972 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. These rules apply except where proceedings of the body concerned are governed by other specific legislation.

3. Definitions

- 3.1 Cabinet means Cabinet or a committee of Cabinet.
- 3.2 Full Council means Full Council or a committee of Full Council, including sub-committees.
- 3.3 Offices means the Council's three hub offices at County Hall, Trowbridge, Monkton Park, Chippenham and Bourne Hill, Salisbury.
- 3.4 Private Meeting means a meeting, or part of a meeting, of the decision-making body during which the public are excluded in accordance with relevant statutory provisions by virtue of paragraphs 14.1 or 14.3 below.
- 3.5 Proper Officer For this part means the Director of Legal and Governance, or such other officer as designated from time to time by the Chief Executive.

4. Scope

- 4.1 These rules apply to all meetings of Full Council or Cabinet unless stated otherwise.

5. Additional rights to information

- 5.1 These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

6. Rights to attend meetings

- 6.1 Members of the public may attend all meetings subject only to the exceptions in these

rules.

7. Notice of public meetings

- 7.1 The Council will give at least five clear working days' notice of any public meeting by posting details of the meeting at its Offices and on its website, or if a meeting is convened at less than five clear working days' notice, as soon as it is convened.

8. Notice of private meetings

- 8.1 The Council will give at least 28 clear calendar days' notice of its intention to hold a meeting in private by posting a notice at its Offices and on its website. The notice must include a statement of the reasons for the meeting to be held in private.
- 8.2 At least five clear working days before a private meeting the Council will post a further notice of its intention to hold a meeting in private at its Offices and on its website. The notice must include a statement of the reasons for the meeting to be held in private and details of any representations received about why the meeting should be open to the public and a statement of its responses to any such representations.
- 8.3 Where a meeting to be held in private is convened at less than 28 clear calendar days' notice the meeting may only be held in private with the agreement of:
- 8.3.1 the chairman of the Overview and Scrutiny Management Committee; or
 - 8.3.2 if there is no such person or the chairman of the Overview and Scrutiny Management Committee is unable to act, the chairman of Full Council; or
 - 8.3.3 where there is no chairman of either the Overview and Scrutiny Management Committee or of Full Council, the vice-chairman of Full Council.
- 8.4 As soon as reasonably practicable after agreement has been given under this paragraph, the Council must post at its Offices and on its website a notice setting out the reasons why the meeting is urgent and cannot be reasonable deferred.

9. Access to agenda and reports before a public meeting

- 9.1 The Council will make copies of the agenda and reports open to the public available for inspection at its Offices and on its website at least five clear working days before the public meeting. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda. Where reports are prepared after the summons has been sent out, the Proper Officer shall make each such report available to the public as soon as the report is completed and sent to Members.
- 9.2 If the Proper Officer thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with these rules, the meeting is likely not to be open to the public. Such reports will be marked "not for publication" and state that they contain confidential or exempt information as defined in

paragraphs 14.2 and 14.4 below.

10. Supply of copies

10.1 The council will supply copies of:

- 10.1.1 any agenda and reports which are open to public inspection;
- 10.1.2 any further statements or particulars necessary to indicate the nature of the items in the agenda and;
- 10.1.3 if the Proper Officer thinks fit, copies of any other documents supplied to Members in connection with an item,

to any person on payment of a charge for postage and any other costs and make a reasonable number of copies available at the public meeting (except in relation to any part of the meeting not open to the public).

11. Access to minutes etc. after the meeting

11.1 The Council will make available copies of the following for six years after a meeting:

- 11.1.1 the minutes of the meeting or records of decisions taken, together with reasons, for all meetings of the Cabinet, Council and its committees, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- 11.1.2 a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record
- 11.1.3 the agenda for the meeting; and
- 11.1.4 reports relating to items when the meeting was open to the public.

12. Background papers

12.1 The relevant Director will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- 12.1.1 disclose any facts or matters on which the report or an important part of the report is based and
- 12.1.2 which have been relied on to a material extent in preparing the report
- 12.1.3 but does not include published works or those which disclose exempt or confidential information (as defined in paragraphs 14.2 and 14.4) and in respect of cabinet reports, the advice of a political assistant.

Public inspection of background papers

12.2 The Council will make available for public inspection at its Offices and on its website for six years after the date of the meeting one copy of each of the documents on the list of background papers.

13. Summary of public's rights to attend meetings

13.1 A written summary of the public's rights to attend meetings and to inspect and copy documents will be kept at and be made available to the public at the Offices.

14. Exclusion of access by the public to meetings

Confidential information – requirement to exclude public

14.1 The public shall be excluded from meetings during an item of business whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

14.2 Confidential information means information given to the Council by a government department on terms which forbid its public disclosure or information which cannot be publicly disclosed by court order or under any enactment.

Exempt information – discretion to exclude public

14.3 The public may be excluded from meetings during an item of business whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

14.4 Exempt information means information falling within the following seven categories (subject to any condition):

14.4.1 information relating to any individual;

14.4.2 information which is likely to reveal the identity of an individual;

14.4.3 information relating to the financial or business affairs of any particular person (including the authority holding that information);

14.4.4 information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority;

14.4.5 information in respect of which a claim to legal professional privilege could be maintained in legal proceedings;

14.4.6 information which reveals that the authority proposes:

(a) to give under any enactment a notice by virtue of which requirements are imposed on a person, or

(b) to make an order or direction under any enactment.

14.4.7 information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

14.5 Information which falls into paragraphs 14.4.1 to 14.4.7 above is only exempt if and so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

14.6 Information is not exempt information if it relates to proposed development for which the local planning authority can grant itself planning permission pursuant to Regulation 3 of

the Town and Country Planning General Regulations 1992.

14.7 Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms, as incorporated in the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

15. Application of rules to the Cabinet

15.1 Paragraphs 16 to 27.5 only apply to the Cabinet. If the Cabinet meets to take a key decision it must also comply with paragraphs 4-14.4 to unless paragraphs 17.1 to 17.3 and 18.1 to 18.3 (general exception) or 19.1(special urgency) apply. A key decision is defined in Part 1 of this Constitution.

15.2 If the Cabinet meets to discuss a key decision to be taken collectively, with an officer other than a political assistant present, within 28 clear calendar days of the date according to the forward plan by which it is to be decided, then it must also comply with paragraphs 4-14.4 unless paragraphs 17.1 to 17.3 and 18.1 to 18.3 (general exception) or paragraph 19.1(special urgency) apply. This requirement does not include meetings, whose sole purpose is for officers to brief Members / co-opted members.

16. Procedure before taking key decisions

16.1 Subject to paragraphs 18.1 to 18.3 (general exception) and paragraph 19.1(special urgency), a key decision may not be taken unless:

16.1.1 a notice (called here a forward plan) has been published in connection with the matter in question and made available to the public at its Offices and on its website;

16.1.2 at least 28 clear calendar days have elapsed since the publication of the forward plan; and

16.1.3 where the decision is to be taken at a meeting of the Cabinet, notice of the meeting has been given in accordance with paragraph 7.1 (notice of public meetings).

17. The forward plan

17.1 Forward plans will be prepared by the Leader to cover a period of four months, beginning with the first day of any month. They will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first day of the second month covered in the preceding plan.

17.2 The forward plan will contain matters which the Leader has reason to believe will be subject of a key decision (as defined in Part 1 of this Constitution) to be taken by the

Cabinet, officers or under joint arrangements in the course of the discharge of a cabinet function during the period covered by the plan. It will describe the following particulars in so far as the information is available or might reasonably be obtained:

- 17.2.1 the matter in respect of which a decision is to be made;
- 17.2.2 where the decision taker is an individual, his/her name and title, if any and where the decision taker is a body, its name and details of membership;
- 17.2.3 the date on which, or the period within which, the decision will be taken;
- 17.2.4 the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
- 17.2.5 the means by which any such consultation is proposed to be undertaken;
- 17.2.6 the steps any person might take who wishes to make representations to the cabinet or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken;
- 17.2.7 a list of the documents submitted to the decision taker for consideration in relation to the matter;
- 17.2.8 the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the forward plan are available;
- 17.2.9 that other documents relevant to the matter may be submitted to the decision taker; and
- 17.2.10 the procedure for requesting details of those documents (if any) as they become available.

17.3 Where in relation to any matter where the public may be excluded from a public meeting under paragraphs 14.1 or 14.3, or where documents relating to the decision need not be disclosed to the public, the forward plan must contain the particulars of the matter, but may not contain any confidential information, exempt information or particulars of the advice of a political adviser or assistant.

18. General exception

18.1 If a matter which is likely to be a key decision has not been included in the forward plan, then subject to paragraph 19.1(special urgency), the decision may still be taken if:

- 18.1.1 the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next forward plan and until the start of the first month to which the next forward plan relates;
- 18.1.2 the Proper Officer has informed the chair of the Overview and Scrutiny Management Committee, or if there is no such person, each member of that committee in writing, by notice, of the matter to which the decision is to be made;
- 18.1.3 the Proper Officer has made copies of that notice available to the public at the Offices and on the Council's website; and
- 18.1.4 at least five clear working days have elapsed since the Proper Officer complied with the requirements of paragraph 18.1.3.

18.2 As soon as reasonably practicable after the Proper Officer has complied with the above they must make available at the Offices and on the Council's website a notice setting

out the reasons why compliance with 17.2 above is impracticable.

18.3 Where such a decision under paragraph 18.1 is taken collectively, it must be taken in public.

19. Special urgency

19.1 If, by virtue of the date by which a decision must be taken, paragraph 18.1 to 18.3 (general exception) cannot be followed then the decision can only be taken if the decision taker (if an individual) or the chair of the body making the decision, obtains the agreement of;

19.1.1 the chairman of the Overview and Scrutiny Management Committee; or

19.1.2 if there is no such person, or if the chairman of the Overview and Scrutiny Management Committee is unable to act, the chairman of Full Council; or

19.1.3 where there is no chairman of either the Overview and Scrutiny Management Committee or of Full Council, the vice-chairman of Full Council.

that the taking of the decision is urgent and cannot be reasonably deferred.

20. Reports to Council

20.1 If the Overview and Scrutiny Management Committee thinks that a key decision has been taken which was not:

20.1.1 included in the forward plan; or

20.1.2 the subject of the general exception procedure under paragraph 18.1 to 18.3; or

20.1.3 the subject of an agreement under paragraph 19.1 (special urgency).

the Overview and Scrutiny Management Committee may require the Cabinet to submit a report to Full Council within such reasonable time as the Committee specifies.

20.2 The power to require a report rests with the Overview and Scrutiny Management Committee, but is also delegated to the Proper Officer, who shall require such a report on behalf of the Committee when so requested by the Chairman or any five members of the Committee. Alternatively, the requirement may be raised by resolution passed at a meeting of the Overview and Scrutiny Management Committee.

Cabinet's report to Full Council

20.3 The Cabinet will prepare a report for submission to the next available meeting of Full Council. However, if the next meeting of the Council is within seven days of receipt of the written notice, or the resolution of the Overview and Scrutiny Management Committee, then the report may be submitted to the meeting after that. The report to Full Council will set out particulars of the decision, the individual or body making the decision, and, if the Leader is of the opinion that it was not a key decision, the reasons

for that opinion.

Reports on special urgency decisions

20.4 The Leader shall report any decision taken under paragraph 19.1 (special urgency) to the next available meeting of Full Council. In any event the Leader will submit an annual report to Full Council on the Cabinet decisions taken under paragraph 19.1 (special urgency) in the preceding twelve months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

21. Record of decisions

21.1 After any meeting of the Cabinet, whether held in public or private, the Proper Officer or their nominee or, where no officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting as soon as practicable. The record will include:

- 21.1.1 A record of the decision including the date it was made;
- 21.1.2 A record of the reasons for the decision;
- 21.1.3 Details of any alternative options considered and rejected by the decision taker;
- 21.1.4 A record of any conflict of interest relating to the matter decided which is declared by any member of the decision taker; and
- 21.1.5 In respect of any declared conflict of interest, a note of any dispensation granted by the Standards Dispensation Sub-Committee.

21.2 In relation to decisions made by officers, the officer will produce a record of their decision in accordance with Part 3 of this Constitution as soon as reasonably practicable after the decision is made.

22. Cabinet meetings relating to matters which are not key decisions

22.1 The Cabinet will decide whether meetings relating to matters which are not key decisions will be held in public or private.

23. Notice of private meetings of the Cabinet

23.1 Members of the Cabinet will be entitled to receive five clear working days' notice of a meeting to which they are summoned, unless the meeting is convened at shorter notice as a matter of urgency.

24. Attendance at private meetings of the Cabinet

24.1 All members of the Cabinet will be served notice of all private meetings of Committees of the Cabinet, whether or not they are Members of that Committee.

24.2 All members of the Cabinet are entitled to attend a private meeting of any Committee of

the Cabinet.

- 24.3 Notice of private meetings of the Cabinet will be served on the chairs of the Overview and Scrutiny Committee and sub-committees, at the same time as notice is served on members of the Cabinet. Where the Overview and Scrutiny Committee does not have a chair, the notice will be served on all the members of that Committee.
- 24.4 Where a matter under consideration at a private meeting of the Cabinet is within the remit of the Overview and Scrutiny Committee/sub-committee, the chair of that Committee or in his/her absence the vice chair may attend that private meeting with the consent of the person presiding, and speak.
- 24.5 The Executive Directors, the Chief Finance Officer and the Monitoring Officer and their nominees are entitled to attend any meeting of the Cabinet. The Cabinet may not meet unless the Proper Officer has been given reasonable notice that a meeting is to take place.
- 24.6 A private meeting may only take place in the presence of the Proper Officer or his/her nominee who are responsible for recording and publicising the decisions.
- 24.7 The provisions of 21.1 to 21.2 will apply where meetings of the Cabinet are held in private.

25. Decisions made by individual members of the Cabinet

Reports intended to be taken into account

- 25.1 Where an individual member of the Cabinet receives a report which he/she intends to take into account in making any key decision, then he/she will not make the decision until at least five clear working days after receipt of that report.

Provision of copies of reports to Overview and Scrutiny Committees

- 25.2 On giving of such a report to an individual decision maker, the person who prepared the report will give a copy of it to the chair of an Overview and Scrutiny Committee as soon as reasonably practicable, and make it publicly available at the same time.

Record of individual decision

- 25.3 As soon as reasonably practicable after an executive decision has been taken by an individual member of the Cabinet, a written record of the decision must be produced which must include the following:
- 25.3.1 record of the decision including the date it was made;
 - 25.3.2 A record of the reasons for the decision;
 - 25.3.3 Details of any alternative options considered and rejected by the member;
 - 25.3.4 A record of any conflict of interest relating to the matter decided which is declared by any member of the Cabinet who is consulted by the member

which relates to the decision; and

25.3.5 In respect of any declared conflict of interest, a note of any dispensation granted by the Standards Dispensation Sub-Committee.

25.4 The provisions of paragraphs 11.1 to 12.2 (access to minutes and background papers after meetings) will also apply to the making of decisions by individual members of the Cabinet. This does not require the disclosure of exempt or confidential information or advice from a political or mayor's assistant.

26. Overview and scrutiny committees' access to documents

Rights to copies

26.1 Subject to paragraph 26.4 to 26.5 (limit on rights) below, any member of an Overview and Scrutiny Committee (including its sub-committees) is entitled to copies of any document which is in the possession or control of the Leader and which contains material relating to:

26.1.1 any business transacted at a public or private meeting of the Cabinet; or

26.1.2 any decision taken by an individual member of the Cabinet; or

26.1.3 any executive decisions that have been made by an officer in accordance with Part 3 of this Constitution.

26.2 Where a member of an Overview and Scrutiny Committee (including its sub-committees) requests a document which falls within the above, the Leader must provide that document as soon as reasonably practicable and in any case no later than ten clear working days after the Leader receives the request.

26.3 Subject to paragraph 26.4 to 26.5, the chair of the Overview and Scrutiny Committee will be entitled to foresight of papers in relation to private decisions of the Cabinet before the decision is made.

Limit on rights

26.4 A member of the Overview and Scrutiny Committee will not be entitled to:

26.4.1 any document that is in draft form;

26.4.2 any document or part of it that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise or any review contained in any programme of work of the Overview and Scrutiny Committees; or

26.4.3 the advice of a political adviser.

26.5 Where the Leader determines that a member of the Overview and Scrutiny Committee is not entitled to a copy of a document, or part of any such document, for the reasons set out above the Leader must provide the Overview and Scrutiny Committee with a written statement setting out their reasons for that decision.

27. Additional rights of access for Members

27.1 Any document which is in the possession or under the control of the Leader and contains material relating to:

- 27.1.1 any business to be transacted at a public meeting;
- 27.1.2 any business transacted at a private meeting;
- 27.1.3 any decision made by an individual member; or
- 27.1.4 an executive decision made by an officer

27.2 must be available for inspection by any Member unless:

- 27.2.1 it contains exempt information falling within paragraphs 14.4.1, 14.4.2, 14.4.3 (but only to the extent that the information relates to any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract), 14.4.4, 14.4.5, and 14.4.7 of the categories of exempt information; or
- 27.2.2 it contains the advice of a political adviser.

27.3 In relation to public meetings, where a document is required to be available for inspection it must be available for at least five clear working days before the meeting except where the meeting is convened at shorter notice or an item is added to an agenda at shorter notice in which case the document must be available for inspection when the meeting is convened or the item is added to the agenda.

27.4 In relation to private meetings, decisions made by an individual member or executive decisions made by an officer, where a document is required to be available for inspection it must be available within 24 hours of the meeting concluding or, where an executive decision is made by an individual member or an officer, within 24 hours of the decision being made.

Material relating to key decisions

27.5 All Members will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Leader which relates to any key decision unless the exceptions in paragraph 27.1 to 27.2 above apply.

28. Nature of rights

28.1 These rights of Members are additional to any other right he/she may have.

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13. Public participation at meetings

- 13.1 The Council welcomes public participation from anyone who lives, works or studies in Wiltshire, or who has a direct connection to a service provided by the Council. Public participation can take the form of presenting petitions, making statements or asking questions.
- 13.2 This rule applies to Council and committee meetings other than planning Committees. Paragraphs 16.25-16.27 refer to the application of this rule at Cabinet, planning Committees and area boards.

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14. Petitions

- 14.1 The Council has adopted a Petitions Scheme which is set out in Part 4A of this Constitution. This sets out the purpose of a petition, the eligibility criteria and relevant thresholds for making petitions, the procedure and review mechanisms.

15. Statements

- 15.1 Up to three speakers are permitted to speak for up to three minutes each on any agenda item although this may be extended at the Chairman's discretion.
- 15.2 Those wishing to make a statement must register to do so at least ten minutes prior to the meeting by contacting Democratic Services.
- 15.3 Statements must be relevant to the powers and duties of the Council and be clear and concise. A statement must not:
 - 15.3.1 be defamatory, frivolous, offensive, vexatious, unlawful or otherwise improper;

- 15.3.2 relate to any non-determined planning or licensing application;
- 15.3.3 name or identify individual service users, Members of staff or Members of staff of partner agencies.

16. Public Questions

- 16.1 At ordinary meetings of Full Council, questions can be asked of the Chairman of Council, Members of Cabinet and Chairmen of Committees. At meetings of Committees questions can be asked of the Chairman. The total time set aside for such questions and answers will be limited to 15 minutes which can be extended at the Chairman's discretion.

Notice of questions

- 16.2 No person or organisation may submit more than two questions at any one meeting. No question may be sub-divided into more than two related parts.
- 16.3 In order to be guaranteed receipt of a written response prior to the meeting questions must be delivered in writing or by email to the Proper Officer or their designated representative no later than 5pm four clear working days before the meeting. The period of notice is to allow sufficient time for a response to be formulated.
- 16.4 Any questions received between 5pm four clear working days before the meeting and 5pm two clear working days before the meeting, may only receive an oral response at the meeting. Any questions received after 5pm two clear working days before the meeting will be received at the next meeting
- 16.5 In exceptional circumstances and in cases of urgency the Chairman may allow questions without the full period of notice having been given where they are satisfied there is sufficient justification. In these circumstances, there is no guarantee that a full reply will be given at the meeting.
- 16.6 Notice of each question must include the name and address of the questioner, (in respect of an organisation, the name of the organisation and the questioner's position within the organisation) and to whom the question is to be put.

Scope of questions

- 16.7 The question must be relevant to the powers and duties of the Council and be clear and concise. A question will be rejected where it:
- 16.7.1 does not relate to a matter for which the Council has a responsibility or which affects the Council's administrative area;
 - 16.7.2 is defamatory, frivolous, offensive, vexatious, unlawful or otherwise improper;
 - 16.7.3 relates to any non-determined planning or licensing application;
 - 16.7.4 requires the disclosure of confidential or exempt information;
 - 16.7.5 names or identifies individual service users, Members of staff or Members of staff of partner agencies;
 - 16.7.6 is considered by the Chairman to be inappropriate for the particular meeting.
- 16.8 The Chairman's ruling on rejection of a question will be final following consultation with the Monitoring Officer.

16.9 Where a question is rejected on the above grounds, the questioner shall be advised of the reasons for rejection. Time permitting the questioner will be given an opportunity to submit an amended question that will be considered afresh against the criteria in paragraph 16.7. For the avoidance of doubt, questions amended in this way, must be delivered within the timescale referred to at paragraphs 16.3-16.4.

At the meeting

16.10 Questions will be dealt with in order of receipt subject to the Chairman's discretion to group together questions on the same or similar subject.

16.11 The Chairman may choose to take questions as read. However, if a questioner wishes to ask their question at the meeting, he or she will be given up to three minutes to ask each question. If the questioner prefers, the question may be asked on their behalf by their local division Member if they consent to this.

16.12 If the questioner is not able to be present at the meeting and has not made arrangements for someone else to ask the question, the Chairman may ask the question on the questioner's behalf or indicate that a written reply will be given.

16.13 Subject to time constraints, questions which are submitted by the deadline will be answered at the meeting. However, the Chairman in consultation with the Monitoring Officer may refer a question to officers for a direct written response if they consider the question can be most appropriately handled in that way. Where a question is dealt with in this way, the questioner will be advised of this and provided with a response where possible within five working days of the meeting copied to all Members of the Council.

16.14 The relevant Member of the Council or another Member on their behalf will aim to provide a response in advance of, or at, the meeting and this will be followed up by a written copy of the response being sent to the questioner where possible within five working days of the meeting. Where it is not possible to provide a response at the meeting, a written response will be sent to the questioner where possible within five working days of the meeting. A copy of the response will be provided to all Members.

16.15 Any questions which cannot be dealt with during the time allocated for questions will be dealt with by a written response sent to the questioner where possible within five working days of the meeting. A copy of the response will be provided to all Members.

Supplementary questions

16.16 For each question submitted, the questioner will be permitted to ask one supplementary question without notice which must be relevant to the original question or arise from the response given.

16.17 The Chairman may reject the supplementary question on the grounds listed in paragraph 16.7 above (reasons for rejection).

16.18 The person to whom the question has been put or another Member on their behalf, shall answer the supplementary question if he or she is able to do so at the time. If this is not possible, a written response will be provided to the questioner where possible within five working days of the meeting.

Form of response

16.19 A response may take the following forms:

16.19.1 a direct oral answer;

16.19.2 where the answer is contained within a publication of the Council or in any report or minutes by reference to those documents;

16.19.3 a written reply.

No debate on questions

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16.20 Ordinarily, no debate shall be allowed on questions presented or responses given. In exceptional circumstances only, the Chairman may allow discussion. No decision can be made arising from a question other than to refer it to Full Council, Cabinet or a Committee by way of a motion which shall be moved, seconded and voted on without discussion.

Circulation of questions and responses

16.21 Upon receipt, copies of questions will be circulated to the Chairman and Vice-Chairman, Leader of the Council and to the Member of Council to whom the question is to be put and any other relevant Members.

16.22 Copies of questions received in accordance with these rules will be provided to all Members or Members of the committee as appropriate prior to the meeting.

16.23 Copies of responses where available, will be circulated to Members two days before the meeting unless this is not possible due to exceptional circumstances.

Record of questions

16.24 The minutes of the meeting shall record the name of the questioner (in respect of an organisation, the name of the organisation and the questioner's position within the organisation), the subject matter, and the name of the person replying.

Section 4 - Full Council

ARRANGEMENTS

4.1 **FORM AND COMPOSITION:** Full Council (“the Council”) consists of all 110 Members.

4.2 **FUNCTIONS AND RESPONSIBILITIES:**

4.2.1 Full Council Responsibilities:

To:

- (a) (i) Approve the Constitution annually on the recommendation of the Constitution and Standards Committee. Only Council can change the model of democratic governance or the Council’s Committee structure or the operational arrangements of the Council. Approval of the Constitution is subject to the Leader’s approval of any changes to the Leader and Executive arrangements.
- (a) (ii) Subject to (i) above, delegate authority to the Constitution and Standards Committee to approve in-year amendments to specific parts of the Constitution.
- (b) Approve the Policy Framework and Budget (see Part 1, Section 1 for definitions of both);
- (c) Take any decision which is a departure from the Policy Framework or Budget, subject to the urgency procedure contained in Part 1, Section 8 - Decision-making Arrangements;
- (d) Appoint the Chair and Vice Chair of the Council at the Annual General Meeting to hold office until the next Annual General Meeting (usually held in May each year)
- (e) Appoint the Leader of the Council to hold office from his/her appointment until the day of the post election annual general meeting (usually a 4 year term of office) , including the power to rescind the appointment;
- (f) Consider any issues referred by the Leader or the Scrutiny Committee Chairs for advice, including issues where the Leader and the relevant Committee are not in agreement;
- (g) Adopt a Scheme of Members’ Allowances - see Part 2 of the Constitution – Part D;
- (h) Appoint Council Committees (including their Chairs and Vice-Chairs as appropriate) and decide their functions annually. The Committees, their functions and operating arrangements are detailed in Part 1, Sections 6, 6A and 6B;
- (i) Remove the Chairs and Vice-Chairs where appointed by the Council;

- (j) Receive regular reports from the Executive and the Scrutiny Committees on their work, including an annual report from each Committee;
- (k) Receive an annual report from the Leader of Council, in addition to the Leader submitting any matter for consideration by the Council at any other time. The Leader will also report significant changes made to Executive arrangements to the next available meeting of the Council
- (l) Receive annual reports on the work of the Pensions, Audit and Constitution and Standards Committees, and the Corporate Parenting Board. The annual report of the Constitution and Standards Committee will be taken as the first main item of business on the Council agenda at the AGM. The report of the Corporate Parenting Board will be taken as the second main item of business on the Council agenda at the AGM;
- (m) Receive reports for information on an 'as and when' necessary basis from the Human Resources Committee;
- (n) Approve the annual calendar of meetings for Council and Committee meetings;
- (o) Approve the appointment of the Chief Executive on the recommendation of the Appointments Committee;
- (p) Consider any matter for which the Council has a responsibility or which, in the Council's opinion, affects the authority's area or its inhabitants;
- (q) Appoint or nominate representatives of the Council to serve on joint or outside bodies where these appointments are the responsibility of the Council;
- (r) *The appointment of any individual*
 - (i) *to any office other than an office in which he/she is employed by the authority*
 - (ii) *to any body other than*
 - *the authority*
 - *a Joint Committee of two or more authorities; or*
 - *any Committee or Sub-Committee of such a body,**and the revocation of any such appointment;*
('Local choice' function for appointments which are the responsibility of Council)
- (s) Make an order to implement recommendations made in a community governance review of electoral division arrangements;
- (t) Approve the treasury management policy statement on an annual basis;
- (u) Approve the Council's pay policy statement on an annual basis;
- (v) Receive the Annual Reports of the Heart of the South West Local Enterprise Partnership and the Avon & Somerset Police and Crime Panel following consideration by the Executive, and any other

relevant partnership as requested by the Constitution and Standards Committee;

(w) Deal with all other matters which, by law, must be reserved to Council.

4.2.2 Full Council delegations:

Council delegates functions and responsibilities to:

- (a) Committees of the Council – as detailed in Part 1, Sections 6A and 6B.
- (b) Officers of the Council – as detailed in Part 1, Section 7
- (c) The Council Leader (under the ‘local choice’ provisions) – as detailed in Part 1, Sections 5 and 8.

The Council can also delegate County Council functions to another council or accept functions. A Committee of the Council may do the same.

4.2.3 DESCRIPTION OF EXECUTIVE ARRANGEMENTS: The following parts of the Constitution comprise the ‘executive arrangements’ of the Council which are the responsibility of the Council to agree:

- (a) Part 1, Section 5 – Leader and Executive Arrangements (subject to the approval of the Leader - see note below)
- (b) Part 1, Section 6A – Scrutiny Committee Arrangements
- (c) Part 1, Section 8
 - Paragraphs under 8.5 – Council and Executive Scheme of Delegation to Officers – relevant delegations
 - Paragraphs under 8.6 – Decision-making Access to Information Procedure Rules

Note: The Leader and Executive Arrangements which form part of the Council’s executive arrangements are the responsibility of the Leader to approve.

4.3 FULL COUNCIL MEETINGS: There are 3 types of Full Council meeting:

- (a) The Annual General Meeting - 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 either April or May. The Annual General Meeting deals with the annual review of the Council’s Constitution, procedural matters and appointments as well as the usual business of the Council.
- (b) Ordinary Meetings – held 3 times a year normally in February, July and November to deal with the usual business of the Council. In a County Council election year there is an additional meeting in advance of the election.

- (c) Extraordinary (or special) Meetings. These deal specifically with the business for which the meeting has been called. They can be called by:
- (i) The Council;
 - (ii) The Chair of the Council or, in the absence of the Chair, the Vice-Chair of the Council;
 - (iii) Any 5 Members of the Council through a signed request to the Chair of the Council (or the Vice-Chair in the absence of the Chair). The Chair must make arrangements to call an extraordinary meeting within 7 calendar days of receiving the request;
 - (iv) The Monitoring Officer.

4.4 TIME AND PLACE OR FULL COUNCIL MEETINGS: Council meetings usually start at 10.00am and are normally held at Shire Hall, Taunton or such other place as the Council may decide (including virtual or hybrid meetings subject to legislative requirements being met). The dates of Council meetings are published on the Council's website for up to a year in advance of the meetings.

PROCEDURAL RULES

4.5 ELECTION OF CHAIR AND VICE-CHAIR: From the elected Members of the Council, the Council elects the Chair and Vice-Chair at its Annual General Meeting. The Chair shall, unless he/she resigns or becomes disqualified, continue in office until his/her successor becomes entitled to act as Chair of the Council.

If a vacancy in these positions occurs the Council will fill the vacancy at the next available meeting. In the absence of the Chair and the Vice-Chair at a Council meeting, a Chair will be elected for the meeting from the members present.

4.6 CHAIR'S POWERS AND FULL COUNCIL MEETINGS: The Chair may:

- (a) Call an extraordinary meeting of Full Council;
- (b) Vary the order of business for Full Council meetings in advance of the agenda being sent out or at the meeting itself;
- (c) Alter both the start time and the venue of Full Council meetings;
- (d) Decide how and when business from an adjourned meeting is dealt with;
- (e) Exercise discretion over the application of the requirements of the rules for public question time and member debate.

4.7 QUORUM: 28 Members are required for a valid Full Council meeting to be held. If a quorum is not present, the meeting will be adjourned until a quorum is present or any remaining business will be considered at the next Ordinary Meeting or at a time and date fixed by the Chair.

4.8 DURATION OF MEETING: Unless the majority of Members present vote for the meeting to continue, any meeting that has lasted for four hours will adjourn immediately. 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 scheduled meeting.

4.9 FULL COUNCIL MEETING BUSINESS PLAN: The Business Plan for each meeting is contained within the Chair's Schedule which is published on the day of the meeting to members, all other persons attending the meeting and on the Council's website. Public questions or statements to be considered at the meeting shall be published on the Council's website by 5pm on the working day before the meeting is held.

4.10 PROPOSALS REQUISITIONED BY MEMBERS: Any Member can requisition a proposal for consideration by the Council. In order to be formally considered requisitioned proposals must:

- (a) Relate to Council business or be a matter which affects the County and must request the Council to take action;
- (b) Be formally notified to the Monitoring Officer at least 13 calendar days (excluding any bank holidays) before the meeting at which it is to be considered.
- (c) Be formally proposed by the Member who submitted it or, with his/her consent, by another Member;
- (d) Be formally seconded by another Member at the meeting.

A proposal can only be withdrawn by the Member who originally submitted it either in writing in advance of the meeting or verbally at the meeting.

4.11 PUBLIC QUESTION TIME (INCLUDING TREATMENT OF SMALL PETITIONS)

Note: References in this section to petitions relate to petitions which individually or collectively (on the same subject matter) contain under 5000 signatures.

4.11.1 Public representations (questions, statements or a petition) must be received in writing by the Monitoring Officer by 5pm on the Thursday prior to the meeting (for Wednesday Council meetings) to be considered at that meeting. Any questions, statements or petitions received after the deadline will only be considered with the discretion of the Chair of the relevant meeting. The questioner will need to set out reasons for their late submission to be considered at the meeting. If the Chair rejects the late question or statement then a written reply will be provided by the council within 20 working days of the meeting.

Notwithstanding the above, where a question relates to a matter which is included on the agenda for a meeting at which the question is to be put but that agenda or any Officers Report has not been made available before the normal deadline for submission of questions by 5pm three clear working days before the meeting then provided written notice of a question is received within 24 hours of that Agenda or Report having been so published then the question shall be allowed.

4.11.2 If a person submits more than three questions (including any sub-division or component questions ie. Question 1a, 1b and 1c would mean three questions the same as Question 1, 2 or 3) then only the first three questions shall be accepted for a meeting (subject to those questions not duplicating or being similar to other questions received from other persons for the meeting). Where there is duplication or the question or statement is similar then it is proposed that those will be rejected. The Monitoring Officer shall adjudicate on the application of this in consultation with the Chair.

4.11.3 Public representations will be rejected by the Chair of the Council, following consultation with the Monitoring Officer, if they:

- (a) Do not relate to a matter for which the council has a responsibility or which affects the County;
- (b) Are defamatory, frivolous, offensive, vexatious or unlawful;
- (c) Are substantially the same as a public representation which has been put at a meeting of the Council, Executive or a Committee in the past six months;
- (d) Require or request the disclosure of confidential or exempt information in any response;
- (e) Relate to any non-determined planning application or town and village green application
- (f) Name or identify individual service users, members of staff or members of staff of partner agencies
- (g) Are considered to be inappropriate for the particular meeting

The Monitoring Officer can edit public representations in consultation with the author and the Chair. If changes cannot be agreed the Monitoring Officer can reject the representations.

4.11.4 The Chair's Schedule for the meeting includes details of public representations. They are also detailed in the Minutes together with the responses (given at the meeting or provided following the meeting). Up to 20 minutes is allowed for public question time.

4.11.5 Members of the public have up to 3 minutes to introduce and present their representations. If a member of the public is unable to attend a meeting in person, then they will be allowed to arrange for someone to ask the question on their behalf. If no person is able to put the question to the meeting then either the Chair or the Monitoring Officer shall present their question to the meeting.

4.11.6 A Member (usually the relevant Lead Member) will normally provide a brief verbal response to public representations at the meeting. There will be no member debate. If a full response cannot be given at the meeting, then a written response will be provided within 20 working days of the meeting.

4.12 TREATMENT OF LARGE PETITIONS

4.12.1 Petitions of 5000 or more signatures (individually or collectively) qualify for a 15 minute debate at a Full Council meeting if notice is given in accordance with 4.11 above.

4.12.2 The petition will be regarded as having been formally handed over to the Chair and the Council by being placed on the front table at the meeting.

4.12.3 The petition organiser will have a maximum of 5 minutes to introduce the petition. Any related public questions to the petition will then be considered – the normal rules for public questions set out in 4.11 above apply.

4.12.4 The relevant Lead Member has a maximum of 5 minutes to respond to the petition organiser / public questions prior to a member debate which is limited to 15 minutes.

4.13 FILMING OF FULL COUNCIL MEETINGS BY THIRD PARTIES

4.13 Recording and transmission of formal Council meetings by third parties is allowed to in accordance with the Somerset County Council Recording Protocol: Third Party Recording of Committees, Boards and Panels as set out as Appendix I in Part 2 of the Constitution. Details of the provisions are included on all formal meeting agendas and are displayed in the meeting rooms.

4.14 LEADER AND LEAD MEMBER REPORTS - MEMBER QUESTIONS:

Member questions must be received by the Monitoring Officer by 5pm on the Thursday before the meeting (when that meeting is being held on a Wednesday) to guarantee receiving a full response by the Lead Member at the meeting. Questions notified are included in the Chair's Schedule for the meeting. If notice is not given a full answer may be given at the meeting but if this is not possible a written answer will be provided within 20 working days of the meeting. Questions and responses are included in full in an appendix to the Minutes.

4.15 OVERTURNING COUNCIL DECISIONS

4.15.1 A proposal to:

- (a) overturn a decision made within the past 6 months; or
- (b) consider a similar proposal to one that has been rejected in the past 6 months

can only be considered if supported by at least 10 Members at the meeting. Once dealt with, the Council will not consider a similar proposal for 6 months.

4.15.2 Paragraph 4.15.1 above does not apply to recommendations of the Leader, the Executive, a Committee or decisions / proposals made prior to the last main County Council election.

4.16 PROPOSALS AND AMENDMENTS NOT REQUIRING NOTICE:

4.16.1 The following proposals or amendments to proposals can be proposed at a Full Council meeting without giving notice under paragraph 4.10:

- (a) Electing a Chair.
- (b) Referring a matter to the Leader or a Committee.
- (c) Appointing a Committee (or Members to a Committee) when the agenda contains an item to allow Members to do so.
- (d) Requesting approval to withdraw a proposal.
- (e) Amending a proposal submitted under paragraph 4.10 above.
- (f) Amending a recommendation in a report.

- (g) Asking the Council to proceed to the next item on the agenda.
- (h) Asking the Council to move straight to a vote on the issue being discussed (otherwise known as a proposal that the question is put to the vote without delay).
- (i) Adjourning the debate.
- (j) Adjourning the meeting.
- (k) Suspending the Council's procedural rules.
- (l) Excluding the press and public to deal with confidential or exempt business.
- (m) Dealing with disorderly conduct by a Member under paragraph 4.22 that follows below;
- (n) Dealing with disorderly conduct by a member of the public under paragraph 4.23 below.

4.16.2 Significant amendments must, wherever possible, be received by the Monitoring Officer by noon on the Monday before a Wednesday meeting. The Monitoring Officer will approve any amendments and include them in full in the Chair's Schedule. Amendments received after the Monday deadline will only be allowed at the discretion of the Chair.

4.17 **VOTING:**

4.17.1 Decisions are made by a simple majority vote. The Chair will seek a general verbal agreement from those present or request a show of hands or set out other means in which Members can indicate their vote. If the vote is equal, the Chair can exercise a second or casting vote and may cast one or both votes in whatever way he or she chooses. Any Member immediately following a vote can request that their vote is recorded in the Minutes.

4.17.2 If 11 Members present demand it (such as by standing), the names for and against the proposal or amendment and those who didn't vote are recorded in the Minutes.

4.17.3 For any budget proposal or amendment formally considered, the names of the persons who voted for or against, or those who didn't vote, are recorded in the Minutes.

4.17.4 Where there are more than two people nominated for any position and one person fails to achieve a clear majority of votes, then the person with the least number of votes is taken off the list and a new vote taken. The process continues until there is a majority of votes for one person.

4.18 **MINUTES:** Minutes include all proposals, amendments and decisions in the exact form and order considered at the meeting. With the consent of the Council, the Chair will sign the Minutes as a correct record at the next scheduled meeting. Only the accuracy of the Minutes may be discussed. Any signed Minute is sufficient to be received in evidence in a court of law without further proof.

In respect of the Council's audio recordings of its meetings, reference should also be made to the Access to Information Procedure Rules.

No requirement to sign minutes of a previous meeting at an extraordinary meeting - 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.

4.19 RECORD OF ATTENDANCE: All Members present must sign the attendance sheets provided at the meeting or alternatively the Monitoring Officer will be required to record Members' attendance at the meeting.

4.20 EXCLUSION OF THE PUBLIC: The public and press can only be excluded for confidential or exempt business or under paragraph 4.23 (Disturbance by the public).

4.21 MEMBERS' RIGHT TO SPEAK

4.21.1 A Member's speech must relate either to the matter under discussion or to a 'personal explanation' or to a 'point of order', as appropriate. A member has up to 5 minutes to speak on an agenda item and shall speak only once on a single item.

4.21.2 Any Member who wants to raise either a point of order or to speak by way of personal explanation will be allowed by the Chair to speak immediately.

- (a) **Points of order** - the Member must immediately state which procedural rule or statutory provision has been broken and in what way.
- (b) **Personal explanation** – a Member has the right to speak to clarify remarks made by him/her earlier in that debate which appear to him/her to have been misunderstood.

Note - there is no automatic right to speak just because a Member has been named and in this instance the relevant Member must seek the Chair's permission to address the Council.

4.21.3 In seconding a proposal or an amendment a Member can reserve his/her right to speak later in the debate.

4.22 MEMBERS' CONDUCT

4.22.1 Members must indicate their wish to speak to the Chair. When invited by the Chair, the Member must stand and address the meeting through the Chair. If the Chair stands or indicates otherwise his request for any Member to stop speaking during a debate, any Member speaking at the time must

immediately be silent and sit down and all other Members must be silent and seated.

4.22.2 If a Member's behaviour disrupts the meeting, the Chair can propose that the Member is silent and if seconded, the proposal will be voted on without discussion. If agreed and the Member continues to behave improperly, the Chair can propose that either the Member is excluded from the meeting or that the meeting is adjourned for a specified period. If seconded, the proposal will be voted on without discussion.

4.22.3 If there is a general disturbance amongst the Members, the Chair may adjourn the meeting for as long as he/she thinks necessary.

4.23 **DISTURBANCE BY THE PUBLIC:** If a member of the public interrupts the meeting, the Chair will invite the person to stop. If they continue to disrupt the meeting, the Chair can order their removal from the meeting. If there is a more general disturbance the Chair may adjourn the meeting for as long as they consider necessary to allow all or part of the meeting to be cleared.

4.24 **SUSPENSION AND AMENDMENT OF COUNCIL MEETING RULES**

4.24.1 Any Full Council meeting rule can be suspended with the agreement of the Council as long as at least 73 of the 110 Members of the Council are present. Suspension can only be for the duration of the meeting or part of the meeting.

4.24.2 Any proposal (other than a recommendation contained in a report) to change any of the Full Council meeting rules will, if seconded, be referred without discussion to the Constitution and Standards Committee for consideration and report to the next scheduled Meeting of the Council.

4.25 **APPLICATION OF THESE RULES TO COMMITTEES OF THE COUNCIL:** Procedural rules 4.5, 4.8, 4.11, 4.17 to 4.20 and 4.22 to 4.23 apply with appropriate modification to meetings of the Committees of the Council. The procedural rules that apply to the Council's 'executive' arrangements are detailed in Part 1, Section 5 of this Constitution.

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Part C – Council

[Section 1 Role of Council](#)

[Section 2 Budget and Policy Framework](#)

[Section 3 Council Procedure Rules](#)

[Section 4 Budget and Policy Framework Procedure Rules](#)

[Section 5 Honorary Alderman Scheme](#)

Full Council is the term given to a meeting which all councillors attend. This Part deals with what full Council does and how these meetings are run. The Rules include how questions are put to councillors, how votes are taken and how councillors are appointed to serve on committees or sub committees.

These Rules are written in formal language. If you have specific questions our democratic services team will be happy to help you

1. Role of Council

Council Functions

1.1. The Council's functions are:

- adopting and amending the Council's Constitution;
- approving or adopting the Council's budget and policy framework;
- subject to the urgency procedure of the Council's Budget and Policy Framework Procedure Rules, making decisions which relate to an executive function which is covered by the Budget and Policy Framework, when the decision would be contrary to, or not wholly in accordance with the Budget, or would be contrary to the Policy Framework;
- appointing and removing the Leader of the Council;
- deciding the composition of a Council Committee; appointing councillors to be members on a Committee, and agreeing and / or amending the terms of reference of a Committee;
- appointing councillors to represent the Council on outside bodies (unless the appointment is or relates to an executive function, or it has been delegated by the Council to an individual or Council body);
- adopting, amending, revoking or replacing the Member Code of Conduct and the Council's Arrangements for Dealing with Standards Complaints;
- adopting, amending, revoking or replacing a Member Allowance Scheme;
- passing byelaws and local legislation;
- public health functions including promoting healthier lifestyles and scrutinising and challenging the NHS and other partners to promote better health and ensure threats to health are addressed;
- confirming and terminating the appointment of the Council's Head of Paid Service (Chief Executive) and Statutory Officers;
- the non-executive functions specified in this Constitution as being the responsibility of the Council;
- appointing Honorary Alderman in accordance with the Honorary Alderman Scheme;
- all other functions which by law must be reserved to the Council.

2. Budget and Policy Framework

2.1. **Policy Framework** means the following plans and strategies:

- a. Corporate Plan
- b. Local Plans including the Minerals and Waste plans
- c. Community Infrastructure Levy (CIL) Charging Schedule
- d. Treasury Management Strategy
- e. Capital and Investment Strategy
- f. Youth Justice Plan
- g. Housing Strategy
- h. Licensing Authority Statement of Licensing Policy
- i. Statement on Gambling Policy
- j. Policy on Pay

2.2. **Budget.** The Budget including:

- Allocating financial resources to different services and projects
- Setting Council Tax

3. Council Procedure Rules

Annual Meeting of the Council

Timing and Business

- 3.1. In a year where 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.
- 3.2. The annual meeting will:
 - elect a person to preside if the Chairman of the Council is not present;
 - elect the Chairman of the Council;
 - elect the Vice-Chairman of the Council;
 - approve the minutes of the last meeting;
 - receive any announcements from the Chairman and / or the Head of Paid Service and/or Returning Officer;
 - Subject to [Part E Section 2](#) elect the Leader in the year of an ordinary election of councillors;
 - appoint the Select Committees and such other committees and sub-committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions;
 - agree the Scheme of Delegation or such part of it as the Constitution determines it is for the Council to agree; and
 - approve a programme of ordinary meetings of the Council for the year.

Selection of Councillors on Committees and Outside Bodies

- 3.3. At the annual meeting, the Council will:
 - decide which committees and sub-committees to establish for the municipal year;
 - decide the size and terms of reference for those committees;
 - decide the allocation of seats to political groups in accordance with the political balance rules;
 - make appointments to outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable by the Cabinet or the Leader.
 - Receive a report from the Leader about Cabinet Member appointments and the record of delegations

Ordinary Meetings

- 3.4. Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. The Chairman of the Council and the Leader of the Council may jointly agree to vary the time or date of any ordinary meeting or to cancel any ordinary meeting. If they decide to do so, the decision must be agreed and notified to the Monitoring Officer no less than one month before the date that the meeting was due to take place, unless the variation or cancellation is due to exceptional and unforeseen circumstances.
- 3.5. The order of business at ordinary meetings will be as set out below.
- 3.6. The Chairman has discretion to vary the order of business or add items at any meeting. Such a variation may not displace business falling under items a, b, c, d, e or f. The Chairman has discretion to invite a speaker to address the Council meeting, or to permit an Officer of the Council to attend the meeting and present a briefing paper or report on any matter before the Council.
 - a. Council prayer
 - b. elect a person to preside if the Chairman and Vice-Chairman are not present (this cannot be a Cabinet Member);
 - c. approve the minutes of the last meeting;
 - d. receive any apologies
 - e. receive any declarations of interest from councillors;
 - f. receive any announcements from the Chairman;
 - g. receive a report from the Leader and receive questions and answers on the report;
 - h. receive petitions in relation to matters which in the opinion of the Chairman are relevant to the Council's functions;
 - i. receive reports from Cabinet Members and receive questions and answers on the reports;
 - j. receive reports from the Council's Committees and receive questions and answers on those reports;
 - k. receive any reports from the Council's Select Committees and receive factual questions and answers on those reports;
 - l. receive reports from statutory officers
 - m. receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
 - n. 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
 - o. consider motions; and
 - p. deal with questions from councillors in accordance with Rule 3.25.

Extraordinary Meetings

Calling Extraordinary Meetings

3.7. The Monitoring Officer may call Council meetings in addition to ordinary meetings and those listed below may request the Monitoring Officer to call additional Council meetings:

- the Council by resolution;
- the Chairman of the Council;
- 5 councillors if they have signed a requisition presented to the Chairman of the Council and the Chairman of the Council has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

Business

3.8. The business to be conducted at an extraordinary meeting shall be restricted to the item of business contained in the request for the extraordinary meeting except that the Chairman may at their absolute discretion permit on the grounds of urgency other items of business to be conducted for the efficient discharge of the Council's business.

Time and Place of Meetings

3.9. The time and place of meetings will be determined by the Monitoring Officer and notified in the summons.

Notice of and Summons to Meetings

3.10. The Monitoring Officer will give notice to the public of the time and place of any meeting in accordance with the [Access to Information Rules](#). At least **5 clear working days** before a meeting, the Monitoring Officer will send a summons signed by them to every councillor. 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.

Chairman of Meeting

3.11. The person presiding at the meeting may exercise any power or duty of the Chairman

Quorum

3.12. The quorum of a meeting will be one quarter of the whole number of councillors. If a quorum is not present within 10 minutes of the scheduled start of the meeting or such longer time as allowed by the Chairman, or if during any meeting if the Chairman counts the number of councillors present and declares there is not a

quorum present, the meeting will be adjourned. Remaining business will be considered at a time and date fixed by the Chairman. If the Chairman does not fix a date, the remaining business will be considered at the next ordinary meeting.

Questions by Councillors

Questions Without Notice

3.13. Any councillor may ask

- a Cabinet Member or the Chairman of a committee any question on an agenda item. Any questions directed to the Chairman of the Audit and Governance Committee must be factual only.
- any Cabinet Member any question on any issue relevant to their portfolio.

3.14. Questions are normally limited to one (1) minute per councillor unless the Chairman consents to a longer period.

3.15. Supplementary questions can only be asked with the consent of the Chairman.

Questions on Notice

3.16. Subject to Rule 3.17, any councillor may ask:

- the Chairman;
- a member of the Cabinet;
- or the chairman of any committee or sub-committee

a question on any matter in relation to which the Council has powers or duties or which affects the administrative area of the Council.

Notice of Questions

3.17. A councillor may ask a question under Rule 3.16 (questions on notice) if either:

- they have given notice of the question in writing or by e-mail no later than **midday 5 clear working days** before the day of the meeting to the Monitoring Officer; or
- the question relates to urgent matters, they have the consent of the Chairman or councillor to whom the question is to be put and the content of the question is received by the Monitoring Officer in writing or by e-mail by **9.00 a.m. on the day of the meeting**.

Content of Questions

3.18. All questions must, in the opinion of the Chairman:

- not be unreasonable;
- contain no expressions of opinion;

- relate to matters on which the Council has or may determine a policy;
- not relate to questions of fact;
- not require the disclosure of confidential or exempt information;
- not relate to a matter which is of purely personal concern to an individual/family member.

Time Allowed for Member Questions Without Notice at Council Meetings

- 3.19. The number of questions asked under Rule 3.13 (without notice) and the total time allowed for consideration of such questions shall be determined by the Chairman;
- 3.20. At the conclusion of the response to the question under consideration or at the expiry of such time period as determined by the Chairman from the time when the first questioner started to speak, the Chairman shall conclude the meeting or proceed to the next item of business.
- 3.21. Any remaining questions shall be responded to in writing before the next ordinary meeting of the Council.

Generally

Record of Questions

- 3.22. The Monitoring Officer will send a copy of any question received under Rule 3.16 (on notice) to the Councillor to whom it is to be put. Copies of all questions under Rule 3.16 (on notice) will be available to all councillors and the public attending the meeting.
- 3.23. Rejected questions under Rule 3.16 (on notice) will be returned to the questioner with the reasons for rejection.

Order of Questions

- 3.24. Questions from Councillors received in accordance with Rule 3.13 (without notice) will be asked in the order determined by the Chairman except that if the opposition Group Leader has a question they will be invited to put it first.

Response

- 3.25. An answer to a question under Rule 3.13 (without notice) may take the form of:
- a direct verbal answer;
 - where the desired information is in a publication of the Council or other published work, a reference to that publication; or
 - where the reply cannot conveniently be given verbally, a written response will be provided no later than 5 clear working days after the meeting.

3.26. The response to a question under Rule 3.16 (on notice) will be in writing which will be provided to the questioner within 5 clear working days of the meeting.

- copies of all questions and responses will be available on the Council's website with the minutes for the relevant meeting.

Reference of Question to the Cabinet or a Committee

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

Motions on Notice

Application of Rules

3.28. Rules 3.29 to 3.36 do not apply to motions on notice under Rule 3.37.

Notice

3.29. Except for motions which can be moved without notice under Rule 3.38, written notice of every motion, must be delivered by hand or e-mail to the Monitoring Officer not later than 7 clear working days before the Council meeting at which it is to be considered.

3.30. Except for amendments which can be moved without notice under Rule 3.38 or are allowed under Rule 3.49, written notice of amendments to a motion must be delivered by hand or e-mail to the Monitoring Officer not less than 24 hours before the start of the Council meeting at which the motion to which it relates is to be considered.

3.31. Once approved by the Monitoring Officer copies of the amendment will be provided to Group Leaders.

Motion Set Out in Agenda

3.32. Motions for which notice has been given will be listed on the agenda in the order in which they were received.

Scope

3.33. Motions must be about matters for which the Council has a direct responsibility or duty.

3.34. The Chairman after consultation with the Monitoring Officer will refuse to accept any motion or amendment to a motion which they deem to be illegal, improper, vexatious or out of order.

Order of and Time Allowed for Motions

- 3.35. Notwithstanding the order of Motions within the Agenda the Chairman will decide the order that Motions will be considered and the time allowed for consideration of motions on the Agenda. At the conclusion of such period allowed, the Chairman shall put to the vote, without further discussion, all the questions necessary to dispose of the motion then under debate provided that:
- a. if any speech to be concluded is a speech proposing a motion, the Chairman shall allow the motion to be formally seconded (without comment);
 - b. if any speech to be concluded is a speech moving an amendment, the Chairman shall allow the amendment to be formally seconded (without comment) and the mover of the motion to exercise their right of reply; and
 - c. otherwise, the Chairman shall allow the mover of the motion to exercise their right of reply.
- 3.36. Any remaining motions submitted under this Rule shall be deferred to the next ordinary meeting of the Council, Committee or Sub-Committee and shall be dealt with at that meeting in the same order and before any other motions of which notice is given for that meeting.

Motions to Amend Budget and Policy Framework

- 3.37. Written notice of a motion to move an amendment of the Cabinet's proposals for the Council's Budget and Policy Framework, subject to the Budget and Policy Framework Procedure Rules, must be delivered to the Monitoring Officer **not later than midday 3 working days before the Council meeting at which it is to be considered**. Motions received after that deadline will only be considered in exceptional circumstances and with the approval of the Chairman, Section 151 Officer and Monitoring Officer. The Chairman has discretion on how to deal with motions under this Rule.

Motions Without Notice

- 3.38. The following motions may be moved without notice:
- to appoint a Chairman of the meeting at which the motion is moved;
 - in relation to the accuracy of the minutes;
 - to change the order of business in the agenda;
 - to refer something to an appropriate body or individual;
 - to appoint a committee or member arising from an item on the summons for the meeting;
 - to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
 - to withdraw a motion;

- to proceed to the next business;
- that the question be now put;
- to adjourn a debate;
- to adjourn a meeting;
- to suspend a particular Council Procedure Rule;
- to exclude the public and press in accordance with the Access to Information Rules;
- to not hear further a councillor named under Rule 3.88 or to exclude them from the meeting under Rule 3.89; and
- to give the consent of the Council where its consent is required by this Constitution.

Rules of Debate

No Speeches Until Motion Seconded

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

Right to Require Motion in Writing

3.40. Unless notice of the motion has already been given or the motion is one detailed under Rule 3.38, the Chairman will require it to be written down in sufficient time to circulate to all members before it is discussed. The Chairman will decide whether there is sufficient time to propose a motion without notice.

Secunder's Speech

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

Content and Length of Speeches

3.42. Speeches must be directed to the motion under discussion or to a personal explanation or point of order.

3.43. Subject to Rule 3.46 below a speech by the mover of a motion may not exceed 5 minutes without the consent of the Chairman.

3.44. Subject to Rules 3.45 and 3.46 below, speeches by other Councillors, including those councillors seconding or speaking during their right to reply, may not exceed 2 minutes without the consent of the Chairman.

3.45. When the Council's annual budget is under discussion, the Leader of each political group, apart from the Leader of the Council and the Leader of the largest

opposition political group, on the Council may speak for up to 5 minutes or such longer period as the Chairman shall allow.

3.46. Any speeches by the Leader of the Council or the Leader of the largest opposition political group will not be limited.

When a Councillor May Speak Again

3.47. A councillor who has made a speech on a motion may not speak again whilst it is the subject of debate, except:

- to speak once on an amendment moved by another councillor;
- to move a further amendment if the motion has been amended since they last spoke;
- if their first speech was on an amendment moved by another councillor, to speak on the main issue (whether or not the amendment on which they spoke was carried);
- in exercise of a right of reply;
- on a point of order; or
- by way of personal explanation.

Amendments to Motions

3.48. An amendment to a motion must be relevant to the motion and will either be:

- a. to refer the matter to an appropriate body or individual for consideration or reconsideration;
- b. to leave out words;
- c. to leave out words and insert or add others; or
- d. to insert or add words

as long as the effect of b. to d. is not to negate the motion or to introduce a new motion.

3.49. Amendments must be in writing and on notice under Rule 3.30 unless the amendment arises during the debate and could not have been reasonably foreseen. The Chairman's ruling on the validity of an amendment is final.

3.50. 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.

3.51. If an amendment is not carried, other amendments to the original motion may be moved.

3.52. 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.

3.53. After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

Alteration of Motion

3.54. A councillor may alter a motion of which they have given notice with the consent of the meeting. The meeting's consent will be signified without discussion.

3.55. A councillor may alter a motion which they have moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

3.56. Only alterations which could be made as an amendment may be made.

Withdrawal of Motion

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

Right of Reply

3.58. 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.

3.59. 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.

3.60. The mover of the amendment has no right of reply to the debate on their amendment. If their amendment is carried, they can have the penultimate speech on the amended motion.

Motions Which may be Moved During Debate

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

- to withdraw a motion;
- to amend a motion;
- to proceed to the next business;
- that the question be now put;
- to adjourn a debate;
- to adjourn a meeting;
- to exclude the public and press in accordance with the Access to Information Rules; or

- to not hear further a councillor named under Rule 3.88 or to exclude them from the meeting under Rule 3.89.

Closure Motions

3.62. A councillor may move, without comment, the following motions at the end of a speech of another councillor:

- to proceed to the next business;
- that the question be now put;
- to adjourn a debate; or
- to adjourn a meeting.

3.63. If a motion to proceed to next business is seconded and the Chairman considers the item has been sufficiently discussed, the Chairman will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

3.64. If a motion that the question be now put is seconded and the Chairman considers the item has been sufficiently discussed, the Chairman will put the procedural motion to the vote. If it is passed the Chairman will give the mover of the original motion a right of reply before putting their motion to the vote.

3.65. If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman considers the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, the Chairman will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

Point of Order

3.66. A councillor may raise a point of order at any time. The Chairman will hear them immediately. A point of order may only relate to an alleged breach of these Council Procedure Rules or the law. The councillor must indicate the Rule or law and the way in which they consider it has been breached. The ruling of the Chairman on the matter will be final.

Personal Explanation

3.67. A councillor may make a personal explanation at any time. 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 ruling of the Chairman on the admissibility of a personal explanation will be final.

Motion to rescind a previous decision

3.68. No motion or amendment to a motion to reverse a decision made at a meeting of the Council within the preceding six months shall be moved unless the notice of motion is signed by at least 15 councillors (including the proposer).

Motion similar to one previously rejected

- 3.69. No motion or amendments to a motion to the same effect as one rejected by the Council within the preceding six months shall be moved unless the notice of motion is signed by at least 15 councillors (including the proposer). Once the Council has determined the extant motion or amendment, no one may propose a similar motion or amendment within a further period of six months.
- 3.70. The requirements in Rules 3.68 and 3.69 above shall not apply where the motion in question arises from the recommendation of the Cabinet or a committee.

Voting

Majority

- 3.71. Any matter will be decided by a simple majority of those councillors voting and present in the room at the time the question was put unless the law provides otherwise.

Chairman's Casting Vote

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

Method of Voting

- 3.73. Unless a recorded vote is demanded under Rule 3.71 the Chairman will take the vote by show of hands, or by use of the Council's electronic voting system, if any, or if there is no dissent, by the affirmation of the meeting.

Recorded Vote

- 3.74. If 15% of councillors (rounded up) present at the meeting request it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and included in the minutes.

Right to Require Individual Vote to be Recorded

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

Nominations, Elections and Appointments

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

person with the 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.

- 3.77. Where a vote is taken for the election of the Chairman and the out-going Chairman is present in the room and not seeking re-election, the out-going Chairman will preside over the election of the new Chairman.
- 3.78. The out-going Chairman shall be deemed to have retired from that position immediately before the start of a meeting at which a Chairman is to be elected.
- 3.79. Subject to Rule 3.74 and in accordance with Rule 3.6 b members of the Council shall appoint one of their number to preside over the election of Chairman if the Vice-Chairman is seeking election as Chairman or is not present.
- 3.80. Officers shall not call for nominations for the election of the Chairman.

Voting at a Budget Decision Meeting

- 3.81. Immediately after any vote is taken at a budget decision meeting of the Council there must be recorded in the minutes of the proceedings of that meeting the names of the councillors who cast a vote for the decision or against the decision or who abstained from voting.

Note: Budget decision means calculation of the council tax requirement, calculation of the basic amount of council tax, additional calculations where special items relate to part only of the area administered by the Council, calculation of council tax for different variation bands, substitute calculations and calculation of the amount payable by billing authorities.

A councillor who has council tax arrears is not eligible to vote on budget decisions.

Minutes

- 3.82. Minutes will contain all motions and amendments in the form and order they were put.

Signing the Minutes

- 3.83. The Chairman will sign the minutes of the proceedings at the next suitable meeting. The Chairman will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

No Requirement to Sign Minutes of Previous Meeting at Extraordinary Meeting

- 3.84. 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.

Record of Attendance

3.85. All councillors present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance where appropriate.

Exclusion of Public

3.86. Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part B of this Constitution or in accordance with the following Rules.

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

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

Councillors' Conduct

Speaking at Meetings

3.89. When a councillor speaks they must address the meeting through the Chairman. If more than one councillor signifies their intention to speak, the Chairman will ask one to speak. 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.

Chairman Speaking

3.90. When the Chairman speaks during a debate, any councillor speaking at the time must stop.

Councillor Not to be Heard Further

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

Councillor to Leave the Meeting

3.92. If the councillor continues to behave improperly after such a motion is carried, the Chairman 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.

General Disturbance

3.93. If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as they consider necessary.

Suspension and Amendment of Council Procedure Rules

Suspension

3.94. Any of these Council Procedure Rules except Rules 3.72 (right to require individual vote to be recorded) and 3.80 (signing the minutes) 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 either be for an item or for the duration of the meeting.

Amendment

3.95. Any motion to add to, vary or revoke these Council Procedure Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

Application of these Rules

3.96. None of the Council Procedure Rules apply to meetings of the Cabinet, Committees or Sub-Committees, Joint Committees or other Body of the Council.

4. Budget and Policy Framework Procedure Rules

The Framework for Executive Decisions

- 4.1. The Council is responsible for the adoption of its Budget and Policy Framework as set out in Section 2 above. Once a Budget and the Policy Framework are adopted by Council, it is the responsibility of the Cabinet to implement the executive functions within that Budget and Policy Framework.

Process for Developing the Budget and Policy Framework

- 4.2. After an appropriate consultation with the community and other stakeholders, the Cabinet will draft initial proposals in relation to any plan, strategy or budget which forms part of the Council's Budget and Policy Framework.
- 4.3. When the initial proposals have been drafted by the Cabinet, they will provide a copy to the Chairman of the Select Committee with responsibility for the issue under consideration ("the relevant Select Committee") (unless it has already considered the initial proposals in accordance with the Select Committee Procedure Rules set out at [Part G of this Constitution](#)).
- 4.4. At the same time the Cabinet will notify the relevant Select Committee of the dates and/or proposed timetable within which the Cabinet intend to develop the proposal and submit them to full Council for approval. The timetable will allow as far as possible for both the Cabinet and relevant Select Committee to consider the proposals at ordinary planned meetings.
- 4.5. The relevant Select Committee will have three weeks to make its response unless the Cabinet or relevant Cabinet member has agreed a longer period with the Chairman of the relevant Select Committee.
- 4.6. The Cabinet will finalise its proposals for consideration by full Council taking into account the recommendations (if any) of the relevant Select Committee. The report to full Council will include the recommendations (if any) of the relevant Select Committee, Cabinet's response to those recommendations (if any) and the extent to which they have been accepted by the Cabinet.
- 4.7. Full Council will consider the final proposals of the Cabinet and may:
 - adopt them without amendment;
 - amend them after a motion to amend is put by the Leader and seconded;
 - refer them back to the Cabinet for further consideration; or
 - substitute its own proposals in their place.
- 4.8. If the Council accepts the Cabinet proposals with or without amendment the decision shall be effective immediately.
- 4.9. If the Cabinet proposals are not accepted, the Democratic Services Manager will inform the Leader of the Council's objections and require him/her to reconsider the Cabinet proposals. The Leader will have 5 clear working days from receipt of

the notification to submit a revised proposal or inform the Council of the Cabinet's disagreement with the objections. The Council's decision will become effective on the expiry of 5 clear working days after notification of the Council's objections unless the Leader submits revised proposals and/or formally objects in that period.

- 4.10. If the Leader wishes to submit revised proposals and or disagree with the objections of the Council written notice will be given to the Democratic Services Manager to that effect prior to the date upon which the decision is to be effective. The written notice must state the reasons for the revised proposals and/or the disagreement. Where such notice is received the Democratic Services Manager shall convene a further meeting of the Council to reconsider its decision and the decision shall be effective pending that meeting.
- 4.11. The Council meeting must take place within 10 working days of the receipt of the Leader's written notice unless the Chairman of the Council and Leader agree that the matter can wait until the next programmed meeting of the Council. At that Council meeting the decision of the Council shall be reconsidered in the light of any revised proposals submitted and the reasons for those revisions and/or the Cabinet disagreement and reasons for that disagreement which shall be available in writing to the Council.
- 4.12. The Council shall at that meeting make its final decision on the matter on the basis of a simple majority.

Decisions Outside the Budget or Policy Framework

- 4.13. Subject to the provisions of the Financial Procedure Rules, the Cabinet, individual Members of the Cabinet, delegated officers, committees or joint arrangements discharging executive functions may only take decisions which are in line with the Budget and Policy Framework. If any of these bodies or persons wishes to make a decision which is contrary to the Policy Framework, or contrary to the Budget approved by full Council, then that decision may only be taken by the Council, subject to Rule 4.15 below.
- 4.14. If the Cabinet, individual Members of the Cabinet, delegated officers, committees or joint arrangements discharging executive functions want to make such a decision, they shall take advice from the Monitoring Officer and/or the Section 151 Officer as to whether the decision they want to make would be contrary to the Budget and/or Policy Framework. If the advice of either of those officers is that the decision would not be in line with the existing Budget and/or Policy Framework, then the decision must be referred by that body or person to full Council for decision, unless the decision is a matter of urgency, in which case the provisions in Rule 4.15 (urgent decisions outside the Budget and Policy Framework) below shall apply.

Urgent Decisions Outside the Budget or Policy Framework

- 4.15. The Cabinet, an individual Cabinet member or officers, committees or joint arrangements discharging executive functions may take a decision which is contrary to the Council's Policy Framework or contrary to or not wholly in

accordance with the Budget approved by full Council only if the decision is a matter of urgency. However, the decision may only be taken:

- if it is not practical to convene a quorate meeting of the full Council; and
- if the Chairman of a relevant Select Committee agrees that the decision is a matter of urgency.

4.16. The reasons why it is not practical to convene a quorate meeting of full Council in time and the consent of the Chairman of the relevant Select Committee to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chairman of a relevant Select Committee the consent of the Chairman of the Council or, in his/her absence, the consent of the Vice-Chairman of the Council will be sufficient.

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

Call-In of Decisions Outside the Budget or Policy Framework

4.18. Where a Select Committee is of the opinion that a decision is, or if made would be, contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget, it shall seek advice from the Monitoring Officer and/or Section 151 Officer.

4.19. In respect of functions which are the responsibility of the Cabinet, the Monitoring Officer's report and/or Section 151 Officer's report shall be made to the Cabinet with a copy to every councillor. Regardless of whether the decision is delegated or not, the Cabinet must meet to decide what action to take in respect of the Monitoring Officer's report and/or the Section 151 Officer's report. It shall prepare a report to full Council in the event that the Monitoring Officer or the Section 151 Officer conclude that the decision was a departure or prepare a report to the Select Committee if the Monitoring Officer or the Section 151 Officer conclude that the decision was not a departure.

4.20. If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Section 151 Officer is that the decision is or would be contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget, the Select Committee may refer the matter to full Council. In such cases, no further action will be taken in respect of the decision or its implementation until full Council has met and considered the matter. The full Council shall meet within 21 working days of the request or referral by the Select Committee. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Section 151 Officer. The Council may either:

- endorse a decision or proposal as falling within the existing Budget and Policy Framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all councillors in the normal way; or

- amend the Council's Budget or Policy concerned to encompass the decision or proposal and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all councillors in the normal way; or
- where the Council accepts that the decision or proposal is contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget and does not amend the existing Framework or Budget to accommodate it, require the Cabinet or the decision-taker to reconsider the matter in accordance with the advice of the Monitoring Officer and/or Section 151 Officer.

5. Honorary Alderman Scheme

Background

- 5.1 Section 249 of the Local Government Act 1972 gives principal councils the power to confer the title of 'Honorary Alderman' on persons who have, in the opinion of the Council, rendered eminent services to the Council as past members of that Council, but who are no longer members of the council. The Act does not specify how eminent services are defined, and this is left as a matter of local interpretation.
- 5.2 The Act also provides that in order to confer the title of Honorary Alderman on an ex-Councillor, a meeting of the whole Council needs to be convened specifically for this purpose and the resolution passed by not less than two thirds of the voting Members present at that meeting.
- 5.3 The Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008 provide for the continuation of the conferment of Honorary Aldermen status from legacy Councils to a new Authority. Section 32 of these Regulations specifically set out this provision. To this end, Honorary Aldermen from the 5 legacy Buckinghamshire Authorities became Aldermen for Buckinghamshire with effect from 1 April 2020.

Process For Nomination

- 5.4 Nominations shall only be made in the year of the Council Elections.
- 5.5 Any nomination must be proposed and seconded by existing serving Members of the Council.
- 5.6 Nominations received will be submitted to the Monitoring Officer who will then liaise with Group Leaders and the Chairman of the Council for consideration.
- 5.7 A report will then be presented to Full Council to consider conferring the Honorary Alderman status.
- 5.8 Formal election to the Roll of Honorary Alderman shall be by resolution of the Council, passed by not less than two thirds of those Members present and voting thereon at a meeting of the Council specifically convened for that purpose.

Criteria

- 5.9 A person shall be deemed eligible to be enrolled as an Honorary Alderman provided that the person has served as a Member of the Council (and any of the 5 legacy Buckinghamshire Local Authorities prior to the establishment of the Council on 1 April 2020) for at least 10 years in total.
- 5.10 Honorary Alderman is an apolitical role so individuals should not hold political

office

- 5.11 For the purposes of this Scheme, the term “eminent service” is left undefined to allow flexibility when determining nominations

Term of Office

- 5.12 All Honorary Aldermen shall be lifetime appointments subject to the withdrawal of Title/Rights as set out below.

Rights & Priveleges

- 5.13 An Honorary Alderman is entitled to the following rights & privileges:

- To be presented with an Honorary Aldermen badge.
- To receive the link to the electronic version of the Full Council summons & Agenda
- Parking free at each Council Offices when undertaking duties.
- To receive invitations to all civic/ceremonial, and social events to which Members of the Council are invited.

(Given the capacity issues with Full Council meetings, and the current number of Honorary Alderman, no guarantee of attendance at Council meetings can be provided)

Withdrawal of Title/Right

- 5.14 If an existing Honorary Alderman stands for election and is not elected, he/she shall continue in the role. If he/she is elected to the Council as a Member, the title and rights shall be withdrawn from the individual for such time as he/she is a serving Member.

- 5.15 It shall be competent for the Council in any other particular case to withdraw the title of Honorary Alderman and the attached rights and privileges. Such withdrawal of the title shall be by way of formal motion to a meeting of the full Council, (the summons to which contains special notice that such withdrawal is proposed and the reason therefor) and subsequent resolution of the Council passed by not less than two thirds of the Members present and voting thereon at the meeting of the Council. On the passing of such resolution, the Monitoring Officer shall delete the name of the person concerned from the Roll of Honorary Aldermen and advise that person accordingly.

Application of This Scheme

- 5.16 This Scheme shall apply to all Honorary Aldermen of the Council – i.e. those Aldermen who have continued from the legacy Councils (paragraph 3 of this Scheme refers) and Aldermen appointed by Buckinghamshire Council.

**Wiltshire Council
Constitution
Part 4
Rules of Procedure:
Council**

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PART 4 - RULES OF PROCEDURE: COUNCIL

1. Application to Committees and Sub-Committees

- 1.1 All of the Council rules of procedure apply to meetings of Full Council. Only paragraphs 16.27 and 23.10 apply to meetings of the Cabinet. Only paragraphs 7.1-16.21; 17.1-17.24; 19.1-22.8; 23.2-23.6; 23.9; 24.1-24.2 apply to meetings of Committees and Sub-Committees.

2. Annual meeting of the Council

- 2.1 In a year when there is an ordinary election of Members, the annual meeting will take place within 21 days of the retirement of the outgoing Members. In any other year, the annual meeting will take place in March, April or May (Local Government Act 1972, Schedule 12, paragraph 2).
- 2.2 The annual meeting will:
- 2.2.1 elect a person to preside if the Chairman of Council is not present;
 - 2.2.2 elect the Chairman of Council (Local Government Act 1972, s.4);
 - 2.2.3 appoint the Vice-Chairman of Council (Local Government Act 1972, s.5);
 - 2.2.4 approve the minutes of the last meeting;
 - 2.2.5 receive any announcements from the Chairman and/or Head of Paid Service;
 - 2.2.6 appoint at least one Overview and Scrutiny Committee, a Standards Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to Full Council nor are Cabinet functions (as set out in Part 3 of this Constitution) (Local Government and Housing Act 1989, s.15);
 - 2.2.7 agree the scheme of delegation or such part of it as the constitution determines it is for the Council to agree (as set out in Part 3 of this constitution);
 - 2.2.8 approve a programme of ordinary meetings of the Council for the year; and
 - 2.2.9 consider any business set out in the notice convening the meeting.
- 2.2.10 in an election year:
- 2.2.10.1 elect the Leader;

3. Election of Chairman, Vice-Chairman and Leader of the Council

- 3.1 The election of the Chairman and the appointment of the Vice-Chairman shall be the first and second items of business respectively transacted at the annual meeting of the Council (Local Government Act 1972 s.4 and s.5).
- 3.2 The election of the Chairman, Vice-Chairman and Leader shall be determined by a show of hands unless at least 10 Members request a secret ballot. Where a secret ballot is requested it shall be conducted by the person presiding in accordance with the following procedure:
- 3.2.1 the person presiding at the meeting shall invite nominations for Chairman, Vice-Chairman and Leader (as appropriate) from those present at the meeting;
 - 3.2.2 a Member must be proposed and seconded to be eligible;

- 3.2.3 a Member shall not be nominated in their absence for the position of Chairman, Vice-Chairman or Leader without their written consent;
- 3.2.4 the Chairman, Vice-Chairman or Leader shall be elected from among the Members of the Council duly nominated unless any Member nominated withdraws their name, in which case the election shall be from among the remaining nominees;
- 3.2.5 the Chairman, Vice-Chairman or Leader shall be elected by the vote of a majority of those Members present and voting (Local Government Act 1972 Schedule 12, paragraph 39);
- 3.2.6 each Member shall vote by writing the name of one of the Members nominated upon a ballot paper which shall then be placed in the ballot box;
- 3.2.7 when, in the opinion of the person presiding at the election, each Member present has had a reasonable time in which to vote, the ballot box should be delivered to the person presiding whereupon the voting shall be deemed to have been completed except that this shall not preclude the person presiding from exercising their casting vote in accordance with 3.2.11;
- 3.2.8 the ballot papers shall then be counted by the person presiding at the election;
- 3.2.9 if only one Member is nominated, the person presiding shall declare that Member elected as Chairman, Vice-Chairman or Leader as the case may be; and if two Members are nominated the Member receiving the vote of the majority of those Members present and voting shall be declared elected (Local Government Act 1972, Schedule 12, paragraph 39(2));
- 3.2.10 if more than two Members are nominated, the person presiding shall announce the name of the Member with the lowest number of votes and that Member shall be eliminated. A further ballot or ballots shall then be taken and after each ballot the Member receiving the lowest number of votes shall be eliminated, in accordance with the foregoing procedure, until only two Members remain which shall be submitted to the final vote;
- 3.2.11 in the event of an equality of votes in any of the ballots, the person presiding shall give a second or casting vote and where there are three or more Members with an equal number of votes the person presiding shall give a second casting vote to each of such Members except one (Local Government Act 1972, Schedule 12, paragraph 39(2)).

4. Selection of Members to serve on Committees and outside bodies

- 4.1 At the annual meeting, the Council will:
 - 4.1.1 decide which Committees to establish for the municipal year;
 - 4.1.2 decide the size and terms of reference for those Committees;
 - 4.1.3 decide the allocation of seats and substitutes to political groups in accordance with the political balance rules (Local Government and Housing Act 1989 s.15);
 - 4.1.4 receive nominations of Members to serve on each committee and appoint to those Committees
 - 4.1.5 Appointments to outside bodies will be made by the Leader of Council, Cabinet, Area Boards or a meeting of group leaders as appropriate.

5. Ordinary meetings

- 5.1 Ordinary meetings of the Council will take place in accordance with a programme decided by Council. Ordinary meetings will:
 - 5.1.1 elect a person to preside if the Chairman and Vice-Chairman are not present;
 - 5.1.2 elect a Leader if there is a vacancy;

- 5.1.3 approve the minutes of the last meeting;
- 5.1.4 receive any declarations of interest from Members;
- 5.1.5 receive any announcements from the Chairman, Leader, Members of the Cabinet, committee chairmen or the head of paid service;
- 5.1.6 receive questions from and provide answers to Members of the Council and the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting;
- 5.1.7 deal with any business from the last Council meeting;
- 5.1.8 receive reports from the Cabinet and the Council's Committees and receive questions and answers on any of those reports;
- 5.1.9 receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- 5.1.10 consider motions; and
- 5.1.11 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 the overview and scrutiny Committees for debate.

5.2 Members wishing to ask a question in relation to the reports of the Dorset and Wiltshire Fire Authority are required to give written notice (including details of the question) to the Proper Officer no later than Four clear working days before the Council meeting.

6. Extraordinary meetings

Calling an extraordinary meeting

- 6.1 Those listed below may request the Proper Officer to call Council meetings in addition to the scheduled ordinary meetings:
- 6.1.1 the Council by resolution;
 - 6.1.2 the Chairman of the Council (Local Government Act 1972, Schedule 12, paragraph 3(1));
 - 6.1.3 the Monitoring Officer or the Head of Paid Service (Local Government and Housing Act 1989 s.4 and s.5); or
 - 6.1.4 any five Members if they have signed a requisition and presented it to the Chairman of the Council and the Chairman has refused to call a meeting, or has failed to call a meeting within seven days of the presentation of the requisition (Local Government Act 1972, Schedule 12, paragraph 3(2)).
- 6.2 The notice for any extraordinary meeting must specify the business proposed to be transacted at the meeting with no consideration of previous minutes or reports from Committees.

7. Appointment of Substitute Members of Committees and Sub-Committees

Allocation

- 7.1 As well as allocating seats on Committees, the Council will allocate seats in the same manner for substitute Members.

Number

- 7.2 For each committee, the Council will appoint a maximum of four substitutes for each political group which holds seats on that committee.

Powers and duties

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

Substitution

- 7.4 Substitute Members may attend meetings in that capacity only:
- 7.4.1 to take the place of the ordinary Member for whom they are the designated substitute;
 - 7.4.2 where the ordinary Member will be absent for the whole of the meeting; and
 - 7.4.3 where notification of the intended substitution has been given in writing to the Proper Officer before the start of the meeting by the member who is to be substituted, or by their group leader. Exceptionally, in cases of urgency, such notification may be made verbally in person or by telephone to the Proper Officer and confirmed subsequently in writing.
 - 7.4.4 The Proper Officer for these purposes is the Democratic Services Officer supporting the meeting.

8. Declaration of disclosable pecuniary interests

- 8.1 Where a Member has declared a pecuniary interest in an item on an agenda, they must withdraw from the meeting in their capacity as a Member for the duration of that item, and not speak or vote on the item with the exception of exercising their right to speak as a member of the public.

9. Time and place of meetings

- 9.1 The time and place of meetings will be determined by the Proper Officer and notified in the summons (Local Government Act 1972, Schedule 12, paragraphs 1(4) (annual meeting) and 2(2) (all other meetings of the Council)).
- 9.2 With the exception of an extraordinary meeting requisitioned by Members in accordance with paragraph 6, the Proper Officer may cancel a meeting in the event of the below circumstances following consultation with the Chairman and giving reasonable notice of its cancellation:
- 9.2.1 Inclement weather;
 - 9.2.2 Where there is reason to believe the meeting would not be quorate;
 - 9.2.3 Insufficient business for the meeting to be viable;
 - 9.2.4 Other reasonable unforeseen circumstances.

10. Notice of and summons to meetings

- 10.1 The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the Part 5 of this Constitution (Access to Information Procedure

Rules). At least five clear days before a meeting, the Proper Officer will send a summons signed by him or her by post to every Member of the Council, or leave it at their usual place of residence or if the Member has consented via email. 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 (Local Government Act 1972, Schedule 12, paragraph 4 as amended by The Local Government (Electronic Communications) (England) Order 2015).

11. Chair of meeting

- 11.1 The person presiding at the meeting may exercise any power or duty of the Chairman. Where these rules apply to committee and sub-committee meetings, references to the Chairman also include the Chairman of Committees and Sub-Committees.

12. Quorum

- 12.1 The quorum of any meeting will be one quarter of its total voting Membership, subject to a minimum number of three voting Members. If during any meeting, upon request, the Chairman counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If they do not fix a date, the remaining business will be considered at the next ordinary meeting (Local Government Act 1972, Schedule 12, paragraph 6).

13. Public participation at meetings

- 13.1 The Council welcomes public participation from anyone who lives, works or studies in Wiltshire, or who has a direct connection to a service provided by the Council. Public participation can take the form of presenting petitions, making statements or asking questions.
- 13.2 This rule applies to Council and committee meetings other than planning Committees. Paragraphs 16.25-16.27 refer to the application of this rule at Cabinet, planning Committees and area boards.

14. Petitions

- 14.1 The Council has adopted a Petitions Scheme which is set out in Part 4A of this Constitution. This sets out the purpose of a petition, the eligibility criteria and relevant thresholds for making petitions, the procedure and review mechanisms.

15. Statements

- 15.1 Up to three speakers are permitted to speak for up to three minutes each on any agenda item although this may be extended at the Chairman's discretion.
- 15.2 Those wishing to make a statement must register to do so at least ten minutes prior to the meeting by contacting Democratic Services.
- 15.3 Statements must be relevant to the powers and duties of the Council and be clear and concise. A statement must not:
- 15.3.1 be defamatory, frivolous, offensive, vexatious, unlawful or otherwise improper;

- 15.3.2 relate to any non-determined planning or licensing application;
- 15.3.3 name or identify individual service users, Members of staff or Members of staff of partner agencies.

16. Public Questions

- 16.1 At ordinary meetings of Full Council, questions can be asked of the Chairman of Council, Members of Cabinet and Chairmen of Committees. At meetings of Committees questions can be asked of the Chairman. The total time set aside for such questions and answers will be limited to 15 minutes which can be extended at the Chairman's discretion.

Notice of questions

- 16.2 No person or organisation may submit more than two questions at any one meeting. No question may be sub-divided into more than two related parts.
- 16.3 In order to be guaranteed receipt of a written response prior to the meeting questions must be delivered in writing or by email to the Proper Officer or their designated representative no later than 5pm four clear working days before the meeting. The period of notice is to allow sufficient time for a response to be formulated.
- 16.4 Any questions received between 5pm four clear working days before the meeting and 5pm two clear working days before the meeting, may only receive an oral response at the meeting. Any questions received after 5pm two clear working days before the meeting will be received at the next meeting
- 16.5 In exceptional circumstances and in cases of urgency the Chairman may allow questions without the full period of notice having been given where they are satisfied there is sufficient justification. In these circumstances, there is no guarantee that a full reply will be given at the meeting.
- 16.6 Notice of each question must include the name and address of the questioner, (in respect of an organisation, the name of the organisation and the questioner's position within the organisation) and to whom the question is to be put.

Scope of questions

- 16.7 The question must be relevant to the powers and duties of the Council and be clear and concise. A question will be rejected where it:
- 16.7.1 does not relate to a matter for which the Council has a responsibility or which affects the Council's administrative area;
 - 16.7.2 is defamatory, frivolous, offensive, vexatious, unlawful or otherwise improper;
 - 16.7.3 relates to any non-determined planning or licensing application;
 - 16.7.4 requires the disclosure of confidential or exempt information;
 - 16.7.5 names or identifies individual service users, Members of staff or Members of staff of partner agencies;
 - 16.7.6 is considered by the Chairman to be inappropriate for the particular meeting.
- 16.8 The Chairman's ruling on rejection of a question will be final following consultation with the Monitoring Officer.

16.9 Where a question is rejected on the above grounds, the questioner shall be advised of the reasons for rejection. Time permitting the questioner will be given an opportunity to submit an amended question that will be considered afresh against the criteria in paragraph 16.7. For the avoidance of doubt, questions amended in this way, must be delivered within the timescale referred to at paragraphs 16.3-16.4.

At the meeting

16.10 Questions will be dealt with in order of receipt subject to the Chairman's discretion to group together questions on the same or similar subject.

16.11 The Chairman may choose to take questions as read. However, if a questioner wishes to ask their question at the meeting, he or she will be given up to three minutes to ask each question. If the questioner prefers, the question may be asked on their behalf by their local division Member if they consent to this.

16.12 If the questioner is not able to be present at the meeting and has not made arrangements for someone else to ask the question, the Chairman may ask the question on the questioner's behalf or indicate that a written reply will be given.

16.13 Subject to time constraints, questions which are submitted by the deadline will be answered at the meeting. However, the Chairman in consultation with the Monitoring Officer may refer a question to officers for a direct written response if they consider the question can be most appropriately handled in that way. Where a question is dealt with in this way, the questioner will be advised of this and provided with a response where possible within five working days of the meeting copied to all Members of the Council.

16.14 The relevant Member of the Council or another Member on their behalf will aim to provide a response in advance of, or at, the meeting and this will be followed up by a written copy of the response being sent to the questioner where possible within five working days of the meeting. Where it is not possible to provide a response at the meeting, a written response will be sent to the questioner where possible within five working days of the meeting. A copy of the response will be provided to all Members.

16.15 Any questions which cannot be dealt with during the time allocated for questions will be dealt with by a written response sent to the questioner where possible within five working days of the meeting. A copy of the response will be provided to all Members.

Supplementary questions

16.16 For each question submitted, the questioner will be permitted to ask one supplementary question without notice which must be relevant to the original question or arise from the response given.

16.17 The Chairman may reject the supplementary question on the grounds listed in paragraph 16.7 above (reasons for rejection).

16.18 The person to whom the question has been put or another Member on their behalf, shall answer the supplementary question if he or she is able to do so at the time. If this is not possible, a written response will be provided to the questioner where possible within five working days of the meeting.

Form of response

16.19 A response may take the following forms:

- 16.19.1 a direct oral answer;
- 16.19.2 where the answer is contained within a publication of the Council or in any report or minutes by reference to those documents;
- 16.19.3 a written reply.

No debate on questions

16.20 Ordinarily, no debate shall be allowed on questions presented or responses given. In exceptional circumstances only, the Chairman may allow discussion. No decision can be made arising from a question other than to refer it to Full Council, Cabinet or a Committee by way of a motion which shall be moved, seconded and voted on without discussion.

Circulation of questions and responses

16.21 Upon receipt, copies of questions will be circulated to the Chairman and Vice-Chairman, Leader of the Council and to the Member of Council to whom the question is to be put and any other relevant Members.

16.22 Copies of questions received in accordance with these rules will be provided to all Members or Members of the committee as appropriate prior to the meeting.

16.23 Copies of responses where available, will be circulated to Members two days before the meeting unless this is not possible due to exceptional circumstances.

Record of questions

16.24 The minutes of the meeting shall record the name of the questioner (in respect of an organisation, the name of the organisation and the questioner's position within the organisation), the subject matter, and the name of the person replying.

Application at Planning Committees, Cabinet and Area Boards

16.25 In respect of public participation at the Strategic Planning Committee and Area Planning Committees, the provisions set out in the Planning Code of Good Practice for Members of Wiltshire Council Protocol. (Protocol 4 to this constitution) will apply.

16.26 In respect of public participation at Cabinet meetings, to the provisions set out in Part 7- Cabinet Procedure Rules will apply.

16.27 In respect of Area Boards, where public engagement is welcomed and encouraged throughout the meeting, the procedure, rules and guidance are at the discretion of the Chairman subject to any guidance as issued from time to time by the Leader.

17. Members' Questions

17.1 A Member of the Council may ask the Leader, or any other Member of the Cabinet, the Chairman of a Committee or Sub-Committee any question without notice on a report of the Cabinet, Cabinet Member or a Committee or Sub-Committee when that report is being received or under consideration by Full Council.

Questions on notice

- 17.2 At ordinary meetings of Full Council, a Member of the Council may ask a question of:
- 17.2.1 the Chairman
 - 17.2.2 the Leader
 - 17.2.3 a Cabinet Member; or
 - 17.2.4 Chairman of a Committee or Sub-Committee;
- on any matters in relation to which the Council has powers or duties or which affects the Council's administrative area which are not included in a report to the Council.
- 17.3 In respect of an ordinary Committee or Sub-Committee meeting, a Member of the Council may ask a question of the Chairman on any matter in relation to the powers and duties of that Committee on matters which are not included in a report to that Committee or Sub-Committee.
- 17.4 In the case of extraordinary meetings, questions must relate to the subject(s) under consideration at that meeting.

Notice of questions by Members

- 17.5 In order to be guaranteed of receipt of written response prior to the meeting, questions must be delivered in writing or by email to the Proper Officer or their designated representative no later than 5pm nine clear working days before the meeting. The period of notice is to allow sufficient time for a written response to be formulated.
- 17.6 Any question received between 5pm nine clear working days before the meeting and no later than 5pm four clear working days before the meeting, may only receive an oral response at the meeting.. Any questions received after this deadline will be received at the next meeting.
- 17.7 In exceptional circumstances the Chairman may allow questions without the full period of notice having been given where they are satisfied there is sufficient justification. In these circumstances, there is no guarantee that a full or written reply will be given at the meeting.
- 17.8 Notice of each question must include the name of the Member asking the question and to whom the question is to be put and be listed in priority order

Scope of questions

- 17.9 The question must be relevant to the powers and duties of the Full Council/committee and be clear and concise. A question will be rejected where it:
- 17.9.1 does not relate to a matter for which the Council/Committee has a responsibility or which does not affect the Council's administrative area;
 - 17.9.2 is defamatory, frivolous, offensive, vexatious, unlawful or otherwise improper;
 - 17.9.3 relates to any non-determined planning or licensing application;
 - 17.9.4 requires the disclosure of confidential or exempt information;
 - 17.9.5 names or identifies individual service users, Members of staff or Members of staff of partner agencies;

17.9.6 relates solely to operational issues unless the Member does not receive a response from the relevant head or service or director, or has not received a response they consider satisfactory.

17.9.7 is considered by the Chairman to be inappropriate for the particular meeting.

17.10 The Chairman's ruling on rejection of a question will be final following consultation with the Monitoring Officer.

17.11 Where a question is rejected on the above grounds, the Member shall be advised of the reasons for rejection. Time permitting, the Member will be given an opportunity to submit an amended question that will be considered afresh against the criteria in paragraph 17.9 (reasons for rejection). For the avoidance of doubt, questions amended in this way, must be delivered within the timescale referred to at paragraph 17.5-17.6 above.

At the meeting

17.12 No more than 20 supplementary questions will be answered at the meeting. Any question which receives an oral response will also receive a written response from the appropriate Member no later than five clear working days after the meeting and copied to all Members or Members of the committee as appropriate and also attached to the minutes.

17.13 Questions will be received in the order of receipt per Member, but a Member may not ask a second question until all other first questions from other Members have been dealt with. The same principle applies to third and subsequent questions subject to the Chairman's discretion.

17.14 Questions will be taken as read. If a Member is not present to receive an answer to their question in the event they were to receive a verbal response, the Chairman may ask the question on the Member's behalf or indicate that a reply will be given in writing within five working days of the meeting.

Supplementary question

17.15 For each question submitted, a Member will be permitted to ask one supplementary question without notice which must be relevant to the original question or arise from the response given, subject to the limit of 20 questions presented at the meeting in paragraph 17.12. The Chairman may reject the supplementary question on the grounds listed in paragraph 17.9 above (reasons for rejection).

17.16 Subject to paragraph 17.13, Members should indicate prior to a meeting if they do not wish to ask a supplementary question to ensure that submitted question does not count toward the limit of 20 to be received at the meeting.

17.17 The person to whom the question has been put or another Member on their behalf, shall answer the supplementary question if he or she is able to do so at the time. If this is not possible, a written response will be provided to the Member where possible within five working days of the meeting.

Form of response

- 17.18 A response may take the following forms:
- 17.18.1 a direct oral answer, unless the question has been submitted nine clear working days prior to the meeting;
 - 17.18.2 where the answer is contained within a publication of the Council or in any report or minutes by reference to those documents;
 - 17.18.3 a written reply.

No debate on Member questions

- 17.19 Ordinarily, no debate shall be allowed on questions presented or responses given. In exceptional circumstances only the Chairman may allow discussion. No decision can be made arising from a question other than to refer it to Council, Cabinet or a committee by way of a motion which shall be moved, seconded and voted on without discussion.

Circulation of Member questions and responses

- 17.20 Upon receipt, copies of questions will be circulated to the Chairman and Vice-Chairman of Council or committee as appropriate, the Leader and the Member of Council to whom the question is to be put and any other relevant Members.
- 17.21 Copies of questions received in accordance with these rules will be provided to all Members or Members of the committee as appropriate prior to the meeting.
- 17.22 Copies of responses where available, will be circulated to Members two days before the meeting unless this is not possible due to exceptional circumstances.
- 17.23 Copies of all questions and responses will be attached to the minutes of the meeting.

Record of Member questions

- 17.24 The minutes of the meeting shall record the name of the Member asking the question, the subject matter, and the name of the Member replying.

18. Motions on notice

Notice

- 18.1 Except for motions which can be moved without notice under paragraph 19, written notice of every motion signed by at least two Members of Council must be delivered to the Proper Officer or their designated representative no later than ten clear working days before the date of the meeting. This is to ensure that where appropriate a report is prepared to assist Council in its consideration of the motion.
- 18.2 In exceptional circumstances and in cases of urgency, the Chairman may accept motions without the full period of notice having been given.
- 18.3 Delivery can be by electronic means provided that the Proper Officer is satisfied that it has been sent by the Members concerned.

- 18.4 Notices of motion may be moved at the Annual Meeting or any ordinary meeting of Full Council.
- 18.5 Notices of motion may be moved at extraordinary meetings of the Council but only if the notice of motion relates to the subject matter of that extra-ordinary meeting.
- 18.6 There is no limit on the number of notices of motion that may be submitted to each meeting. However, the Chairman will apply this rule in the context of the length of the agenda to ensure proper conduct of the business to be transacted.

Scope

- 18.7 Motions must be clear and concise and be about matters for which the Council has a responsibility or which affect the Council's administrative area. Motions will be rejected where they:
- 18.7.1 do not relate to a matter for which the Council has a responsibility or which do not affect the Council's administrative area or those living in that area;
 - 18.7.2 are defamatory, frivolous, offensive, vexatious, unlawful or otherwise improper;
 - 18.7.3 relate to any non-determined planning or licensing application;
 - 18.7.4 name or identify individual service users, Members of staff or Members of staff of partner agencies; or
 - 18.7.5 are considered by the Chairman to be inappropriate for the particular meeting or undermines the purposes of the constitution.
- 18.8 The Chairman's ruling on rejection of a motion will be final following consultation with the Monitoring Officer.
- 18.9 Where a motion is rejected, the Members concerned will be advised as soon as possible giving reasons for rejection. Where time permits, the Members concerned may submit an amended motion which will be considered afresh against the criteria in paragraph 18.7. For the avoidance of doubt, motions amended in this way must be delivered within the timescale referred to at paragraph 18.1.

Recording of motions

- 18.10 On receipt of notices of motion received in accordance with these rules, the Proper Officer will record the details of the motion and the time and date of receipt. This record shall be open for inspection by Members of the public during normal office hours.
- 18.11 Motions received in accordance with these rules will be listed on the agenda in the order in which notice was received subject to the Proper Officer's discretion to group together motions on the same or similar subject, unless the Members giving notice state in writing that they propose to move it at a later meeting or withdraw it.

At the meeting

- 18.12 The Chairman will invite the proposer, or one of the Members, who has given notice of the motion to move the motion. Where these Members are not available at the meeting, the motion can be moved and seconded by any other Members. The Cabinet

Member will also have the opportunity to respond to points raised during the debate, before the mover of the motion exercises their right of reply.

- 18.13 A notice of motion must be moved at the meeting, it must then be seconded. If the motion is not moved and seconded, it will, unless postponed by consent of the Council, be treated as abandoned and may not be moved without fresh notice.
- 18.14 Once moved and seconded at the meeting, the Member proposing the motion will be given up to five minutes in which to present their motion.
- 18.15 The Chairman will give the relevant Cabinet Member an opportunity to respond to the motion giving them up to five minutes in which to do so.
- 18.16 On considering a notice of motion and subject to paragraphs 18.18-18.23 below, the following options shall then be open to the Council:
- 18.16.1 debate the motion and vote on it;
 - 18.16.2 refer it to an appropriate Member body with or without debate;
 - 18.16.3 refer it to the Leader with or without debate.
- 18.17 The Chairman will move that the motion either be debated on the day or referred to the appropriate Member body. This will be seconded by the Vice-Chairman, or in their absence, another Member of the Council, and put to the vote without discussion. On the question of referring the motion to an appropriate Member body, the only amendment the Chairman will accept is to which Member body the motion should be referred.
- 18.18 If the motion relates to a function exercisable only by Full Council then Full Council will debate the motion and on consideration of a report, determine the motion or refer it to a future meeting of Full Council.
- 18.19 If the motion relates to a function that has been delegated to another Member body then the Council will vote without debate on whether to refer the motion to that Member body.
- 18.20 If referred to another Member body that Member body must consider the motion at its next available meeting. The mover and seconder of the motion will be invited to attend that meeting if they are not already Members of that body in order to present their motion but will not be able to vote unless they have voting rights. The Member body must report back to the Council as soon as practicable by way of the minutes of that meeting.
- 18.21 If the notice of motion is referred to another Member body following debate at Council, a summary of the debate at Council together with any recommendation will be taken into account by the Member body when considering the motion.
- 18.22 If the notice of motion relates to an executive function, the motion will be referred to the Leader. The Leader will write to the proposers of the motion with a copy to all Members of the Council, advising them what steps they propose to take.
- 18.23 Any decision of Council arising from a motion must comply with the principles of decision making as set out in Part 2, paragraph 13.2 of this Constitution.

19. Motions without notice

19.1 The following motions may be moved without notice:

- 19.1.1 to elect a Chairman of the meeting at which the motion is moved;
- 19.1.2 in relation to the accuracy of the minutes;
- 19.1.3 to change the order of business in the agenda;
- 19.1.4 to refer something to an appropriate body or individual;
- 19.1.5 to appoint a committee or Member arising from an item on the summons for the meeting;
- 19.1.6 to receive reports or adoption of recommendations of Committees or officers and any resolutions following from them;
- 19.1.7 to withdraw a motion;
- 19.1.8 to amend a motion;
- 19.1.9 that the question be now put;
- 19.1.10 to adjourn a debate;
- 19.1.11 to adjourn a meeting;
- 19.1.12 to suspend a particular Council procedure rule capable of being suspended
- 19.1.13 to exclude the public and press in accordance with the access to information procedure rules;
- 19.1.14 not to hear further a Member named under paragraph 23.15 or to exclude them from the meeting under paragraph 23.16;
- 19.1.15 to give the consent of the Council where its consent is required by this constitution.

20. Rules of debate

No speeches until motion seconded

20.1 Once the mover has moved a proposal and explained its purpose, the motion must be seconded before any speeches may be made.

Right to require motion in writing

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

Seconder's speech

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

Content and length of speeches

20.4 Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed five minutes without the consent of the Chairman.

When a Member may speak again

- 20.5 A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:
- 20.5.1 to speak once on an amendment moved by another Member;
 - 20.5.2 to move a further amendment if the motion has been amended since they last spoke;
 - 20.5.3 if their first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which they spoke was carried);
 - 20.5.4 in exercise of a right of reply;
 - 20.5.5 on a point of order;
 - 20.5.6 by way of personal explanation.

Amendments to motions

- 20.6 An amendment to a motion must be relevant to the motion and will be one of the following:
- 20.6.1 to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - 20.6.2 to leave out words;
 - 20.6.3 to leave out words and insert or add others or;
 - 20.6.4 to insert or add words

so long as the effect of the amendments is not to negate the motion.

- 20.7 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.
- 20.8 If an amendment is not carried, other amendments to the original motion may be moved.
- 20.9 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.
- 20.10 After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

Alteration of motions or amendments

- 20.11 A Member may alter a motion or amendments of which they have given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- 20.12 A Member may alter a motion or amendments which they have moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- 20.13 Only alterations which could be made as an amendment may be made.

Withdrawal of motion

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

Right of reply

- 20.15 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.
- 20.16 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.
- 20.17 The mover of the amendment has the right of reply as the penultimate speaker, prior to the mover of the original motion, at the end of the debate on their amendment.

Motions which may be moved during debate

- 20.18 When a motion is under debate, no other motion may be moved except the following procedural motions:
- 20.18.1 to withdraw the motion;
 - 20.18.2 to amend the motion;
 - 20.18.3 that the question be now put;
 - 20.18.4 to adjourn a debate;
 - 20.18.5 to adjourn a meeting;
 - 20.18.6 to exclude the public and press in accordance with the Access to Information Procedure Rules; or
 - 20.18.7 not to hear further a Member named under paragraph 23.15, or to exclude them from the meeting under paragraph 23.16.

Closure motions

- 20.19 A Member may move, without comment, the following motions at the end of a speech of another Member:
- 20.19.1 that the question be now put;
 - 20.19.2 to adjourn the debate or;
 - 20.19.3 to adjourn a meeting.
- 20.20 If a motion that the question be now put is seconded and the Chairman considers the item has been sufficiently discussed, they will put the procedural motion to the vote. If it is passed they will give the mover of the original motion a right of reply before putting their motion to the vote.
- 20.21 If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, they will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

Point of order

- 20.22 A Member may raise a point of order at any time. The Chairman will hear them immediately. A point of order may only relate to an alleged breach of these Council rules of procedure or the law. The Member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Chairman on the matter will be final.

Personal explanation

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

21. Previous decisions and motions

Motion to rescind a previous decision

- 21.1 A motion or amendment 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 ten Members (or a quarter of the Members of a committee).

Motion similar to one previously rejected

- 21.2 A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the previous six months cannot be moved unless the notice of motion or amendment is signed by at least ten Members (or a quarter of the Members of a committee). Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

22. Voting

Majority

- 22.1 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 (Local Government Act 1972, Schedule 12, paragraph 39(1)).

Chairman's casting vote

- 22.2 If there are equal numbers of votes for and against, the Chairman will have a second or casting vote. There will be no restriction on how the Chairman chooses to exercise a casting vote (Local Government Act 1972, Schedule 12, paragraph 39(2)).

Affirmation

- 22.3 Unless a ballot or recorded vote is taken under paragraphs 22.4-22.7, the Chairman will take the vote by the affirmation of the meeting.

Ballots

- 22.4 The vote will take place by ballot if ten Members (or a quarter of the Members of a committee) present at the meeting demand it or at the Chairman's discretion. The Chairman will announce the numerical result of the ballot immediately the result is known.

Recorded vote

- 22.5 With the exception of the paragraph 22.6, if ten Members (or a quarter of the Members of a committee) present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be recorded in the minutes. A demand for a recorded vote will override a demand for a ballot.
- 22.6 Recorded votes shall be taken on all decisions of Full Council in respect of:
- 22.6.1 Setting the authority's budget and determining the level of Council tax to be levied;
 - 22.6.2 Policy Framework Items;
 - 22.6.3 Member Motions; and
 - 22.6.4 other substantive issues.

- 22.7 The names for and against the motion or amendment or abstaining from voting on these matters will be recorded and attached to the minutes.

Right to require individual vote to be recorded

- 22.8 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 (Local Authorities (Standing Orders) Regulations 1993, Schedule 2, paragraph 1(1)).

Voting on appointments

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

23. Minutes

Signing the minutes

- 23.1 The Chairman will sign the minutes of the proceedings at the next suitable meeting (Local Government Act 1972, Schedule 12, paragraph 41(1)). The Chairman will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

No requirement to sign minutes of previous meeting at extraordinary meeting

- 23.2 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

- 23.3 Minutes will contain all motions and amendments in the exact form and order the Chairman put them.

Record of Attendance

- 23.4 All Members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance (Local Government Act 1972, Schedule 12, paragraph 40).
- 23.5 A record will be kept of when a Member of the Council leaves the meeting at any time before the meeting is closed or adjourned.

Exclusion of the Public

- 23.6 Members of the public and press may only be excluded only either in accordance with the Access to Information Rules in Part 5 of this constitution (Local Government Act 1972 s.100A and Local Authorities (Executive Arrangements) (Meetings and Access to Information (England) Regulations 2012 reg 4) (2)) or paragraph 147 (disturbance by public).

Members' attendance

- 23.7 Subject to paragraph 23.9, if a Member of the Council fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the Council, he or she shall, unless the failure was due to some reason approved by the Council before the expiry of that period, cease to be a Member of the Council (Local Government Act 1972 s.85(1)).
- 23.8 Attendance as a Member at a meeting of any committee, sub-committee, area board, panel or working party of the Council, or at a meeting or any joint committee, joint board or other body by whom for the time being any functions of the Council are being discharged, or which was appointed to advise the Council on any matter relating to the discharge of its functions and attendance as the Council's representative on an outside body shall be deemed to be attendance (Local Government Act 1972 s.85(2)).
- 23.9 Any person (not being a Member of the Council) appointed by the Council or a committee to serve on a committee, sub-committee or panel who is absent from all meetings of such committee, sub-committee or panel for a continuous period of six months except for some reason approved by the committee, sub-committee or panel before the expiry of that period shall at the end of that period cease to be a Member of that committee, sub-committee or panel. (Local Government Act 1972 s102 (2-4))

23.10 If a Member of the Cabinet fails throughout a period of six consecutive months from the date of their last attendance, to attend any meeting of the Cabinet, they shall, unless the failure was due to some reason approved by the Council before the expiry of that period, cease to be a Member of the Council (Local Government Act 1972 s.85(2A) and s.85(2B)).

Standing to speak

23.11 When a Member speaks at Full Council they must stand unless exempted by the Chairman.

23.12 If more than one Member stands, the Chairman will ask one to speak and the others must sit. Other Members must remain seated whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.

Chairman standing

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

Addressing the Chair

23.14 When a Member of the Council speaks they must address the Council through the Chairman.

Member not to be heard further

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

Member to leave the meeting

23.16 If the Member continues to behave improperly after a motion under paragraph 23.15 is carried, the Chairman may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

General disturbance

23.17 If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as they consider necessary (Public Bodies (Admission to Meetings) Act 1960 s.1(8)).

24. Disturbance by the public

Removal of Member of the public

24.1 If a Member of the public interrupts proceedings, or their behaviour or attire is deemed by the Chairman to cause offence, the Chairman will warn the person concerned. If they continue to interrupt or continue to cause offence, the Chairman may order their

removal from the meeting room (Local Government Act 1972 s.100A(8)) following consultation with the Monitoring Officer or their designated representative.

Clearance of part of meeting room

- 24.2 If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared (Local Government Act 1972 s.100A(8)).

25. Suspension and amendment of Council procedure rules

Suspension

- 25.1 All of these Council rules of procedure except paragraphs 22.8 and 23.1 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 be only for the duration of the meeting (Local Government Act 1972, Schedule 12, paragraph 42).

Amendment

- 25.2 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 Full Council.

Schedule 1 – Part 4A Wiltshire Council Petitions Scheme

1. Petitions

- 1.1 A petition is any communication which is signed by or sent to the Council on behalf of a number of people. This includes both written and electronic petitions (“e-petitions”).
- 1.2 The Council has set up a [Petitions Homepage](#) to provide further information and guidance to Members and the public.

2. Receipt and Registration

- 2.1 In order to be received all petitions must:
 - 2.1.1 contain the name and contact details of the petition organiser. Only the name of the organiser will be published;
 - 2.1.2 contain a clear and concise statement of the concern, and what action the petitioners wish the Council to take;
 - 2.1.3 be relevant to the role and responsibility of the Council;
 - 2.1.4 contain at least ten names or signatures, or at least 25 names or signatures to be reported or presented to Full Council;
 - 2.1.5 those names to be accompanied by a postcode and house number for paper petitions, and full address and email address for electronic petitions. Only the name and postcode will be displayed in any Council report;
 - 2.1.6 Not be defamatory, frivolous, offensive, vexatious, unlawful or otherwise improper;
 - 2.1.7 Not name or identify individual service users, members of staff or members of staff of partner agencies
- 2.2 Anyone who signs a petition must meet the following eligibility requirements:
 - 2.2.1 For a petition to be presented to Full Council, signatories must be aged 13 or above, live, work or study in Wiltshire, or have a direct connection to the service which is the subject of the petition. For the petition to be noted at Full Council it requires a minimum of 25 signatures.
 - 2.2.2 For a petition to be presented to an Area Board, signatories must be aged 13 or above, live, work or study within the relevant community area. For the petition to be noted at a meeting of an Area Board, it requires a minimum of 10 signatures.
- 2.3 Petitions in respect of non-determined planning or licensing applications will not be covered by this petitions scheme, and will be referred to the relevant service as formal representations. Petitions in respect of statutory petitions or on matters with existing right of appeal such as Council tax banding and non-domestic rates, are covered by other procedures.

3. Submission and Acknowledgement

- 25.1 Paper petitions can be sent to: Democratic Services, Wiltshire Council, County Hall, Bythesea Road, Trowbridge, BA14 8JN.
- 25.2 A Wiltshire Council e-Petitions facility to allow the creating, signing and submission of e-petitions is available at [this link](#). This requires registration with the Council using a valid email address. The Council will review the content of the petition and approve it to go live within five working days.
- 25.3 The Council will accept e-petitions hosted on other sites, which can be sent to committee@wiltshire.gov.uk for consideration. The same eligibility requirements will apply.
- 25.4 All petitions provided to the Council will receive an acknowledgement within 2 working days of receipt, and a substantive response of how the Council will respond to the petition within 15 working days of receipt. If that is not possible, an explanation will be given as to the reason for the delay, what action is being taken, and when a response will be sent.
- 25.5 Any response will set out what the Council plans to do with the petition. The Council will treat something as a petition if it is identified as such, or it seems that it is intended to be a petition.
- 25.6 The local Members will be informed of any petition and response for a petition relating to matters within their Area Board.

4. Council Response

- 4.1 The Council's response to a petition will depend on what it asks for and how many people have signed it, but may include one or more of the following:
- 4.1.1 taking the action requested in the petition;
 - 4.1.2 referring the petition to the relevant Council department for consideration in consultation with the relevant cabinet member and/or local member;
 - 4.1.3 referring the petition to the relevant Area Board Chairman;
 - 4.1.4 referring the petition to Full Council, a Committee or the Cabinet;
 - 4.1.5 consider the petition as a consultation response if received during a consultation period;
 - 4.1.6 holding an inquiry into the matter;
 - 4.1.7 undertaking research into the matter;
 - 4.1.8 holding a public meeting;
 - 4.1.9 holding a consultation;
 - 4.1.10 holding a meeting with petitioners;
 - 4.1.11 calling a referendum;
 - 4.1.12 writing to the petition organiser setting out the Council's views about the request in the petition;
 - 4.1.13 other suitable action.
- 4.2 If more than one petition is received on a similar subject matter the Chairman may determine that they be considered by the Council as a single matter and taken together.

- 4.3 A petition will not normally be considered for presentation or debate where it is received within six months of another petition being considered by the Council on the same matter. In exceptional circumstances the Chairman, after consultation with the Monitoring Officer, may determine that the context of the matter has materially changed since the initial consideration and agree to reconsider the matter for presentation or debate.
- 4.4 If a petition is received immediately before an election or referendum it may be necessary to deal with the petition differently, in which case the petition organiser will be contacted to discuss the course of action.
- 4.5 Actions taken on any validly received petition will be reported to Full Council to note.

5. Presentation of Petitions

- 4.1 Petitions may be presented to Full Council provided they have received 25 signatures, if requested by the petition organiser.
- 4.2 Petitions may be presented to Cabinet or to a Committee, including Area Boards, if they have received ten signatures and are relevant to the remit of the Committee, and if requested by the petition organiser.
- 4.3 The petition organiser should submit their petition to Democratic Services at least ten clear working days before a meeting to ensure the petition is relevant to the remit of Council, or a Committee and to be registered.
- 4.4 Petitions submitted without notice at any meeting will be received by the Democratic Services Officer present to be registered and dealt with at the next meeting, if appropriate.
- 4.5 In these instances, the petition organiser will have up to three minutes to speak and the matter would not be debated. The petition will be taken as a public statement and recorded. Up to two other public speakers will be invited to speak for up to three minutes each.

6. Full Council Debates

- 6.1 If a petition has been signed by at least 5000 people and is validly received, upon request of the petition organiser it will also be scheduled for a Council debate.
- 6.2 Any petition which is to be debated must be submitted and acknowledged at least ten working days before the Full Council meeting at which it will be debated.
- 6.3 The petition organiser will be invited to speak for up to five minutes. Up to two other public speakers will be invited to speak for up to three minutes each.
- 6.4 The relevant Cabinet Member will then respond to the petition.
- 6.5 The Chairman of the Council will then move a motion relating to the petition for Full Council to debate.

6.6 The period for debate on any petition or grouped series of petitions will normally be 30 minutes, not including the contribution of the Cabinet Member in response or Group Leaders.

6.7 Members will be limited to contributions of three minutes each during a Full Council debate on a petition.

7. Area Board Debates

7.1 If relevant to the remit and powers of an Area Board a petition may be presented or debated at that Area Board.

7.2 Any petition with more than ten signatures may be considered for debate at an Area Board. This would be granted at the discretion of the Chairman of the Area Board if submitted and acknowledged at least ten working days before the meeting. Any valid petition with more than 50 signatures submitted and acknowledged at least ten working days before a meeting will be granted a debate if requested by a petition organiser.

7.3 The arrangements for a debate will be at the discretion of the Chairman of the Area Board, subject to consultation with the Monitoring Officer or their representatives and considering the remit and powers of the Area Board.

8. Complaints

8.1 If a petition organiser considers that their petition has not been dealt with properly, they may submit a complaint to the council's Complaints Service.

8.2 Any complaint should be made within twenty working days from the Council response to the petition organiser.

8.3 Any complaint must set out in what way it is considered that the petition has not been dealt with properly. Any review undertaken would consider whether the steps taken by the Council in response to the petition were adequate, not whether the decision on how to respond to the petition was correct.

Schedule 2 – Part 4B Guidance on Amendments to Motions

1. The requirements concerning amendments to motions are contained in the Council's Rules of Procedure in Part 4 of the Constitution. Paragraph 20.6 provides:

20.6 An amendment to a motion must be relevant to the motion and will be one of the following:

20.6.1 to refer the matter to an appropriate body or individual for consideration or reconsideration;

20.6.2 to leave out words;

20.6.3 to leave out words and insert or add others or;

20.6.4 to insert or add words

so long as the effect of the amendment is not to negate the motion.

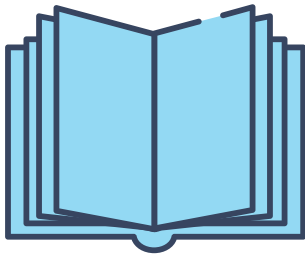
2. The Chairman will determine the validity of any proposed amendment under this paragraph, after taking advice from the Monitoring Officer. The Chairman's decision on any proposed amendment is final.
3. In exercising judgment on the validity or otherwise of any proposed amendment, the Chairman will have regard to the following principles:
 - 3.1. the overriding principle of fairness in the conduct of the Council's business;
 - 3.2. the amendment is relevant to the motion;
 - 3.3. the proposed amendment does not negate the motion; this can be secured more appropriately by voting against the original motion.
 - 3.4. The content of the proposed amendment is proportionate to the original motion in nature and extent;
 - 3.5. The proposed amendment does not amount to a device to frustrate the purpose of the original motion or to raise a late motion.
4. Members are encouraged, where practicable, to seek advice from the Monitoring Officer in connection with any proposed amendment in advance of the meeting at which it is to be moved.



Boundary Commission for England

Easy read Guide to the 2023 Review





This is an easy read version of the Guide to the 2023 Review, published by the Boundary Commission for England.

To read our full version of this Guide, click [here](#) or search bit.ly/bceguide online.



Hard to understand words will be in **bold and underlined**. You can check what they mean on page 13.



If you have any questions, please get in touch. You can do this via:

Letter

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Who we are and what we do



We are the Boundary Commission for England (BCE). We are independent and impartial.



It's our job to take a good look at all the **constituencies** in England.



We make sure every constituency has roughly the same number of **electors**. These are the people who are registered to vote.



Your **MP** speaks up for your area in **Parliament**, where laws are made.



The 2023 Boundary Review will check that every MP speaks up for around the same number of electors.



We are not responsible for the Boundary Commissions for Northern Ireland, Scotland or Wales. These are separate to us.

The
Local Government
Boundary Commission
for England

We don't review local government boundaries. This is done by the Local Government Boundary Commission for England (LGBCE).

The 2023 Boundary Review



The rules we follow are set by Parliament.

Parliament says that:

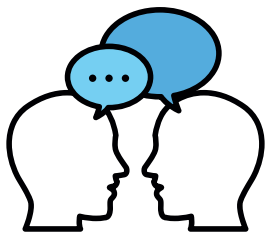
- There should be **543** constituencies in England.
- Every constituency should have between **69,724** and **77,062** people who are registered to vote.



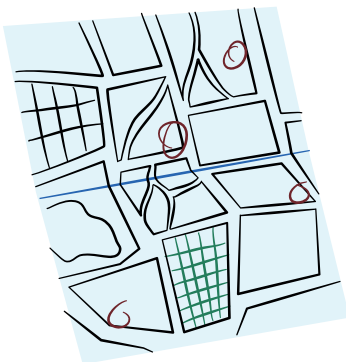
This process is called the 2023 Boundary Review, because it will finish by July 2023.



When making decisions, we have to use the number of people who were registered to vote on the **electoral register** on 2 March 2020.

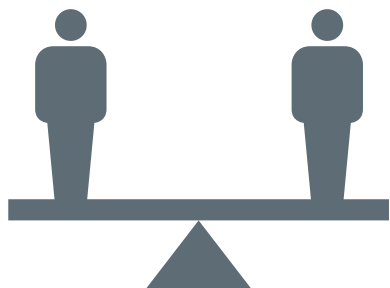


We want people to tell us about their local areas, to help us make fair decisions on constituency boundaries.



To see the maps for your area, search online for **bcereviews.org.uk**.

What we consider



We have to keep to the rule which says each constituency must have roughly the same number of electors. However, we also consider:

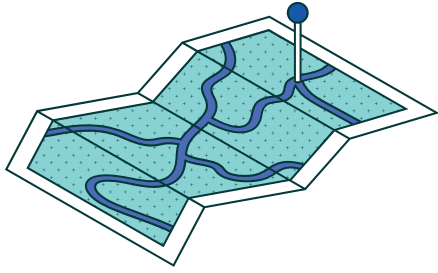
Local ties



We want to hear from you about your local area, so we get it right as much as possible in the new map of constituencies.



For example, you can tell us if the constituency we suggest for your area includes things like the schools, libraries, or places of worship you usually go to.



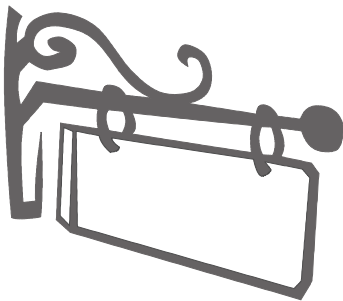
Local geography

We think about how people travel within and between areas. To do this, we may take a look at things such as rivers, hills, and major roads.



Existing boundaries

We may take into account the boundaries of constituencies as they are now, as well as local government boundaries.

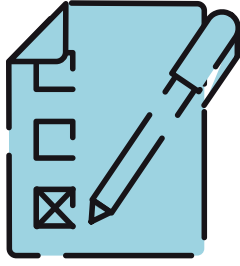


Names

We sometimes give different names to constituencies when their boundaries change. This makes sure that what they are called reflects the communities who live there.

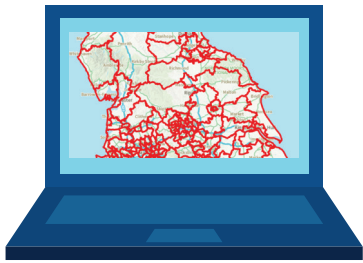


However, when there is strong support for a different name, we consider this too.



We don't think about how the changes we suggest might affect political parties.

How the review takes place



Initial consultation

First, we tell everyone what we think the new constituency boundaries should look like - these are our **initial proposals**. People can look at our ideas on our online portal, bcereviews.org.uk.



You can also see hard copies at certain places in local areas, like libraries. To find out where our maps are in your local area, check our website or contact us (see page 2).



If you have difficulty reading any of our documents and need them in a different format, get in touch. We'll look into how we can help.



We want people to tell us what they think about our suggestions during our 8 week **consultation**.



It's important to hear whether people agree or disagree with our ideas, and why. You can also suggest where you think the boundaries for your constituency should be instead.



Secondary consultation

Next, we will put all these responses on our website for everyone to read.



Everyone has 6 weeks to have their say on these comments. You can tell us what you think on bcereviews.org.uk, or by sending us an email or a letter.



You can also tell us your views in person at a public hearing. There will be several public hearings in each region of England.



We will say on our website where and when these will take place.



Revised proposals

To decide if the boundaries should change, we will consider what everyone has said over the review process.



We will produce a report to explain our thinking.



We will also publish online the comments people made via bcereviews.org.uk, in letters or emails, or said at public hearings.



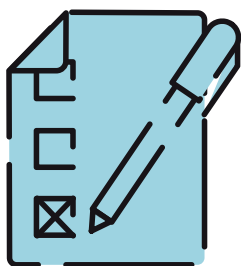
If our suggestions change, we would call these our **revised proposals**. People can again write to us to tell us what they think about them. This consultation would last 4 weeks.



We will publish these comments along with our final report.



The report will be sent to Parliament in June 2023. Parliament cannot change our suggestions.



The new constituencies will be in place at the next **general election**.

Find out more



To find out more about us or the 2023 Boundary Review, you can get in touch via phone, email or letter (see page 2), or go to our website:

boundarycommissionforengland.independent.gov.uk



We also publish news about the Review on social media. Follow us on [Facebook](#), [Twitter](#), and [Instagram](#) - we're called **@BCEReviews**.

Hard words

Constituency Where people who vote in an election live, and who an MP speaks up for.

Consultation A period of time when we ask everyone to tell us what they think about our ideas, to help us improve them.

Electors The people who are registered to vote in an area.

Electoral register (or roll) The list of names and addresses of everyone who is registered to vote.

MP or Member of Parliament The person chosen by the people in an area to speak up for them in Parliament.

Parliament A group of people who make laws for our country and check what the Government is doing.

Proposals (initial and revised) Our first suggestions for new constituency boundaries are called our initial proposals. If any changes are made because of what people have told us, these are called revised proposals.



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