



Cabinet

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| Date: | Thursday, 15 April 2010 |
| Time: | 6.15 pm |
| Venue: | Committee Room 1 - Wallasey Town Hall |

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AGENDA

13. GOVERNANCE REVIEW - IMPLEMENTATION OF NEW GOVERNANCE ARRANGEMENTS (Pages 1 - 38)

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WIRRAL COUNCIL

CABINET 15 APRIL 2010

REPORT OF THE DIRECTOR OF LAW, HR AND ASSET MANAGEMENT

GOVERNANCE REVIEW – IMPLEMENTATION OF NEW GOVERNANCE ARRANGEMENTS

1. Executive Summary

1.1 At its meeting on 21 December, 2009 the Council passed a resolution to formally adopt the 'new style Leader and Cabinet Executive (England)' model and approve the following proposals which relate to that model:

'(1) That Council, in pursuance of the Local Government and Public Involvement in Health Act 2007, adopts the Leader and Cabinet Executive (England) model of governance.

(2) That Council approves and adopts the proposals relating to the Leader and Cabinet Executive (England) model of governance set out at Appendix 1 to the report of the Director of Law, HR and Asset Management.'

1.2 This report sets out changes that are required to the Council's Constitution to comply with the requirements of the Local Government and Public Involvement in Health Act 2007 ('the 2007 Act'). The following changes are the most important features of the new governance arrangements:

- Provision for the Leader to be elected for a four year term of office (or until their earlier date of retirement as a Councillor) instead of being appointed every year.
- Provision for the removal of the Leader (within the four year term of office) by resolution of the full Council and for the election of a new Leader.
- Provision for the Leader (rather than full Council) to appoint (and remove) Members of the Cabinet.
- All executive power will be vested in the Leader (rather than the Cabinet collectively) and the Leader will then decide whether to delegate it to Cabinet, individual Cabinet Members or officers.
- Provision for the Leader to be able to appoint a Deputy Leader, who will hold office whilst the Leader remains in office.

- 1.3 The suggested drafting amendments to the Constitution to give effect to these new arrangements are set out in Appendix 1.
- 1.4 In addition to the changes required to comply with the 2007 Act, the amendments in Appendix 1 also includes within the new Council Procedure Rule 5A, Annual Council Meeting, a mechanism for determining the date of that meeting. This meets the requirements of the Local Government Act 1972. It will also mean that the 2010 Annual Council Meeting will commence on 17 May 2010.

2. Implementation of the New Arrangements

- 2.1 The new arrangements will come into force on 10 May 2010. The election of the new style Leader will be considered at the Annual Council meeting in May 2010. Whilst that meeting will commence on 17 May 2010, most of the business to be conducted at the Annual Meeting (except for the election of the Mayor) is likely to be adjourned to a future date (provisionally 24 May 2010).

3. Financial implications

- 3.1 There are none arising directly from this report.

4. Staffing implications

- 4.1 There are none arising directly from this report.

5. Equal Opportunities implications

- 5.1 An equality impact assessment will be carried out on this report.

6. Community Safety implications

- 6.1 There are none arising directly from this report.

7. Local Agenda 21 implications

- 7.1 There are none arising directly from this report.

8. Planning implications

- 8.1 There are none arising directly from this report.

9. Anti-poverty implications

9.1 There are none arising directly from this report.

10. Human Rights implications

10.1 There are none arising directly from this report.

11. Social Inclusion implications

11.1 There are none arising directly from this report.

12. Local Member Support implications

12.1 New governance arrangements have relevance to all wards.

13. Background Papers

13.1 Local Government and Public Involvement in Health Act 2007

14. Recommendations

14.1 That Cabinet note the report and recommend to Council that:

- (a) the changes to the Constitution set out in Appendix 1 be approved with effect from Tuesday 10 May 2010; and
- (b) the Director of Law, HR and Asset Management (in consultation with the Leaders of all Political Groups) be given delegated authority to make any necessary consequential amendments to the Constitution consistent with the changes contained within Appendix 1.

Bill Norman

Director of Law, HR and Asset Management

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THE COUNCIL'S CONSTITUTION

Wirral Borough Council's constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of the processes are required by the law, while others are a matter for the Council to choose.

The Constitution is divided into 16 articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols later on in the document. These rules and protocols may be changed more frequently.

What's in the Constitution?

[Article 1](#) of the Constitution commits the Council to exercising all its powers and duties in accordance with the law and this Constitution.

Articles 2 - 16 explain the rights of citizens and how the key parts of the Council operate. These are:

- [Members of the Council \(Article 2\)](#)
- [Citizens and the Council \(Article 3\)](#)
- [The Council meeting \(Article 4\)](#)
- [Chairing the Council \(Article 5\)](#)
- [Overview and scrutiny of decisions \(Article 6\).](#)
- [The Cabinet \(Article 7\)](#)
- [Other Committees \(Article 8\)](#)
- [The Standards Committee \(Article 9\)](#)
- [Area Forums \(Article 10\)](#)
- [Joint arrangements \(Article 11\)](#)
- [Officers \(Article 12\)](#)
- [Decision making \(Article 13\)](#)
- [Finance, contracts and legal matters \(Article 14\)](#)
- [Review and revision of the Constitution \(Article 15\)](#)

- [Suspension, interpretation and publication of the Constitution \(Article 16\)](#)

HOW THE COUNCIL OPERATES

The Council is composed of 66 Councillors with one third elected three years in four. Councillors are democratically accountable to residents of their ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Standards Committee trains and advises them on the code of conduct.

All Councillors meet together as the Council. Meetings of the Council are normally open to the public. Here Councillors decide the Council's overall policies and set the budget each year. The Council will appoint the Leader and Cabinet (the Executive) and hold the Executive to account. There will be an opportunity for members of the public to ask questions at Council meetings.

HOW DECISIONS ARE MADE

The Cabinet is the part of the Council which is responsible for most day-to-day decisions. The Executive is made up of the Leader, who is elected by all Councillors and up to 9 Councillors appointed by the Leader. When major decisions are to be discussed or made, these are published in the Leader's Forward Plan in so far as they can be anticipated. If these major decisions are to be discussed with Council officers at a meeting of the Cabinet, this will generally be open for the public to attend except where exempt or confidential matters are being discussed. The Cabinet may only make decisions which are in line with the Council's overall Policy Framework (listed in Article 4.1(a) of this Constitution) and Budget. If it wishes to make a decision which is outside the Budget or Policy Framework, this must be referred to the Council as a whole to decide.

OVERVIEW AND SCRUTINY

There are six overview and scrutiny committees who support the work of the Cabinet and the Council as a whole. They allow citizens to have a greater say in Council matters by holding public inquiries into matters of local concern. These lead to reports and recommendations which advise the Cabinet and the Council as a whole on its policies, budget and service delivery. Overview and Scrutiny Committees also monitor the decisions of the Cabinet. They can 'call in' a decision which has been made by the Cabinet but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Cabinet reconsider the decision. They may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

AREA FORUMS

In order to give local citizens a greater say in Council affairs, eleven area forums have been created. These are primarily consultative. They involve Councillors and community representatives for each particular area and are held in public.

COUNCIL STAFF

The Council has people working for it (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A code of practice governs the relationships between officers and members of the Council.

CITIZENS' RIGHTS

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in [Article 3](#). Some of these are legal rights, whilst others depend on the Council's own processes.

Where members of the public use specific Council services, for example as a parent of a school pupil, they have additional rights. These are not covered in this Constitution.

Citizens have the right to:

- vote at local elections if they are registered;
- contact their local Councillor about any matters of concern to them;
- obtain a copy of the Constitution;
- attend meetings of the Council, the Cabinet and their respective Committees except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on a mayoral form of Executive;
- submit petitions generally to Councillors or officers on matters of local concern;
- participate in the Council's question time and contribute to investigations by the Overview and Scrutiny committees;
- find out, from the Leader and Cabinet's forward plan, what major decisions are to be discussed by the Cabinet or decided by the Cabinet or officers, and comment accordingly;
- see reports and background papers, and any record of decisions made by the Council and Cabinet, either on paper or electronically where reports and decision records are displayed on the Council's website;

- complain to the Council about any of the Council's services;
- complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;
- complain to the Monitoring Officer if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor .

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Director of Law, HR and Asset Management, Town Hall, Brighton Street, Wallasey, Wirral, CH44 8ED, telephone number 0151-638 7070, who can let you have a statement of your right to inspect agendas and reports and attend meetings.

Article 7 - The Cabinet

THE ROLE OF THE CABINET

7.1 Role

The Cabinet will carry out all of the local authority's functions that are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

7.2 Form and composition

The Cabinet will consist of the –

- (i) The Leader of the Council ("the Leader"); and
 - (ii) at least two but not more than nine Councillors ("other Cabinet Members") appointed from time to time by the Leader
- None of whom may be either the Mayor or Deputy Mayor at any time while being the Leader or other Cabinet Members

7.3 Leader

- (i) The Leader will be a Councillor elected to the position of Leader by the Council-
 - (a) subject in relation to 2010 to sub-paragraph (ii) below; and
 - (b) from time to time thereafter if the Leader ceases to hold office as such on any of the grounds specified in paragraph (iii) below
- (ii) A Councillor shall be elected as Leader at the Annual Meeting of the Council following elections in May 2010 and this paragraph shall take effect notwithstanding and in place of any other arrangements for the election and tenure of office of a Leader at any time prior to that date.
- (iii) The Leader will hold office as such until or unless –
 - (a) he/she resigns from the office; or
 - (b) he/she is suspended from being a Councillor pursuant to Part III (Conduct of local government members and employees) of the Local Government Act 2000,
 - (c) he/she ceases to be a Councillor (whether or not by virtue of any enactment relating to the duration, expiry of the term of office or retirement of Councillors) [see Note below]; or
 - (d) The Council passes a resolution expressly to remove him/her from the office of Leader being a resolution which, without prejudice to the application of the Council's Standing Order 8 (or any Standing Order or other provision from time to time having similar effect) shall be lodged for debate and copied to (i) the Leader, (ii) the leaders of all political parties represented on the Council [other than the Leader and the sponsors of

the resolution if any of them are leaders of such political parties], (iii) the Chief Executive of the Council and (iv) the Council's Monitoring Officer, not less than ten clear working days before the earliest meeting of the Council at which it can be considered

- (iv) If the Council passes a resolution of the kind provided for by paragraph (iii)(d) above, it may also elect a Councillor to the office of Leader at the meeting which passes that resolution (in which event the Councillor so elected shall immediately become the Leader) or at a subsequent meeting which shall be convened as soon as is reasonably practical

NOTE – The effect of this Article 7.3(iii)(c) is that a Leader's term of office will expire on the same day that his/her term of office as a Councillor ends, and the first Annual Meeting of the Council after that date will be invited to elect a Leader as provided for by Article 7.3(ii).

7.4 Other Cabinet Members.

- (i) Other Cabinet Members shall be appointed and their portfolios and functions shall be determined from time to time by the Leader.
- (ii) The power of appointment by the Leader as respects other Cabinet Members shall include the power to remove any of them from the Cabinet and to determine whether or not to appoint one or more other Councillors in their places (subject in all such circumstances to the limitations upon numbers in paragraph 7.2 (ii) above)
- (iii) The power of the Leader to determine the functions of other Cabinet Members shall, subject to and in accordance with section 14 (Discharge of functions:general) and Section 17 (Discharge of functions: Section 11 (5) Executive) of the Local Government Act 2000, include determining Cabinet functions that are to be discharged by-
 - (a) the Cabinet as a whole;
 - (b) a committee of the Cabinet;
 - (c) one or more individual members of the Cabinet;or
 - (d) an officer of the Council,whether or not in consultation with one or more members of the Cabinet
- (iv) The Leader may from time to time appoint a Cabinet Member to be his/her deputy and the person so appointed shall be known and referred to as the Deputy Leader of the Council ("the Deputy Leader").
- (v) The power of appointment by the Leader of the Deputy Leader shall include power to remove him/her from the office of Deputy Leader and to determine whether or not to appoint another Cabinet Member thereto.
- (vi) Subject to paragraphs (i), (ii), (iv) and (v) above, a Cabinet Member shall hold office as such until or unless -
 - (a) he/she resigns from such office; or
 - (b) he/she is suspended from being a councillor pursuant to Part III (Conduct of Local Government Members and Employees) of the Local Government Act 2000) (although he/she shall be eligible to resume such office on appointment by the Leader at the expiry of the period of suspension); or

- (c) he/she is no longer a Councillor, whether or not by virtue of any enactment relating to the duration, expiry of the term of office or retirement of councillors”

7.5 Proceedings of the Cabinet

Proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Rules set out in Part 4 of this Constitution.

7.6 Responsibility for functions

- (i) The Leader will maintain a list, a copy of which shall be kept in or annexed to Part 3 of this Constitution, setting out whether:
 - (a) the Cabinet as a whole;
 - (b) a committee of the Cabinet;
 - (c) one or more individual members of the Cabinet;
 - (d) an officer or officers of the Council, whether or not in consultation with one or more Cabinet Members; or
 - (e) one or more other local authorities (under arrangements with such authorities) to any extent;

have responsibility for the exercise of particular Cabinet or Executive functions

- (ii) The list to which paragraph (i) applies shall, in relation to matters to which items (b)-(e) of that paragraph relate, specify all committees, councillors, officers or other authorities by reference to their respective titles or names; and
- (iii) Where the Leader makes any change to the above arrangements for the exercise of executive functions it shall only take effect when it is notified in writing (including by email) to the Director of Law, HR and Asset Management, who will then promptly arrange for notification of the change to be given to all Councillors and Chief Officers.

7.7 Responsibility for Executive functions when no Leader is in post and no quorate Cabinet is in office

- (i) This paragraph shall apply for any period during which;
 - (a) no Councillor holds the position of Leader; and
 - (b) Fewer than three Councillors (or such other number of Councillors as from time to time shall be the quorum for a meeting of the Cabinet) hold the position of Cabinet Member
- (ii) In the circumstances to which sub-paragraph (i) above applies, the Chief Executive (or in his/her absence, the Deputy Chief Executive), in consultation with the leaders of all political groups represented on the Council, shall have delegated authority to act in respect of any Executive Function, provided that the Chief Executive or Deputy Chief Executive (as

the case may be) is of the opinion that to delay acting until after the likely conclusion of the period specified in sub-paragraph (i) above would not be in the public interest

- (iii) All decisions or other action taken by the Chief Executive or the Deputy Chief Executive pursuant to sub-paragraph (ii) above shall be promptly set out in a written record which shall include the reasons for the decision or other action and the conclusions as to the public interest which caused such decision or other action to be taken AND all such records shall be submitted to the Councillor who next holds the position of Leader as soon as is reasonably practicable after his or her election as Leader.

Rules of Procedure

Council Procedure Rules - Standing Orders

SECTION 1 - RELATING TO MEETINGS OF THE COUNCIL

| Standing Order | | Page |
|----------------|---|------|
| 1 | Meetings of the Council | 135 |
| 2 | Election of Mayor and Deputy Mayor | 135 |
| 3 | Chair of Meeting | 135 |
| 4 | Quorum | 135 |
| 5 | Order of Business | 136 |
| 5A | Annual Meetings of the Council | |
| 5B | Election of the Leader | |
| 6 | Minutes | 136 |
| 7 | Submission of Proceedings of Committees | 136 |
| 8 | Notices of Motion | 139 |
| 9 | Motions which may be moved without notice | 140 |
| 10 | Proposals to increase expenditure | 141 |
| 11 | Questions | 141 |
| 12 | Rules of Debate for Council Meetings - | 142 |
| | (1) Motions and amendments | 142 |
| | (2) Minority reports | 142 |
| | (3) Joint Debates | 142 |
| | (4) Seconding | 142 |
| | (5) Standing when speaking | 142 |
| | (6) Right of reply (amendments to minutes) | 143 |
| | (7) Right of reply (notices of motion under Standing Order 8) | 143 |
| | (8) Speeches, restrictions and time limits | 143 |
| | (9) Restrictions on speaking more than once | 143 |
| | (10) Amendments | 144 |
| | (11) Amendments to be dealt with in order | 144 |
| | (12) Further amendments - substantive motion | 144 |
| | (13) Withdrawal of amendment | 144 |
| | (14) Motions which may be moved in the course of debate | 144 |
| | (15) Closure motions | 145 |
| | (16) Point of order | 146 |
| | (17) Mayor's ruling | 146 |
| | (18) Precedence of Mayor | 146 |
| 13 | Budget Council Procedure | 146 |
| 14 | Motions affecting persons employed by the Council | 147 |
| 15 | Disorderly conduct | 147 |
| 16 | Disturbance by members of the public | 147 |
| 17 | Rescission of preceding resolution | 147 |
| 18 | Voting | 148 |
| 19 | Voting on appointments | 148 |
| 20 | Interest of officers in contracts | 149 |
| 21 | Petitions | 149 |
| 22 | Interpretation of Standing Orders | 149 |

SECTION 1 - RELATING TO MEETINGS OF THE COUNCIL

1. Meetings of the Council

(1) In addition to the Annual Meeting of the Council and any extraordinary meetings convened by the Mayor or by members of the Council (in accordance with Schedule 12 of the Local Government Act 1972), ordinary meetings shall be held in each year on such dates as the Council decides, provided that such dates may be varied by the Council, or by the Director of Law, HR and Asset Management after consultation with the Leader of the Council.

(2) The Annual Meeting shall be held at 7.00 pm or at such other time as the Council decides, at the Town Hall, Wallasey, or at such other place as the Council decides, and ordinary meetings of the Council shall be held at 6.15 pm, or at such other time decided by the Director of Law, HR and Asset Management after consultation with the Leader of the Council, at the Town Hall, Wallasey.

(3) Each ordinary meeting of the Council shall be concluded in accordance with the procedure contained in Standing Order 7(8), unless the Council agrees to suspend that standing order before it comes into operation at the meeting.

(4) An extraordinary meeting of the Council may be called at any time by the Mayor. The Mayor should also consider a request for an extraordinary meeting if it is signed by five members of the Council. If the Mayor refuses to comply with the request or does not refuse but does not call an extraordinary meeting within seven days of receiving the requisition, then any five members of the Council may call an extraordinary meeting.

2. Election of Mayor and Deputy Mayor

The Council shall at the Annual Meeting elect a Mayor and a Deputy Mayor.

3. Chair of Meeting

Any power or duty of the Mayor relating to the conduct of the meeting may be exercised by the person presiding at the meeting.

4. Quorum

(1) Subject to the requirements of the Local Government Act 1972 the quorum of the Council shall be 17 (which shall include the Mayor or other person presiding at the meeting), and if during any meeting of the Council the Mayor, after counting the number of members present, declares that there is not a quorum present the meeting shall stand adjourned. Any undisposed of business shall be referred either to an adjourned meeting, the date and time of which shall be fixed by the Mayor after consultation with the Leader of the Council at the time the meeting is adjourned, or, if the Mayor does not fix a time, to the next ordinary meeting of the Council.

(2) If at the end of 15 minutes after the time at which any meeting of the Council is scheduled to start a quorum is not present, no meeting shall take place. The majority of members then present, or if there is only one member then present that member, may fix the date and time for a reconvened meeting,

and the Director of Law, HR and Asset Management shall make an appropriate entry in the minutes.

5. Order of Business (Council Meetings)

(1) This Standing Order shall be subject to Standing Order 5A below as respects Annual Meetings of the Council

(2) Subject to paragraph (3) below, the order of business at every meeting of the Council shall be as follows:

- (a) to choose a person to preside if the Mayor and Deputy Mayor are absent;
- (b) to deal with any business required by statute to be done before any other business;
- (c) to receive the Mayor's announcements;
- (d) to receive petitions in accordance with Standing Order 21;
- (e) to approve as a correct record and sign the minutes of the last meeting of the Council;
- (f) to deal with any business expressly required by statute to be done;
- (g) to dispose of business (if any) remaining from the previous meeting;
- (h) to receive and consider, on the motion duly seconded of the Leader of the Council (who may make a statement for up to 15 minutes) or of any other member, the reports, minutes and recommendations of all committees and the Cabinet, subject to any objections, amendments or comments in respect of those reports, minutes and recommendations which have been submitted in writing to the Director of Law, HR and Asset Management in accordance with Standing Order 7(2);
- (i) to deal with questions in accordance with Standing Order 11;
- (j) to deal with questions from members of the public in accordance with the procedure set out in Appendix 1 to these standing orders;
- (k) to deal with any references from Overview and Scrutiny Committees;
- (l) subject to Standing Order 5(3), to deal with minority reports submitted by political groups in accordance with the call-in procedure;
- (m) to consider and decide upon objections, amendments and comments notified to the Head of Legal and Member Services, together with any notices of motion submitted in accordance with Standing Order 8 which the Council agrees should be debated rather than being referred to the appropriate committee(s), in the order determined by applying the formula set out in Standing Order 5(3);
- (n) to deal with any other business, if any, specified in the Summons.

(3) The order of items (a), (b), (c), (d) and (e) of paragraph (1) cannot be changed. The order of other items may be varied:

(a) at the discretion of the Mayor, or

(b) by a resolution duly moved and seconded, without discussion.

(4) Objections, amendments and comments notified by political groups under paragraph 1(h), together with any minority reports submitted in accordance with Standing Order 35(4) (together referred to as matters for debate), shall be dealt with in accordance with the following formula, which is based on the relative strengths of the political groups where none has an overall majority. Other objections, amendments, comments, minority reports and notices of motion shall be dealt with in the order in which they are received, at the conclusion of the groups' objections. Provided that the order in which any objections are dealt with may be varied with the consent of the Council and that a group may vary its preferred order by substituting a 'late' amendment notified under Standing Order 7(2) for one to be considered earlier in the proceedings.

The first three objections, amendments, comments, minority reports and notices of motion shall be dealt with in the following order:

- (i) First objection submitted by the political group with the largest number of Councillors;
- (ii) First objection submitted by the political group with the second largest number of Councillors
- (iii) First objection submitted by the political group with the third largest number of Councillors

Thereafter the formula shall be repeated until all outstanding matters for debate have been disposed of; provided that an amendment submitted in respect of a notice of motion shall not be subject to the formula but shall be debated at the same time as the notice of motion to which it relates.

Where two or more political groups comprise the same number of Councillors their precedence under this Rule 5(4) shall be determined by agreement of the relevant Group Leaders or, in the absence of such agreement, by the drawing of lots in a manner determined by the Director of Law, HR and Asset Management (or his representative) and shall rotate thereafter for subsequent meetings for so long as the equality of numbers continues.

5A Annual Meetings of the Council

(1) The Annual Meeting of the Council will be held:

- (a) in a year of ordinary elections of Councillors to the Council, on the first Monday after the day of retirement of the persons who were Councillors before the election, or on such other day within 21 days after that day of retirement as the Council may fix; or

- (b) in any other year, on the second Monday in May, or such other day in the month of March, April or May that year as the Council may fix.

But provided the Annual Meeting commences on such date, some or all of the business to be conducted at the Annual Meeting (with the exception of the election of a Mayor) may be adjourned to another date (or dates) determined by the Council.

Note: The 'day of retirement of the persons who were Councillors before the election' is the fourth day after the day of the election (see the Local Government Act 1972, section 26(3)).

- (2) In addition to business of the kinds specified in Article 5 above, the business at Annual Meetings of the Council shall include:
 - (a) as the first item of business, the election of a Mayor;
 - (b) the election of a Deputy Mayor;
 - (c) the election of a Leader as provided for by Article 7.3 of the Constitution (but only when the occasion to do so under that Article arises);
 - (d) the appointment of Members to committees that are not committees of the Cabinet;
 - (e) the appointment of Chairs and Vice-Chairs to such committees as are provided for at (d) unless the Council decides in any instance not to do so; and
 - (f) the appointment of Members (and/or other individuals) to outside bodies and organisations.
- (3) In 2010, following the election in May, the Director of Law, HR and Asset Management may seek to convene a proportionate Appointments Working Party (to include the Leaders and Deputy Leaders of all the political groups (or their nominees)) to consider the business of the Annual Meeting of the Council with a view to making recommendations to Council and/or to facilitate the effective conduct of that meeting.

5B Election of the Leader

- (1) When the occasion arises for the Council to elect a Leader, the Mayor (or other person presiding at the meeting) shall invite a Member nominated by the Group Leader of the political group with the largest number of Councillors to propose the name of a Councillor to be elected as the Leader of the Council.
- (2) If a name is proposed under Rule 5B(1), the Mayor (or other person presiding at the meeting) shall then invite any Member to second that proposal.

- (3) If a name is proposed and seconded under Rules 5B(1) and (2), the Mayor (or other person presiding at the meeting) shall then invite the person proposed as Leader to confirm whether or not they accept the nomination and if (but only if) they so accept, to have the opportunity (which may be declined in whole or in part) to indicate to the Council the political composition and/or names of Cabinet Members that, if elected as the Leader, they would be minded to appoint.
- (4) If the person proposed as the Leader has confirmed their willingness to serve as the Leader if elected, the motion shall then be put to the vote without debate and, if a majority of those Councillors present and voting vote for the motion, the person proposed shall be elected as the Leader with immediate effect and shall be invited to make an acceptance speech of not more than 5 minutes duration.
- (5) If no person is elected as the Leader under the preceding paragraphs of this Procedure Rule, then Rules 5B(1) to (4) shall be repeated with substitution in Rule 5B(1) of the phrase 'the Group Leader of the political group with the largest number of Councillors' by the phrase 'the Group Leader of the political group with the second largest number of Councillors'.
- (6) If no person is elected as the Leader under the preceding paragraphs of this Procedure Rule, then Rules 5B(1) to (4) shall be repeated with substitution in Rule 5B(1) of the phrase 'the Group Leader of the political group with the largest number of Councillors' by the phrase 'the Group Leader of the political group with the third largest number of Councillors'.
- (7) If no person is elected as the Leader under the preceding paragraphs of this Procedure Rule, then, so far as the Mayor considers it appropriate, Rules 5B(1) to (6) may be repeated.
- (8) Where two or more political groups comprise the same number of Councillors their precedence under this Rule 5B shall be determined by agreement of the relevant Group Leaders or, in the absence of such agreement, by the drawing of lots (before or during the meeting) in a manner determined by the Director of Law, HR and Asset Management (or his representative attending the meeting).

6. Minutes

- (1) If the minutes of the last meeting of the Council have been circulated before the meeting, they shall be taken as read and the Mayor shall move that they be approved as a correct record.
- (2) The minutes shall not be discussed except to question their accuracy. If their accuracy is not disputed the Mayor shall sign them. Any question of accuracy shall be put to the vote.
- (3) Where in relation to any meeting of the authority the next such meeting is a meeting called under paragraph 3 (extraordinary meetings) of Schedule 12 to the Local Government Act 1972, the next following meeting of the authority (being a meeting called otherwise than under that paragraph) shall be treated

as a suitable meeting for the purposes of paragraph 41(1) and (2) (signing of minutes) of that Schedule.

7. Submission of Proceedings of Committees

(1) The proceedings of the committees and Cabinet as printed in the Council Summons shall be taken as approved except in respect of those matters to which objections or amendments have been notified under Standing Order 7(2). After the disposal of each objection or amendment, the matter objected to shall, subject to Standing Order 10, be deemed to have been amended (if the objection or amendment is accepted by the Council) or to have been approved (if the objection or amendment is not accepted) without the necessity for the taking of a vote on the substantive motion.

(2) The deadline for objections, amendments, comments, minority reports is **10.00 am on the Wednesday** preceding the day on which Council is held, provided that, if a meeting of a committee is held after *or near to* that deadline, amendments arising out of its minutes may be lodged by 10.00 am on the Friday before Council, or, if such a meeting is held on that Friday or on the same day as the Council meeting, amendments may be lodged at any time before the minutes are moved and accepted..

All objections, amendments, comments and minority reports, together with the motions notified under Standing Order 8(1), shall be listed by the the Director of Law, HR and Asset Management for consideration by the Council as 'Matters for Debate' in the order determined by Standing Order 5 (3). The list shall be circulated to all members of the Council by the Friday preceding the Council meeting.

(3) No objection may be moved in the Council in respect of minutes of committees or sub-committees which have acted under delegated powers except that any member may move that a minute, or part of it, of the Pensions Committee or the Licensing, Health and Safety and General Purposes Committee be not received. If that objection is approved by the Council no further administrative or other action shall be taken to give effect to the decision in question until the committee or sub-committee concerned has had an opportunity to reconsider the matter. The position of third parties who have already acquired rights or entered into obligations as a result of action taken in pursuance of the decision made under delegated powers shall not be prejudiced by the Council's decision not to receive the minute.

(4) A member may only move a 'comment' on a minute of the Planning Committee. A comment shall be an expression of opinion on the minute in question and shall not have the effect of amending or referring back the minute.

(5) A member may move an amendment to any minute of the Cabinet that is submitted to the Council for approval but may not move an amendment to any other minute of the Cabinet.

(6) If the member who has lodged an objection, amendment or comment is absent when the matter is reached, or it is not proceeded with by that member, any other member may proceed with it with the agreement of the Council.

(7) If an objection or amendment to a minute is approved by the Council no other member may move a further amendment to the minute as amended, unless it is an objection or amendment lodged under Standing Order 7(2) that has not been disposed of and which is capable of having legal effect.

(8) If the Council has not disposed of all objections, amendments, comments, minority reports or notices of motion listed in accordance with Standing Order 7(3) by 9.30 pm on the day of the meeting it shall dispose of the objection, amendment or comment then under consideration as if the motion 'That the question be now put' had been carried, i.e. the debate shall be concluded by the seconder and by the Member who has the right of reply (see Standing Order 12(14)(b) below).

After that matter has been disposed of, all remaining matters listed for debate, shall be dealt with by being moved and seconded without discussion and put to the vote.

8. Notices of Motion

(1) Subject to Standing Order 17, notice of every motion except of one under Standing Order 9 shall be given in writing, signed by the member in whose name it stands and delivered **no later than the Monday of the second week before each ordinary meeting of the Council** to the Head of Legal and Member Services, who shall arrange for it to be dated, numbered in the order in which it is received, and entered in a book which shall be open to inspection by every member of the Council.

(2) The Director of Law, HR and Asset Management shall set out in the Summons for every meeting of the Council all motions of which notice has been duly given, in the order in which they have been received, unless the member giving such a notice has since withdrawn it in writing.

(3) If a motion set out in the Summons is not moved by the member who gave notice of it or by another member on his/her behalf, or is not duly seconded, it shall, unless postponed with the agreement of the Council, be treated as withdrawn and shall not be moved without fresh notice.

(4) If a motion is carried and has the effect of increasing expenditure on, or reducing income from, a service by more than £10,000, the resolution shall not be acted upon until the Cabinet has reported to the Council on the method of financing the increase or reduction, unless the motion (or amendment) clearly indicates the source of funding and the Director of Finance confirms that such funding is available.

(5) Where a motion has been referred to any committee under the previous paragraph, any debate on that motion at a subsequent Council meeting shall take place upon the report or the recommendation of the committee(s) or the Cabinet and there shall be no separate debate upon the motion itself.

(6) A member of the Council who has moved a motion which has been referred to any committee shall be given notice of the meeting at which it is to be considered. The member shall have the right to attend the meeting and an opportunity of explaining the motion.

(7) Every motion shall be relevant to some matter which affects the Borough or be related to the Council's powers or duties.

If the Director of Law, HR and Asset Management after consultation with the Leader of the Council is of the opinion that a notice of motion is out of order it shall not be included in the Council Summons and that officer shall arrange for the members who signed it to be so informed.

9. Motions which may be moved without notice having been given under Standing Order 8 or objection having been notified under Standing Order (5)(1)(h)

The following motions may be moved without notice, but must be seconded. The mover must confine any remarks to the form of the motion:

- (a) appointment of a Chair for the meeting at which the motion is made;
- (b) motions relating to the accuracy of the minutes;
- (c) that an item of business specified in the Summons has precedence;
- (d) appointment of a committee or members of it, arising from an item mentioned in the Summons, or the submission to Council for approval of a name as a member of any body as required by the minutes of the Council or of a committee;
- (e) adoption of reports and recommendations of committees or officers and any consequent resolutions;
- (f) that leave be given to withdraw a motion;
- (g) extending the time limit for speeches in accordance with Standing Order 12(7);
- (h) that the Council proceed to the next business;
- (i) that the question be now put;
- (j) that the debate be now adjourned;
- (k) that the Council adjourn to a specified time and date, or to such time and date as the Mayor may decide after consultation with the Leader of the Council;
- (l) suspending a Standing Order in accordance with Standing Order 36;
- (m) motions under the Local Government (Access to Information) Act 1985 to exclude the public;
- (n) that a member named under Standing Order 15 be not further heard or do leave the meeting;
- (o) giving the consent of the Council where the consent of the Council is required by these Standing Orders;

- (p) to amend the motion;
- (q) to postpone consideration of the motion or amendment;
- (r) motions and amendments on references by a Overview and Scrutiny Committee.

10. Proposals to increase expenditure

If an amendment to a recommendation (or the relevant part of it) of the Cabinet or of the Standards or Pensions Committees is carried and has the effect of increasing expenditure on, or reducing the revenue from, the services for which any such body is responsible by more than £10,000, the recommendation, as amended, shall without further debate be referred to the Cabinet, for a report to the Council on the method of financing the increased expenditure or of meeting the loss of income, unless the motion (amendment) clearly indicates the source of funding and the Director of Finance confirms that such funding is available.

11. Questions

- (1) At every ordinary Council meeting, except the Budget Council meeting, questions may be asked by either a member of the Council or a member of the public in accordance with this standing order. A question may be put to any Cabinet member or the Chair of any committee following the submission of minutes under Standing Order 5(1)(h) provided that no question shall be put after 7.15 p.m. without the consent of the Council, and that no more than 30 minutes of the time available is allocated to questions from the public
- (2) A member of the Council may
 - (a) ask a question on any minute of the committee submitted to, or under consideration by, the Council at that meeting giving the Chair of the committee, where possible, previous notice of his/her intention to ask the question;
 - (b) ask the Mayor or the Chair of any committee or a Cabinet member a general question on any matter which affects the Borough or which is related to the Council's powers or duties. Notice of a general question must be given to the Director of Law, HR and Asset Management by **10.00 a.m. on the Wednesday** preceding the day on which Council is held.
- (3) A member of the public may ask a question in accordance with the procedure set out in the appendix to these standing orders.
- (4) Every question shall be put and answered without discussion, but the person to whom the question has been put may decline to answer.
- (5) An answer may take the form of -
 - (a) a direct oral answer; or

- (b) where the information requested is contained in a publication of the Council, a reference to that publication; or
- (c) a written answer circulated to members of the Council either during the meeting at which the question is asked or subsequently.

(6) If the member of the Council asking the question considers the reply received to be insufficient or unsatisfactory he/she shall be entitled to put one supplementary question. The supplementary question must be directly related to the original question. This entitlement shall only apply to a question put under paragraph 2(a) of this standing order.

(7) If a question relates to a matter within the competence of a sub-committee, the Chair may refer it to the Chair of that sub-committee, and the expression "Chair" in the standing order shall be interpreted in this way.

(8) Where a spokesperson has been nominated under the Local Government Act 1985 or any other statute to answer questions in Council on matters relating to the functions of other authorities, or any member or officer is required to answer questions pursuant to section 71(5) of the Local Government and Housing Act 1989 that spokesperson, member or officer shall be treated as a Chair for the purposes of this Standing Order and those parts of it relating to general questions shall apply.

12. Rules of Debate for Council Meetings

(1) Motions and Amendments

A motion or amendment shall relate to a minute of a committee submitted in accordance with Standing Order 7(2), or to a matter referred to in Standing Orders 8 and 9. It shall not be discussed unless it has been proposed and seconded.

The terms of any objection, amendment, comment, minority report or notice of motion shall not be varied except with the agreement of the Council.

(2) Minority Reports

In the case of minority reports, they shall be moved by the Leader of the relevant group (or a nominee) and may be the subject of debate. Voting shall be for or against any such report. If a minority report is voted for by Council, this shall not have the effect of changing any decision of the Cabinet.

(3) Joint Debates

The Council can agree to deal with the two or more related motions in one debate. Each mover and seconder should have the right to speak in accordance with Standing Order 12(7) and separate votes should be taken on each motion.

(4) Seconding

A member when seconding a motion or amendment shall speak immediately before the reply made by either the Chair or the mover of the original motion,

under paragraphs (5) or (6) of this standing order. No further ordinary speeches shall be made after the seconder has spoken.

(5) Standing when speaking

A member when speaking shall stand and address the Mayor. If two or more members rise, the Mayor shall call on one to speak; the other or others shall then sit. While a member is speaking the other members shall remain seated, unless rising to a point of order.

(6) Right of reply (Amendments to minutes)

The Chair of the Committee (or the member of the Cabinet), the minute of which is being debated, shall have the right to reply at the close of the debate on an objection, amendment, comment, minority report or notice of motion moved in respect of that minute immediately before the matter is put to the vote, unless the amendment or comment has been lodged by the Group to which the Chair belongs, in which case the right of reply shall be exercised by the spokesperson of the largest group opposing the amendment.

(7) Right of reply (Notices of Motion under Standing Order 8)

The mover of a motion has a right to reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original motion shall also have a right of reply at the close of the debate on the amendment in accordance with paragraph (7)(c) of this standing order. The mover of the amendment shall have no right of reply to the debate on the amendment.

(8) Speeches, restrictions and time limits

A member shall direct any speech to the matter under discussion or to a point of order as defined in paragraph (15) of this standing order. The following time limits shall apply to speeches:-

- (a) the mover of the motion or amendment or comment - not exceeding 7 minutes;
- (b) the seconder of the motion or amendment or comment or minority report or notice of motion - not exceeding 3 minutes;
- (c) the Chair, Cabinet member or the mover of the motion, amendment or comment having the right to reply - not exceeding 7 minutes;

The Chair having the right to reply shall be entitled to give an explanation immediately after the motion or amendment or comment has been moved and seconded but the total time allowed for the explanation and for the reply at the end of the debate shall not exceed 7 minutes.

- (d) any other speakers - not exceeding 3 minutes.

The Council may agree to an extension of these time limits for a period or successive periods of 2 minutes.

(9) Restrictions on speaking more than once

A member who has spoken on any motion shall not speak again while it is the subject of debate, except

- (a) to speak once on an amendment moved by another member;
- (b) if the motion has been amended since the member last spoke, to move a further amendment;
- (c) in exercise of a right of reply given by paragraphs (5), (6), (7) or (14) of this standing order;
- (d) on a point of order.

(10) Amendments

Subject to Standing Order 7(5) an amendment to a minute of the Cabinet or of the Pensions, Standards or Licensing, Health & Safety and General Purposes Committees shall be relevant to the motion or minute under consideration and shall be either

- (a) to refer or refer back a subject of debate for consideration or re-consideration as the case may be;
- (b) to leave out words;
- (c) to leave out words and insert or add others;
- (d) to insert or add words.

An amendment to omit, insert or add words may have the effect of negating an individual recommendation of Cabinet or a committee but shall not have the effect of negating in its entirety a minute that the proceedings of a committee be approved and adopted.

(11) Amendments to be dealt with in order

Only one objection to a minute may be moved and discussed at a time unless the Council agrees otherwise.

(12) Further amendments - Substantive motion

If an amendment is lost, other amendments notified under Standing Order 5(1)(h) may be moved on the original motion; if an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment notified as an objection may be moved.

(13) Withdrawal of amendment

A motion or amendment may be withdrawn by the mover with the agreement of the seconder and of the Council, which shall be indicated without discussion.

No member may speak upon it after the mover has asked permission for its withdrawal, unless such permission has been refused.

(14) Motions which may be moved in course of debate

When a motion or amendment is under debate no motion shall be moved except the following:

- (a) to amend the motion;
- (b) to postpone consideration of the motion or amendment;
- (c) to adjourn the meeting;
- (d) to suspend Standing Order 7(8);
- (e) to adjourn the debate;
- (f) to proceed to the next business;
- (g) that the question be now put;
- (h) that a member be not further heard;
- (i) by the Mayor under Standing Order 15, that a member do leave the meeting;
- (j) a motion under the Local Government (Access to Information) Act 1985 to exclude the public;
- (k) giving the agreement of the Council where the agreement is required by these standing orders.

(15) Closure motions

A Member who has not spoken previously on a matter under debate may move without comment at the end of a speech of another member:

"That the Council proceed to the next business",

or "That the question be now put",

or "That the debate be now adjourned",

or "That the Council do now adjourn".

If the motion is seconded the Mayor shall proceed as follows:-

- (a) On a motion to proceed to next business,
 - (i) the Mayor shall put the motion to proceed to the next business to the vote, unless in the Mayor's opinion the matter before the meeting has not been sufficiently discussed;

- (ii) if that motion is not carried the Mayor shall allow the debate to continue;
 - (iii) if that motion is carried the Council shall immediately proceed to consideration of the next item of business and any objection then undisposed of shall be deemed to have been not accepted by the Council pursuant to Standing Order 7(1).
- (b) On a motion that the question be now put,
 - (i) the Mayor shall put the motion that the question be now put to the vote, unless in the Mayor's opinion the matter before the meeting has not been sufficiently discussed;
 - (ii) if that motion is not carried the Mayor shall allow the debate to continue;
 - (iii) if that motion is carried the Mayor shall call upon the seconder of the motion under discussion provided the seconder has not already spoken. The Mayor shall then call upon the Chair, Cabinet member or the mover of the original motion to reply, as appropriate in accordance with paragraphs (5) or (12) of this standing order;
 - (iv) the Mayor shall then put the original matter under debate to the vote.
- (c) On a motion to adjourn the debate or the meeting, the Mayor shall put the adjournment motion to the vote without calling on the Chair, Cabinet member or the mover of the original motion to reply under paragraphs (5) or (12) of this standing order. Similarly, the seconder of the original motion who has not already spoken shall not be allowed to speak.

(16) Point of Order

A member may rise on a point of order and shall be entitled to be heard immediately.

A POINT OF ORDER SHALL RELATE ONLY TO AN ALLEGED BREACH OF A STANDING ORDER OR STATUTORY PROVISION, AND THE MEMBER SHALL SPECIFY THE STANDING ORDER OR THE STATUTORY PROVISION AND THE WAY IN WHICH HE/SHE CONSIDERS IT HAS BEEN BROKEN.

(17) Mayor's ruling

The ruling of the Mayor on a point of order shall not be open to discussion.

(18) Precedence of Mayor

Whenever the Mayor rises during a debate a member then standing shall be seated and the Council shall be silent.

13. Budget Council Procedure

The Director of Corporate Services shall prior to the budget meeting of the Council consult with the Leaders of each political group and submit to the Cabinet and Council a suggested procedure to be adopted at the budget meeting but if no such procedure is adopted the normal procedures of the Council in relation to amendments to Cabinet recommendations will apply.

14. Motions affecting persons employed by the Council

If any question arises at a meeting of the Council (or at a committee of it or at Cabinet) to which the Local Government (Access to Information) Act 1985 applies as to the appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct, of any person employed by the Council, that question shall not be discussed until the Council, committee or Cabinet has decided whether or not the power of exclusion of the public under the Act should be exercised.

15. Disorderly conduct

(1) If any member of the Council misconducts himself/herself at a meeting by persistently disregarding the ruling of the Mayor, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the Council, the Mayor or any other member may move "That the named member be not further heard". That motion, if seconded, shall be put to the vote and determined without discussion. If the motion is carried the named member shall take no further part in the debate in question.

(2) If the named member continues the misconduct after a motion under the previous paragraph has been carried, or if any member acts so irregularly, improperly or offensively that the member's continued presence at the meeting cannot reasonably be tolerated, the Mayor or any other member may move "That the named member leave the meeting immediately". That motion, if seconded, shall be put to the vote and determined without discussion. If the motion is carried the named member shall leave the meeting immediately.

(3) If the named member continues the misconduct after a motion under paragraph (1) has been carried, the Mayor shall have a discretion, and as an alternative to pursuing the action set out in paragraph (2), to adjourn the meeting for a period of up to 30 minutes.

(4) In the event of a general disturbance which in the opinion of the Mayor prevents the Council from disposing of its business in a proper and orderly manner, the Mayor may, without the question being put, adjourn the meeting for a period of up to 30 minutes.

16. Disturbance by members of the public

(1) If a member of the public interrupts the proceedings at any meeting the Mayor shall issue a warning. If that person continues the interruption the Mayor may order the person to be removed from the Council Chamber. In the case of general disturbance in any part of the Chamber open to the public the Mayor may order that part to be cleared.

(2) In the event of a general disturbance which, in the opinion of the Mayor, prevents the Council from disposing of its business in a proper and orderly manner, the Mayor may, without the question being put, adjourn the meeting for a period of up to 30 minutes.

17. Rescission of preceding resolution

(1) No decision of the Council (including a decision taken by a committee or panel under delegated powers) may be reconsidered by the Council on a notice of motion within six months of the date of the earlier decision unless the notice

of motion (under Standing Order 8) is signed by 17 members of the Council. If that motion is rejected by the Council neither it nor one to the same effect can be considered by the Council for six months.

(2) No resolution or recommendation (other than a procedural resolution) made by a committee or panel during the course of a meeting shall be rescinded or amended by the committee or panel during the same meeting or any adjournment of it unless there are reasonable grounds for believing that all of the material information was not available at the time that the resolution or recommendation was passed.

18. Voting

(1) The normal method of voting at meetings of the Council shall be by show of hands unless the Council determines otherwise.

(2) The Mayor may decide at any time to discontinue use of the electronic voting system if satisfied that it is not working correctly.

(3) When the electronic voting system is being used, the Mayor may require or allow the vote to be retaken either electronically or by show of hands if he/she considers that there has been any malfunction of the equipment or any incorrect use of it.

(4) No individual votes will be recorded in the minutes of Council unless either a "card vote" is requested pursuant to paragraph (5) hereof or a "recorded vote" is requested pursuant to paragraph (6).

(5) If a member of the Council makes a request before a vote is taken for a "card vote" and is supported by five other members rising in their places, voting shall be by that method so as to show how all members present and voting gave their votes provided that when the electronic voting system is to be used a "card vote" shall mean only the electronic recording of such votes.

(6) Where immediately after a vote is taken at a meeting of the Council, any member of that body so requires, there shall be recorded in the minutes of the proceedings of that meeting whether that person cast his/her vote for the question or against the question (a dissent) or whether he/she abstained from voting.

(7) When the electronic voting system is not being used, no request for a card vote may be made during the procedure referred to in Standing Order 7(8).

(8) In taking a vote upon any question, only those members of the Council who are present in the Council Chamber and seated in their places when the question is put from the Chair shall be entitled to vote.

19. Voting on appointments

Where there are more than two persons nominated for any position to be filled by the Council and there is not a majority of the votes given in favour of one person, the name of the person having the least number of votes shall be

struck off the list and a fresh vote shall be taken, and so on, until a majority of votes is given in favour of one person.

20. Interest of officers in contracts

The Director of Law, HR and Asset Management shall record in a book to be kept for the purpose particulars of any notice given by an officer of the Council under section 117 of the Local Government Act 1972 of a pecuniary interest in a contract, and the book shall be open during office hours for inspection by any member of the Council.

21. Petitions

Any member of the Council may following the Mayor's Announcements present a petition to Council. Any such petition shall be dealt with in accordance with Standing Order 34 but no person shall be entitled to speak to such a petition at Council.

22. Interpretation of Standing Orders

The ruling of the Mayor as to the interpretation or application of any of the standing orders, or as to any proceedings of the Council, shall not be challenged at any meeting of the Council.

22A. Suspension of Standing Orders

- (1) Subject to paragraphs (2) and (3) of this standing order, any of the preceding Standing Orders may be suspended so far as regards any business at the meeting of the Council where its suspension is moved.
- (2) A motion to suspend Standing Orders shall not be moved without notice (i.e. under Standing Order 9) unless there shall be present at least one half of the whole number of the members of the Council.
- (3) Standing Orders 6(3), 18(6), 23(f) (and the reference thereto in Standing Order 33) shall not be capable of being suspended without statutory authority.

SECTION 2 - RELATING TO COMMITTEES

23. Standing Orders to apply to committees and sub-committees

The following standing orders of the Council shall, with any necessary modification, apply to committee, sub-committee and panel meetings -

- (a) Rules of Debate (except for those parts which relate to standing, to speaking more than once, and to amendments' being in writing - S O 12
- (b) Motions affecting persons employed by the Council - S O 14
- (c) Disorderly conduct - S O 15
- (d) Disturbance by members of the public - S O 16
- (e) Rescission of preceding resolution - S O 17
- (f) Recording of votes - S O 18(6)
- (g) Voting on appointments - S O 19
- (h) In relation to start time – S O 4
- (i) In relation to the suspension of standing orders – SO 22A

24. This Procedure Rule has been deleted

25. Committees, Sub-Committees of the Council and Attendance

(1) Unless its terms of reference provide otherwise, a committee may authorise one of its sub-committees or any officer of the Council to discharge any of its functions.

(2) Unless it is expressly stated to the contrary, reference to committees and sub-committees in this section of Standing Orders shall be taken not to include panels (see Standing Order 33).

(3) No member shall be appointed to a committee of the Council so as to hold office later than the next Annual Meeting of the Council.

(4) The Council may at any time dissolve such a committee or alter its membership.

(5) The Leaders and Deputy Leaders of the three largest political groups represented on the Council shall, if not members, be permitted to attend meetings of the Cabinet, committees and overview and scrutiny committees, sub-committees and panels, but with the right to speak only at the Chair's invitation.

(6) When a casual vacancy occurs, or when a political group wishes to alter its representation on such a committee, the relevant political group shall submit a replacement nomination to the Head of Legal and Member Services, who shall report the nomination to the next meeting of the Council. The appointment of the nominee shall be deemed to take effect when the nomination has been reported, without the need for a vote.

(6)(a) The Council may appoint named deputies for members of its committees and each committee may appoint named deputies for members of its sub-committee(s) and panel(s) up to a maximum of eight for each political group, and such deputies shall be authorised to deputise for any member of their group who is unable to attend a meeting.

- (b) In the absence of the first named deputy the second member is deemed to be the deputy and in the absence of both the third shall be the deputy, and so on.
 - (c) If apart from this paragraph a person would be entitled to act as a deputy for more than one member of the committee that person shall be the deputy for the member whose surname has alphabetical priority and shall be regarded as absent in deciding which other deputy members are entitled to act in the absence of any other member of the committee.
 - (d) Once a meeting has commenced no member shall be replaced by a deputy and no deputy shall be replaced by any other member provided that where a meeting has been adjourned to another date the adjourned meeting shall be regarded as a separate meeting for the purposes of this Standing Order. The exception to this is where meetings are considering individual applications and where changes in membership are necessary due to declarations of interest.
- (7) A member of the Cabinet shall not be appointed to serve on any Overview and Scrutiny Committee of the Council.

26. Special meetings of committees

- (1) The Chair of the Cabinet or of any committee or sub-committee (or his/her nominee) may authorise the calling of a special meeting at any time, provided that in the case of the Cabinet the Chair should consult other party leaders represented on the Cabinet and in the case of committees the relevant party spokespersons prior to any decision on the date of the meeting.
- (2) A special meeting of a committee or sub-committee may also be called on the requisition of any two party spokespersons for the committee or sub-committee in question delivered in writing to the Head of Legal and Member Services. Subject to paragraph (3) below, the special meeting shall be held within 14 days of the date of receipt of the requisition, the actual date being determined by the Director of Law, HR and Asset Management after consultation with the party spokespersons of the two political groups referred to in the requisition.
- (3) No special meeting of a committee or sub-committee shall be held in the period between the last meeting of the Council before the summer recess and the 1st of September in any year without the agreement of the Chair.
- (4) The Director of Law, HR and Asset Management may convene a meeting of a Overview and Scrutiny Committee when required to comply with the call-in procedure.

27. Attendance of members of the Council at Cabinet and committee meetings

A member of the Council may attend any meeting of the Cabinet, a standing committee, sub-committee or panel of the Council, even though he or she is not a member of the committee/sub-committee/panel. Non-members of the Cabinet, committee, sub-committee or panel may be excluded from the meeting if, in addition to passing a resolution pursuant to the Local Government (Access to Information) Act 1985, the committee/sub-committee/panel also passes a resolution excluding non-members of that committee/sub-

committee/panel. This standing order shall not affect a member's rights at common law.

28. Selection of Mayor and Deputy Mayor of the Council

The Cabinet shall be empowered to make recommendations to the Annual Meeting of the Council of the name of the person to be proposed for election as Mayor and of the name of the person to be proposed for appointment as Deputy Mayor.

29. Quorum of committees and sub-committees

(1) Except where authorised by a statute or ordered by the Council, business shall not be transacted at a meeting of any committee unless at least one quarter of the whole number of the committee is present.

In no case shall a quorum of a committee be fewer than four members.

(2) Except where authorised by a statute or ordered by the Council, business shall not be transacted at a meeting of a sub-committee or panel unless at least one quarter of the whole number of the sub-committee is present.

In no case shall a quorum of a sub-committee be fewer than three members.

30. Voting in committees and sub-committees

Voting at a meeting of a committee, sub-committee or panel shall be on a show of hands, and where there is an equality of votes the Chair of the meeting shall have a second or casting vote.

The minutes of a committee, sub-committee or panel shall record the number of votes cast for and against any motion which is put to the vote.

All motions and amendments formally moved and seconded shall be recorded in the minutes.

31. Proceedings of committees to be confidential

Reports and documents marked "Not for Publication" shall be so treated unless and until they become public in the ordinary course of the Council's business or until that classification is removed by a committee, sub-committee or panel or by the Council. Reports marked "Confidential" shall remain confidential at all times.

32. Surrender of delegated powers

Where any powers or duties have been delegated to the Pensions Committee it may submit any of its decisions to the Council for approval if it so decides. It must submit any decision in this way if requested to do so at the meeting at which that decision is made by at least one quarter of the total number of members present and voting. The request may be made before or after the vote is taken provided the next item of business has not been called.

33. Panels

(1) A committee may appoint one or more panels of members for the purpose of advising on or deciding any matter within the committee's terms of reference. The need for such panels shall be kept under review and in particular shall be reviewed at the first meeting of the committee in each municipal year.

(2) Committees may appoint the Chairs, Vice-Chairs and members of panels.

(3) Panel meetings shall be summoned by the Director of Law, HR and Asset Management (or by another officer duly nominated) with the consent of the Chair of the panel.

(4) The minutes of each panel meeting shall be submitted to the subsequent meeting of the committee concerned.

(5) Notwithstanding the delegation of any powers to a panel, a panel may, if it so decides, submit a matter to the committee concerned or to a sub-committee for decision.

(6) Standing Orders 23, 25(4) and (6), 27, 29(2), 30 and 31 shall apply to meetings of panels. Any reference to a committee or sub-committee in other parts of the Council's Rules of Procedure shall be construed as including a panel.

34. Petitions

(1) A petition addressed to the Mayor, to the Council or to a committee shall, immediately it is received, be referred to the appropriate chief officer(s) for investigation.

(2) Unless it relates to a planning application (in which case it shall be dealt with as if it were an objection to the granting of planning permission) or the matter has already been disposed of by the Council, the petition shall be dealt with as follows:

(a) if the chief officer(s) concerned is able to effect a remedy to the complaint, the petitioners shall be advised accordingly;

(b) if the chief officer(s) cannot effect a remedy to the complaint within a reasonable time, the chief officer(s) shall submit, and report on, the petition to the next convenient meeting of the appropriate Overview and Scrutiny Committee or ordinary committee and shall advise the petitioners accordingly.

(c) if a petition is referred to committee in accordance with paragraph (b) above a representative of the petitioners shall be entitled to address the committee on the subject of the petition for a period of up to five minutes (or, exceptionally, for such longer period as the committee may allow).

35. Calling in of decisions

(1) When a decision is taken by the Cabinet, a committee of the Cabinet or individual Cabinet member (other than one referred to full Council or which is certified urgent by a unanimous decision of the Cabinet) and notified to all

members of the Council (by electronic and/or other means) any Leader or Deputy Leader of a political group or any five members of the Council may by notice in writing submitted to the Director of Law, HR and Asset Management within five working days of such notification require that the decision be not implemented and be referred to the relevant Overview and Scrutiny Committee for scrutiny within a further 15 working days from receipt of the notice. Any such notice must specify the decision in question, the reason for call-in and be signed by the members concerned. The relevant Chief Officer and all members will be notified of a call-in immediately and no action will be taken to implement the decision until the call-in procedure has been completed. A decision of the Cabinet, a committee of the Cabinet or individual Cabinet member may only be called in only once.

(2) When a matter is referred to a Overview and Scrutiny Committee the Chair of that committee may require the presence of the relevant Cabinet member and any Council officer to answer questions on that matter and may require the production of appropriate documents or reports in the custody of the Council or may call for additional reports.

(3) If the Overview and Scrutiny Committee disagrees with the decision it may either ask Cabinet to reconsider the decision or refer it to full Council for consideration if it considers that the decision is contrary to the policy framework or not in accordance with the budget. The Chair of the Overview and Scrutiny Committee shall have the opportunity to explain the Committee's views to the Cabinet or Council as appropriate.

(4) If the Overview and Scrutiny Committee agrees with the decision the relevant Chief Officer may implement it. In the event of any political group not agreeing with the majority decision of the Overview and Scrutiny Committee it may prepare a written minority report for consideration by Council when the minutes of the Overview and Scrutiny Committee are considered. Any such report must be handed to the Director of Law, HR and Asset Management in accordance with Standing Order 12(2). The Leader of the relevant group or his/her representative will have an opportunity to explain the minority report to the Council and Council may discuss and vote for or against such a report without prejudice to any decision already implemented.

APPENDIX 1

STANDING ORDER 11

Public Question Time - Procedure

There shall be a period of the Council Meeting of not more than 30 minutes in total during which any member of the public may address a question to the Leader, Cabinet Member, Chair of a Overview and Scrutiny Committee or Chair of an Ordinary Committee.

To qualify as a questioner a person must be a registered voter in Wirral or a representative of a local firm or organisation.

Questions must be submitted in writing to the Director of Law, HR and Asset Management at least five clear working days before the meeting of Council and must relate to the discharge of the Council's functions.

Questions may be edited as necessary by the Director of Law, HR and Asset Management to bring them into proper form and to ensure brevity.

Questions which in the opinion of the Director of Law, HR and Asset Management and the Mayor are defamatory, frivolous or otherwise improper or objectionable may be rejected.

The Mayor shall call questions in the order in which they have been received and the questioners must read them out.

Replies to the questions shall be oral unless the person questioned feels that a written response may be more suitable.

No speeches or discussion will be allowed but the questioner may ask one supplemental question.

If there is insufficient time for all questions, written replies will be made to any unanswered question.

A questioner may ask only one question at each meeting of the Council (subject to the right to ask a supplementary on that question) but if that person has asked a question at a previous meeting the Mayor shall have the right to change the order of questions or to reject questions which are repetitious.

Persons not able to attend to ask a question will be provided with a written answer in due course.