

## **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 Members attend. This Part deals with what full Council does and how these meetings are run. The Rules include how questions are put to Members, how votes are taken and how Members 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 Members to be members on a Committee, and agreeing and / or amending the terms of reference of a Committee;
- Receiving regular reports from the Leader and the Executive and the Scrutiny Committees regarding their decisions and/or outcomes;
- appointing Members 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;

## APPENDIX 3 – PART C PROPOSED VERSION

- 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. Council 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. Pay Policy Statement

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 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 May.

3.2. The annual meeting will:

- elect a person to preside if the Chair of the Council is not present;
- elect the Chair of the Council;
- elect the Vice-Chair of the Council;
- approve the minutes of the last meeting;
- receive any announcements from the Chair and / or the Head of

## APPENDIX 3 – PART C PROPOSED VERSION

Paid Service and/or Returning Officer;

- Subject to Part E , elect the Leader in the year of an ordinary election of Members;
- appoint the Scrutiny 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. This will include appointing the Chairs, Vice-Chairs and membership of the committees and sub-committees;
- 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, Scrutiny of Members 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 Executive or the Leader;
- Receive a report from the Leader about Executive 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. Ordinary meetings will be typically held 5 times per year. In a Somerset Council election year there is an additional meeting in advance of the election. The Chair 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 (as determined by the Chief Executive in consultation with the Chair of the Council).
- 3.5. The order of business at ordinary meetings will be as set out below.
- 3.6. The Chair has discretion to vary the order of business or add items at any

## APPENDIX 3 – PART C PROPOSED VERSION

meeting. Such a variation may not displace business falling under items a, b, c, d, e or f. The Chair 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. elect a person to preside if the Chair and Vice-Chair are not present (this cannot be a Executive Member);
- b. approve the minutes of the last meeting;
- c. receive any apologies
- d. receive any declarations of interest from Members;
- e. receive any announcements from the Chair;
- f. receive a report from the Leader and/or the Executive and receive questions and answers on the report;
- g. receive petitions in relation to matters which in the opinion of the Chair are relevant to the Council's functions;
- h. receive annual reports from Executive Members and receive questions and answers on the reports;
- i. receive reports from the Council's Committees and receive questions and answers on those reports;
- j. receive any reports from the Council's Scrutiny Committees and receive factual questions and answers on those reports;
- k. receive reports from statutory officers;
- l. receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- m. consider any other business specified in the summons to the meeting, including consideration of proposals from the Executive in relation to the Council's Budget and Policy Framework;
- n. consider motions; and
- o. deal with questions from Members 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;

## APPENDIX 3 – PART C PROPOSED VERSION

- the Chair of the Council;
- 5 Members if they have signed a requisition presented to the Chair of the Council and the Chair of the Council has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the request. Any requisition must state the business to be transacted, that it falls within the functions of the Council and the reasons why an Extraordinary Meeting is required.

### **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 Chair 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. The dates of Council meetings are published on the Council's website for up to a year in advance of the meetings.

### **Duration of Meetings**

- 3.10. 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 the Chair does not fix a date, the remaining business will be considered at the next scheduled meeting.

### **Notice of and Summons to Meetings**

- 3.11. 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.

### **Chair of Meeting**

- 3.12. The person presiding at the meeting may exercise any power or duty of the Chair

## APPENDIX 3 – PART C PROPOSED VERSION

### **Quorum**

3.13. The quorum of a meeting will be 28 members. If a quorum is not present within 10 minutes of the scheduled start of the meeting or such longer time as allowed by the Chair, or if during any meeting if the Chair counts the number of Members 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 Chair. If the Chair does not fix a date, the remaining business will be considered at the next ordinary meeting.

### **Public Speaking (including treatment of small petitions)**

3.14. Please refer to Part B: Public Participation.

### **Questions by Members**

#### **Questions Without Notice**

3.15. Any councillor may ask

- an Executive Member or the Chair of a committee any question on an agenda item.
- any Executive Member any question on any issue relevant to their portfolio.

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

3.17. Supplementary questions can only be asked with the consent of the Chair.

#### **Questions on Notice**

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

- the Chair;
- a member of the Executive;
- or the Chair 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**

3.19. 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

## APPENDIX 3 – PART C PROPOSED VERSION

than **noon 3 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 Chair 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**

3.20. All questions must, in the opinion of the Chair:

- 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**

3.21. 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 Chair;

3.22. At the conclusion of the response to the question under consideration or at the expiry of such time period as determined by the Chair from the time when the first questioner started to speak, the Chair shall conclude the meeting or proceed to the next item of business.

3.23. Any remaining questions shall be responded to in writing before the next ordinary meeting of the Council.

### **Generally**

#### **Record of Questions**

3.24. 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 Members and the public attending the meeting.

3.25. Rejected questions under Rule 3.16 (on notice) will be returned to the questioner with the reasons for rejection.



### **Order of Questions**

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

### **Response**

3.27. 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 10 clear working days after the meeting.

3.28. The response to a question under Rule 3.16 (on notice) will be in writing which will be provided to the questioner within 10 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 Executive or a Committee**

3.29. Unless the Chair 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 Executive 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**

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

#### **Notice**

3.31. 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.

## APPENDIX 3 – PART C PROPOSED VERSION

- 3.32. 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 2 clear working days before the start of the Council meeting at which the motion to which it relates is to be considered.
- 3.33. Once approved by the Monitoring Officer copies of the amendment will be provided to Group Leaders.

### **Motion Set Out in Agenda**

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

### **Scope**

- 3.35. Motions must be about matters for which the Council has a direct responsibility or duty.
- 3.36. The Chair 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**

- 3.37. Notwithstanding the order of Motions within the Agenda the Chair 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 Chair 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 Chair shall allow the motion to be formally seconded (without comment);
  - b. if any speech to be concluded is a speech moving an amendment, the Chair 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 Chair shall allow the mover of the motion to exercise their right of reply.
- 3.38. 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**

3.39. Written notice of a motion to move an amendment of the Executive'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 2 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 Chair, Section 151 Officer and Monitoring Officer. The Chair has discretion on how to deal with motions under this Rule.

### **Motions Without Notice**

3.40. The following motions may be moved without notice:

- to appoint a Chair 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**

3.41. 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**

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

#### **Secunder's Speech**

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

#### **Content and Length of Speeches**

- 3.44. Speeches must be directed to the motion under discussion or to a personal explanation or point of order.
- 3.45. Subject to Rule 3.46 below a speech by the mover of a motion may not exceed 5 minutes without the consent of the Chair.
- 3.46. Subject to Rules 3.45 and 3.46 below, speeches by other Members, including those Members seconding or speaking during their right to reply, may not exceed 2 minutes without the consent of the Chair.
- 3.47. 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 Chair shall allow.
- 3.48. Any speeches by the Leader of the Council or the Leader of the largest opposition political group can be up to 15 minutes or such longer period as the Chair shall allow.

#### **When a Councillor May Speak Again**

- 3.49. 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;

## APPENDIX 3 – PART C PROPOSED VERSION

- 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**

3.50. 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.

3.51. 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 Chair's ruling on the validity of an amendment is final.

3.52. 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.

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

3.54. 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.

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

### **Alteration of Motion**

- 3.56. 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.
- 3.57. 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.
- 3.58. Only alterations which could be made as an amendment may be made.

### **Withdrawal of Motion**

- 3.59. 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**

- 3.60. 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.
- 3.61. 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.
- 3.62. 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**

- 3.63. 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;

## APPENDIX 3 – PART C PROPOSED VERSION

- 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**

3.64. 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.

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

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

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

### **Point of Order**

3.68. A councillor may raise a point of order at any time. The Chair 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 Chair on the matter will be final.

### **Personal Explanation**

3.69. 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

## APPENDIX 3 – PART C PROPOSED VERSION

the councillor which may appear to have been misunderstood in the present debate. The ruling of the Chair on the admissibility of a personal explanation will be final.

### **Motion to rescind a previous decision**

3.70. 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 Members (including the proposer).

### **Motion similar to one previously rejected**

3.71. 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 Members (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.

3.72. The requirements in Rules 3.68 and 3.69 above shall not apply where the motion in question arises from the recommendation of the Executive or a committee.

### **Voting**

#### **Majority**

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

#### **Chair's Casting Vote**

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

#### **Method of Voting**

3.75. Unless a recorded vote is demanded under Rule 3.71 the Chair 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.



## APPENDIX 3 – PART C PROPOSED VERSION

### **Recorded Vote**

- 3.76. If 15% of Members (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**

- 3.77. 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**

- 3.78. 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.
- 3.79. Where a vote is taken for the election of the Chair and the out-going Chair is present in the room and not seeking re-election, the out-going Chair will preside over the election of the new Chair.
- 3.80.
- 3.81. 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.
- 3.82. 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 Chair if the Vice-Chair is seeking election as Chair or is not present.
- 3.83. If a vacancy in these positions (Chair/Vice-Chair) occurs the Council will fill the vacancy at the next available meeting.
- 3.84. Officers shall not call for nominations for the election of the Chair.

### **Voting at a Budget Decision Meeting**

- 3.85. 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 Members 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

## APPENDIX 3 – PART C PROPOSED VERSION

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**

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

### **Signing the Minutes**

3.87. The Chair will sign the minutes of the proceedings at the next suitable meeting. The Chair 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**

3.88. Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an extraordinary meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

### **Record of Attendance**

3.89. 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 where appropriate.

### **Exclusion of Public**

3.90. 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.

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

## APPENDIX 3 – PART C PROPOSED VERSION

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

### **Members' Conduct**

#### **Speaking at Meetings**

3.93. When a councillor speaks they must address the meeting through the Chair. If more than one councillor signifies their intention to speak, the Chair will ask one to speak. Other Members must remain silent whilst a councillor is speaking unless they wish to make a point of order or a point of personal explanation.

#### **Chair Speaking**

3.94. When the Chair speaks during a debate, any councillor speaking at the time must stop.

#### **Councillor Not to be Heard Further**

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

#### **Councillor to Leave the Meeting**

3.96. If the councillor continues to behave improperly after such a motion is carried, the Chair 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**

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

### **Suspension and Amendment of Council Procedure Rules**

#### **Suspension**

3.98. 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

## APPENDIX 3 – PART C PROPOSED VERSION

whole number of members of the Council are present. Suspension can either be for an item or for the duration of the meeting.

### **Amendment**

3.99. 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**

3.100. None of the Council Procedure Rules apply to meetings of the Executive, Committees or Sub-Committees, Joint Committees or other Bodies 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 Executive 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 Executive 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 Executive, they will provide a copy to the Chair of the Scrutiny Committee with responsibility for the issue under consideration ("the relevant Scrutiny Committee") (unless it has already considered the initial proposals in accordance with the Scrutiny Committee Procedure Rules set out at Part G of this Constitution).
- 4.4. At the same time the Executive will notify the relevant Scrutiny Committee of the dates and/or proposed timetable within which the Executive intend to develop the proposal and submit them to full Council for approval. The timetable will allow as far as possible for both the Executive and relevant Scrutiny Committee to consider the proposals at ordinary planned meetings.
- 4.5. The relevant Scrutiny Committee will have three weeks to make its response unless the Executive or relevant Executive member has agreed a longer period with the Chair of the relevant Scrutiny Committee.
- 4.6. The Executive will finalise its proposals for consideration by full Council taking into account the recommendations (if any) of the relevant Scrutiny Committee. The report to full Council will include the recommendations (if any) of the relevant Scrutiny Committee, Executive's response to those recommendations (if any) and the extent to which they have been accepted by the Executive.
- 4.7. Full Council will consider the final proposals of the Executive 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 Executive for further consideration; or

## APPENDIX 3 – PART C PROPOSED VERSION

- substitute its own proposals in their place.
- 4.8. If the Council accepts the Executive proposals with or without amendment the decision shall be effective immediately.
- 4.9. If the Executive proposals are not accepted, the Democratic Services Manager will inform the Leader of the Council's objections and require him/her to reconsider the Executive 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 Executive'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 Chair 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 Executive 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 Executive, individual Members of the Executive, 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 Executive, individual Members of the Executive, 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

## APPENDIX 3 – PART C PROPOSED VERSION

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 Executive, an individual Executive 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 Chair of a relevant Scrutiny 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 Chair of the relevant Scrutiny 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 Chair of a relevant Scrutiny Committee the consent of the Chair of the Council or, in his/her absence, the consent of the Vice-Chair 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 Scrutiny 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 Executive, the Monitoring Officer's report and/or Section 151 Officer's report shall be made to the Executive with a copy to every councillor. Regardless of whether the decision is delegated or not, the Executive 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

## APPENDIX 3 – PART C PROPOSED VERSION

the decision was a departure or prepare a report to the Scrutiny 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 Scrutiny 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 Scrutiny Committee. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the 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 Members 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 Members 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 Executive 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 / Alderwoman Scheme**

### **Background**

- 5.1 Section 249 of the Local Government Act 1972 gives principal councils the power to confer the title of 'Honorary Alderman' or 'Honorary Alderwoman' 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 or 'Honorary Alderwoman' 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 or Honorary Alderwoman 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 Somerset Authorities became Aldermen for Somerset Council 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 Chair of the Council for consideration.
- 5.7 A report will then be presented to Full Council to consider conferring the Honorary Alderman or Honorary Alderwoman 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.

## APPENDIX 3 – PART C PROPOSED VERSION

### **Criteria**

- 5.9 A person shall be deemed eligible to be enrolled as an Honorary Alderman or Honorary Alderwoman provided that the person has served as a Member of the Council (and any of the 5 legacy Somerset Local Authorities prior to the establishment of the Council on 1 April 2020) for at least 10 years in total.
- 5.10 Honorary Alderman or Honorary Alderwoman 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 and Honorary Alderwomen shall be lifetime appointments subject to the withdrawal of Title/Rights as set out below.

### **Rights & Privileges**

- 5.13 An Honorary Alderman and Honorary Alderwoman 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 and Honorary Alderwoman, no guarantee of attendance at Council meetings can be provided)

### **Withdrawal of Title/Right**

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

## APPENDIX 3 – PART C PROPOSED VERSION

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 and Honorary Alderwomen of the Council – i.e. those Aldermen who have continued from the legacy Councils (paragraph 3 of this Scheme refers) and Aldermen or Alderwomen appointed by Somerset Council.