



## Standards and Constitutional Oversight Committee

**Date:** Monday, 23 November 2015

**Time:** 6.00 pm

**Venue:** Committee Room 1 - Wallasey Town Hall

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### AGENDA

5. **SUMMARY OF THE WORK AND PROPOSALS OF THE STANDARDS AND CONSTITUTIONAL OVERSIGHT WORKING GROUP (Pages 1 - 34)**

A report by the Head of Legal and Member Services and Monitoring Officer (**attached**).

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## WIRRAL COUNCIL

### STANDARDS AND CONSTITUTIONAL OVERSIGHT COMMITTEE

23 NOVEMBER 2015

<b>SUBJECT:</b>	<b>SUMMARY OF THE WORK AND PROPOSALS OF THE STANDARDS WORKING GROUP</b>
<b>WARDS AFFECTED</b>	<b>ALL</b>
<b>REPORT OF:</b>	<b>HEAD OF LEGAL AND MEMBER SERVICES AND MONITORING OFFICER</b>

#### 1.0 EXECUTIVE SUMMARY

- 1.1 This report provides details of the constitutional review undertaken by the Standards and Constitutional Oversight Working Group during this municipal year.
- 1.2 The Working Group has considered the following matters and made recommendations for consideration by the Committee:
- Council Procedure Rules
  - Call-in arrangements
  - Employment and Appointment Committee's Terms of Reference
  - Scheme of Delegation to Officers – technical updates
  - Procedure for Dealing with Referred Notices of Motions

#### 2.0 BACKGROUND AND KEY ISSUES

- 2.1 The Committee at its meeting on 1 July 2015 re-established its Standards and Constitutional Oversight Working Group.
- 2 The work of the Working Group during this municipal year focused on the specific areas detailed at paragraph 1.2 above.
- 2.2 The Working Group has now completed its review on the above matters and has made recommendations to the Committee for consideration which are set out in the Appendices to this report.

##### **Review of the Council's Constitution**

- 2.3 The Working Group concluded the review of the Council's Procedure Rules which the Working Group commenced last municipal year.
- 2.4 The Working Group had regard to the benchmarking exercise that was undertaken which consisted of the Procedure Rules and Council Agendas of a number (16) of Councils. This helped the Working Group appraise the Council's current arrangements

in greater detail and facilitate debate and discussion about how the Council's democratic and decision-making arrangements could be improved.

### **Council Procedure Rules**

- 2.5 The Working Group recognised that ordinary council meetings needed to change to become more engaging and provide greater opportunity for debate.
- 2.6 With this in mind, the Working Group has recommended changes to the Council's Procedures Rules that seek to streamline the business of council and allow greater time for debates.
- 2.7 The proposed changes include:
  - i. Changes to the start and end times for Ordinary Council meetings - to 6.00pm and 9.15pm respectively.
  - ii. Changes to how Executive and Policy and Performance Chairs Reports and questions are dealt with. The change reduces the time spent on such matters to thirty minutes rather than one and half hours. Questions on Executive and Policy and Performance Reports are to be taken in any order.
  - iii. The order of business of ordinary council has been varied so that Notices of Motion are dealt with last (save for any urgent business).
  - iv. Council will be required to deal with its other business save for Notices of Motion and Any Urgent Business by 7.15pm so that Council has more time to debate Notices of Motion.
  - v. Valid Notices of Motion will only require a Proposer and Secunder to sign the Notice rather than a Proposer and five other supporting members.
  - vi. Notices of Motion would be debated in a specific order based on the size of political groups.
  - vii. To ensure Council time is utilised more effectively, the time allowed for speeches/replies are to be revised – A proposer of a motion will have 5 minutes rather than 7 to introduce it; the Secunder will have 3 minutes rather than 5 and rights of reply shall be limited to 3 minutes rather than 7.
  - viii. The Council Agenda will only include Items that require Council to deal with a matter – for example, if there are no vacancies to address, the Agenda will not include that item.

### **Call-In**

- 2.8 The Working Group also reviewed how effective the Council's arrangements are for dealing with call-ins. Particular regard was had to recent call-ins that related to high profile matters and adjournments.

2.9 The Working Group recognised that it was not satisfactory for call-in hearings to last late into the evening, particularly when members of the public were in attendance (sometimes with children). Moreover, the Working Group acknowledged that it was not appropriate that call-ins that were adjourned could not be heard for several weeks/months due to availability issues.

2.10 Accordingly, the Working Group agreed that:

- i. All call-in meetings start at 4pm unless otherwise agreed by the Chairperson;
- ii. A call-in panel consisting of 9 voting members (together with any relevant co-opted members as required) be established to hear call-ins;
- iii. The call-in panel shall be quorate if 6 voting members are in attendance; and
- iv. If a call-in is adjourned, it must be re-convened within 7 working days thereafter or abandoned if that is not possible and the matter be re-heard from the start.

2.11 The Working Group considered the issue of whether Minority reports should be permitted which allowed a political group that is not satisfied with the call-in outcome to refer the subject matter to Council. Council can debate the subject matter but has no jurisdiction to review/change the Executive decision.

2.12 The Working Group debated the continuation of Minority Reports being permitted; however by majority vote, agreed that there be no such provision.

### **Employment and Appointment Committee's Terms of Reference**

2.13 The Working Group was requested to review the current terms of reference for the Employment and Appointments Committee. The current terms primarily relate to appointments and disciplinary matters of senior officers.

2.14 The Working Group agreed that the terms of reference be extended to include the approval of workforce/employment related policies and schemes; the monitoring of performance and management matters; and that the Chairperson be granted authority to make minor amendments to workforce/employment policies and schemes.

### **Scheme of Delegation of Functions to Officers**

2.15 The Working Group reviewed technical amendments to the Scheme of Delegation which relate to statutory updates and authorisations to named post holders following restructure changes and a generic provision to allow delegation to be exercised by relevant authorised officers.

### **APPENDIX 1**

2.16 **Appendix 1** to this sets out the proposed amendments to the Constitution which relates to the areas detailed above. For illustrative purposes a draft Council Summons showing the proposed ordering of items is also included.

## **Procedure for Dealing with Referred Notices of Motion**

- 2.17 The Working Group debated the issue of the Civic Mayor continuing to review Notices of Motion and determining which should be referred to the Executive or a Committee of the Council rather than be debated.
- 2.18 The Working Group was not able to reach a unanimous decision on this issue but it was agreed by majority vote that the status quo should remain.
- 2.19 In view of the Working Group's decision, it was also agreed that where Notices of Motion have been referred by the Civic Mayor, the Standards and Constitutional Oversight Committee shall have the responsibility of determining the procedure for how such referrals are dealt with.
- 2.20 To assist the Committee in this regards a draft Procedure has been prepared and agreed by the Working Group and is set out at **Appendix 2** for approval (subject to Council agreeing the Committee's onward recommendations on this matter).

## **Working Group Work Programme**

- 2.21 The Working Group will continue to meet during the municipal year and will focus its attention on the following:
- i. Members' Code of Conduct;
  - ii. Protocol for Dealing with Complaints Against Members;
  - iii. Promoting High Standards of Conduct; and
  - iv. Members' ICT Policy.
- 2.22 A further report will be provided to the committee in due course in relation to the work of the Working Group (which will be depending on what work is completed).

## **3.0 RELEVANT RISKS**

- 3.1 The Council must ensure that the Constitution and other working arrangements/practices are effective and compliant with relevant legislation.
- 3.2 By undertaking a regular review of the Constitution and Ethical Framework and other key aspects of the Council's practices, the risks to the Council are mitigated.

## **4.0 OTHER OPTIONS CONSIDERED**

- 4.1 The Working Group considered relevant information available and benchmarking information to help inform its decision making.

## **5.0 CONSULTATION**

- 5.1 The Standards Working Group has a consultative role by virtue of its cross-party membership. No formal consultation is necessary in respect of the matter falling within this report.

## **6.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS**

6.1 There are no such implications arising.

## **7.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS**

7.1 There are no such implications arising.

## **8.0 LEGAL IMPLICATIONS**

8.1 The legal implications have been set out in this report.

## **9.0 EQUALITIES IMPLICATIONS**

9.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

(a) No EIA is required.

## **11.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS**

11.1 There are no such implications arising.

## **12.0 RECOMMENDATION/S**

12.1 That the Committee:

- (a) Notes the work of the Working Group to date and the planned work to be undertaken.
- (b) Agrees the proposed changes to the Council's Constitution set out at Appendix 1 to this report and recommends the same to Council for approval.
- (c) Recommends to Council that the Head of Legal and Member Services be authorised to make the necessary changes to the Constitution to give effect to the proposed changes set out at Appendix 1.
- (d) Subject to Council approving the proposed amendments to the Constitution at (b) above, the Procedure for Dealing with Referred Notices of Motion as set out in Appendix 2 to this report be approved and shall take effect as from 15 December 2015 onwards.

## **13.0 REASON/S FOR RECOMMENDATION/S**

13.1 The recommendations are necessary to ensure compliance with legal obligations and improve governance arrangements.

**REPORT AUTHOR:** **Surjit Tour**  
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and Monitoring Officer  
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## **APPENDICES**

Appendix 1 - Schedule of Proposed Changes to the Council's Constitution.

Appendix 2 - Procedure for Dealing with Referred Notices of Motion

**PROPOSED CONSTITUTIONAL AMENDMENTS**

Proposed amendments to the Constitution recommended by the Standards and Constitutional Oversight Working Group.

<b>Amendment No. 1 – Change of Ordinary Council Meeting Times (Start 6.00pm and Finish 9.15pm)</b> <b>Amendment No. 2 – Commencement time for Matters Requiring Approval and Debates (NOMs)</b>		
Council Constitution Section	Current Provision	Proposed Amendment
<b>Part 4 – Rules of Procedure</b>  <b>Section 1</b>  <b>Council Procedure Rules</b>  Page 148	<b>Standing Order 1(2) – Meetings of the Council</b>  (1) The Annual Meeting shall be held at <b>7.00</b> 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 <b>6.15</b> pm, or at such other time decided by the Head of Legal and Member Services after consultation with the Leader of the Council, at the Town Hall, Wallasey.  (2) Each ordinary meeting of the Council shall be concluded by <b>9:00pm on the day of the meeting</b> in accordance with the procedure contained in Standing Order 9, unless the Council agrees to suspend that standing order before it comes into operation at the meeting.	<b>Standing Order 1(2) – Meetings of the Council</b>  (1) The Annual Meeting shall be held at <b>7.00</b> 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 <b>6.00pm</b> , or at such other time decided by the Head of Legal and Member Services after consultation with the Leader of the Council, at the Town Hall, Wallasey.  (2) Each ordinary meeting of the Council shall be concluded by <b>9:15pm on the day of the meeting</b> in accordance with the procedure contained in Standing Order 9, unless the Council agrees to suspend that standing order before it comes into operation at the meeting.

<p>Page 154</p>	<p><b>Standing Order 9 - Conclusion of Council Meeting</b></p> <p>(1) If the Council has not disposed of all Business by 9.00 pm on the day of the meeting it shall dispose of the item 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).</p>	<p><b>Standing Order 9 - Conclusion of Council Meeting</b></p> <p>(1) If the Council has not disposed of all Business by <b>9.15pm</b> on the day of the meeting it shall dispose of the item 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).</p>
<p><b>Part 4 – Rules of Procedure</b></p> <p><b>Section 1</b></p> <p><b>Council Procedure Rules</b></p> <p>Page 150</p>	<p>N/a</p>	<p><b>Standing Order 5(5) – Order of Business (Council Meetings)</b></p> <p>Council shall conclude all business other than:</p> <ul style="list-style-type: none"> <li>i. motions (and amendments thereto) to be debated pursuant to Standing Order 7; and</li> <li>ii. any urgent business agreed by the Civic Mayor</li> </ul> <p>by no later than 7.15pm (unless otherwise permitted by the Civic Mayor).</p>

<b>Amendment No. 3 - Only Proposer and Seconder required to sign Notice of Motion</b> <b>Amendment No. 4 - Change of Order for dealing with Notices of Motion</b> <b>Amendment No. 5 – Submission of Amendments to Notices of Motion</b>		
<b>Part 4 – Rules of Procedure</b>  <b>Section 1</b>  <b>Council Procedure Rules</b>  Page 153	<b>Standing Order – Rule 7(1) Notices of Motion</b>  Subject to Standing Order 17, notice of every motion except of one under Standing Order 8 shall be given in writing, signed by the member in whose name it stands and by at least five other members and delivered <b>no later than the Monday of the second week before each ordinary meeting of the Council</b> 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.	<b>Standing Order – Rule 7(1) Notices of Motion</b>  Subject to Standing Order 17, notice of every motion except of one under Standing Order 8 shall be given in writing, signed by the Elected Member in whose name it stands (“ <b>the Proposer</b> ”) and <b>seconded by another Elected Member (“the Seconder”)</b> <b>no later than the Monday of the second week before each ordinary meeting of the Council</b> to the Head of Legal and Member Services,
<b>Part 4 – Rules of Procedure</b>  <b>Section 1</b>  <b>Council Procedure Rules</b>  Page 153	<b>Standing Order – Rule 7(2) Notices of Motion</b>  The Head of Legal and Member Services 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.	<b>Standing Order – Rule 7(2) Notices of Motion</b>  The Head of Legal and Member Services shall set out in the Summons for every meeting of <b>Ordinary</b> Council all motions of which notice has been duly given <b>under Standing Order 7(1)</b> and to be debated ( <b>as determined under Standing Order 7(4)) in the following order</b> , unless the <b>Proposer of the</b> motion has since withdrawn it in writing:  <b>1. Largest Political Group Notice of Motion;</b>

		<ol style="list-style-type: none"> <li>2. Second largest Political Group Notice of Motion;</li> <li>3. Third largest Political Group Notice of Motion;</li> <li>4. A Notice of Motion not received from a Political Group;</li> <li>5. The order above thereafter to be repeated.</li> </ol>
<p><b>Part 4 – Rules of Procedure Section 1</b></p> <p><b>Council Procedure Rules</b> Page 153</p>	<p><b>Standing Order – Rule 7(6) Notices of Motion</b></p> <p>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 members shall have the right to attend the meeting and an opportunity of explaining the motion.</p>	<p><b>Standing Order – Rule 7(6) Notices of Motion</b></p> <p>The Proposer and Seconder of a motion which has been referred to the executive or any committee shall be given notice of the meeting at which it is to be considered. Either the Proposer or Seconder shall have the right to attend the meeting and an opportunity of explaining the motion.</p>
<p><b>Part 4 – Rules of Procedure Section 1</b></p> <p><b>Council Procedure Rules</b> Insert at Page 154</p>	<p>N/a</p>	<p><b>New Standing Order – Rule 7(9) Notices of Motion</b></p> <p>All amendments to motions submitted under Standing Order 7(1) and to be debated (as determined under Standing Order 7(4)) must be submitted to the Head of Legal and Member Services by 10.00am on the Friday immediately preceding the Ordinary Council meeting at which the motion is to be debated. All such amendments shall be published by the Head of Legal and Member Services.</p>

<b>Amendment No. 6 – Procedure for Dealing with Referred Notices of Motion</b>		
<p><b>Part 4 – Rules of Procedure</b></p> <p><b>Section 1</b></p> <p><b>Council Procedure Rules</b></p> <p>Insert at Page 154</p>	<p>N/a</p>	<p><b>New Standing Order – Rule 7(10) Notices of Motion</b></p> <p>In the case of a Notice of Motion being referred to the Leader, Cabinet or a Committee of the Council by the Civic Mayor, the Standards and Constitutional Oversight Committee shall determine the procedure for how such a referral shall be dealt with.</p>
<b>Amendment No. 7 – Public and Member Question Time (Reduce allocation of time and change how questions are asked)</b>		
<p><b>Part 4 – Rules of Procedure</b></p> <p><b>Section 1</b></p> <p><b>Council Procedure Rules</b></p> <p>Page 156</p>	<p><b>Standing Order 11 - Restrictions and time limits on questions</b></p> <p>(a) Any question shall be limited to 2 minutes.</p> <p>(b) The total number of questions on any one report shall not usually exceed five.</p> <p>(c) Responses to any question will be reserved to the conclusion of all the questions on a particular report, when all the questions will be answered individually or as a composite response as appropriate.</p> <p>(d) Any response to questions on a particular report shall not exceed ten minutes.</p>	<p><b>Standing Order 11 - Restrictions and time limits on questions</b></p> <p>(a) Any question shall be limited to 2 minutes.</p> <p>(b) Questions by members on written report submitted under Standing Order 5(2)(h) may be asked in any order – the total number of questions on any one report shall not usually exceed five.</p> <p>(c) Response to questions should be brief, succinct and to the point.</p> <p>(d) The total time allocated to member questions and responses on the written reports submitted under Standing Order 5(2)(h) shall not exceed 30 minutes.</p>

	<ul style="list-style-type: none"> <li>(e) The total time allocated to members questions shall not exceed one and a half hours.</li> <li>(f) The Mayor will broadly endeavour to call members and allocate the time for questions such that each political party has that proportion of the time which reflects their relative membership of the council.</li> <li>(g) The Mayor as an exception may agree to an extension of these numbers and time limits.</li> </ul>	<ul style="list-style-type: none"> <li>(e) <b>Where a verbal response cannot be provided to any question asked by a member under Standing Order 10(2), a written response shall be provided within 10 working days thereafter.</b></li> <li>(f) The <b>Civic</b> Mayor will broadly endeavour to call members and allocate the time for questions <b>fairly and equitably.</b></li> <li>(g) The <b>Civic</b> Mayor as an exception may agree to an extension of these numbers and time limits.</li> </ul>
<b>Amendment No. 8 – Order of Business (Council Meetings)</b>		
<p><b>Part 4 – Rules of Procedure Section 1</b></p> <p><b>Council Procedure Rules</b></p> <p>Page 149-150</p>	<p><b>Order of Business (Council Meetings)</b></p> <ul style="list-style-type: none"> <li>(1) This Standing Order shall be subject to Standing Order 5A below as respects Annual Meetings of the Council.</li> <li>(2) Subject to paragraph (3) below, the order of business at every meeting of the Council shall be as follows: <ul style="list-style-type: none"> <li>(a) to choose a person to preside if the Mayor and Deputy Mayor are absent;</li> <li>(b) to receive the Mayor's announcements;</li> <li>(c) to deal with any business required by statute to be done before any other business;</li> <li>(d) to receive petitions without debate in accordance with Standing Order 21;</li> <li>(e) to deal with questions from members of the</li> </ul> </li> </ul>	<p><b>Order of Business (Council Meetings)</b></p> <ul style="list-style-type: none"> <li>(1) This Standing Order shall be subject to Standing Order 5A below as respects Annual Meetings of the Council.</li> <li>(2) Subject to paragraph (3) below, the order of business at every meeting of the Council shall be as follows: <ul style="list-style-type: none"> <li>(a) <b>Selection of Chairperson</b> - to choose a person to preside if the <b>Civic</b> Mayor and Deputy <b>Civic</b> Mayor are absent;</li> <li>(b) <b>Declarations of Interest</b> - to receive declarations of interest from Members;</li> <li>(c) <b>Civic Mayor's Announcements</b> - to receive the <b>Civic</b> Mayor's announcements;</li> <li>(d) <b>Minutes</b> - to approve as a correct record and sign the minutes of the last meeting of the</li> </ul> </li> </ul>

	<p>public in accordance with the procedure set out in Appendix 1 to these standing orders;</p> <p>(f) to approve as a correct record and sign the minutes of the last meeting of the Council;</p> <p>(g) to dispose of business (if any) remaining from the previous meeting;</p> <p>(h) to receive the written reports of the Leader and the Cabinet Members and the Chairs of the Policy &amp; Performance Committees and receive questions and answers on any of those reports;</p> <p>(i) to consider any recommendations of the Leader / Cabinet and Committees which require the approval of the Council;</p> <p>(j) to deal with questions in accordance with Standing Order 11;</p> <p>(k) to deal with any references from the Policy and Performance Committees;</p> <p>(l) to consider and decide upon active petitions referred to Council for debate under Standing Order 34(1); on a motion to be formally moved by the Mayor and duly seconded to note the contents of the petition;</p> <p>(m) to deal with any other business, if any, specified in the Summons;</p> <p>(n) to consider any notices of motion submitted in accordance with Standing Order 7 which the Council agrees should be debated rather than being referred to the Leader or the appropriate Committee(s).</p>	<p>Council;</p> <p>(e) <b>Business Required by Statute</b> - to deal with any business required by statute to be done before any other business;</p> <p>(f) <b>Outstanding Business</b> - to dispose of business (if any) remaining from the previous meeting;</p> <p>(g) <b>Petitions</b> - to receive petitions without debate in accordance with Standing Order 21;</p> <p>(h) <b>Petitions</b> - to consider and decide upon active petitions referred to Council for debate under Standing Order 34(1); on a motion to be formally moved by the <b>Civic</b> Mayor and duly seconded to note the contents of the petition;</p> <p>(i) <b>Public Questions</b> - to deal with questions from members of the public in accordance with the procedure set out in Appendix 1 to these standing orders;</p> <p>(j) <b>Leader's, Executive Members' and Chair's Reports</b> - to receive the written reports of the Leader and the Cabinet Members and the Chairs of the Policy &amp; Performance Committees and receive questions and answers on any of those reports in accordance with Standing Order 10(2)(b);</p> <p>(k) <b>Members' Questions</b> - to deal with Members questions in accordance with Standing Order 10(2)(a);</p> <p>(l) <b>Matters Referred from Policy and Performance Committee or Other Council Committees</b> - to deal with any references from the Policy and <b>Performance Committee or</b></p>
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	<p>(3) The order of items (a), (b), (c), and (d) of paragraph (1) cannot be changed. The order of other items may be varied:</p> <p>(a) at the discretion of the Mayor; or  (b) by a resolution duly moved and seconded, without discussion.</p> <p>(4) Notices of motion shall be dealt with in the order in which they are received.</p>	<p>other Council Committees;</p> <p>(m) <b>Vacancies</b> – to receive nominations, in accordance with Standing Order 25(6) in respect of proposed changes in the membership of Committees or appointments to outside organisations;</p> <p>(n) <b>Matters Requiring Approval or Consideration by the Council</b> - to consider any recommendations of the Leader / Cabinet and Committees which require the approval of the Council;</p> <p>(o) <b>Notices of Motion</b> - to consider any notices of motion submitted in accordance with Standing Order 7 which the Council agrees should be debated rather than being referred to the Leader or the appropriate Committee(s).</p> <p>(p) <b>Other Business that the Mayor Considers Urgent</b> - to deal with any other urgent business.</p> <p>(3) The order of items (a - f) of paragraph (1) cannot be changed. The order of other items may be varied:</p> <p>(a) at the discretion of the Civic Mayor; or  (b) by a resolution duly moved and seconded, without discussion.</p> <p>(4) Notices of Motion shall be dealt with in the order in which they are received (unless otherwise stated within this Constitution).</p>
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**Amendment No. 9 – Speeches, restrictions and time limits**

**Part 4 – Rules of Procedure Section 1**

**Council Procedure Rules**

Page 157

**12(1) 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 Chair, Cabinet Member or mover of the motion - not exceeding 7 minutes;
- (b) the seconder of the motion or notice of motion - not exceeding 3 minutes;
- (c) the Chair, Cabinet member or the mover of the motion, 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 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 Mayor as an exception may agree to an extension of these time limits for a period or successive periods of 2 minutes.

**12(2) 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 Chair, Cabinet Member or mover of the motion - not exceeding **5 minutes**;
- (b) the seconder of the motion or notice of motion - not exceeding 3 minutes;
- (c) the Chair, Cabinet member or the mover of the motion, having the right to reply - not exceeding **3 minutes**;  
The Chair having the right to reply shall be entitled to give an explanation immediately after the motion 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 **5 minutes**;
- (d) any other speakers - not exceeding 3 minutes. The **Civic** Mayor as an exception may agree to an extension of these time limits for a period or successive periods of 2 minutes.

**Amendment No. 10 – Call In**

**Part 4 – Rules of Procedure Section 1**

**Council Procedure Rules**

Page 167

**CALL-IN**

**Current Call-In Rules (Standing Order 35) set out at Annex A**

**Proposed Revisions**

All call-ins to commence at 4:00pm unless otherwise agreed by the Chairperson.

1. A call-in panel be established consisting of nine (9) members of the Co-Ordinating Committee (including deputies) to hear all call-ins. A Panel of nine (9) members ensures all three parties have at least one seat (i.e ratio 5:3:1).
2. There be no provision for Minority Reports to be referred to Council.
3. Should a call-in be adjourned part-heard it must be convened within 7 working days thereafter otherwise it shall be abandoned and a new panel convened within 7 working days.
4. The panel shall be quorate if 6 members are in attendance.

**Revised Call-In Rules (Standing Order 35) set out at Annex B**

**Amendment No. 11 – Employment and Appointments Committee (Terms of Reference)**

<p><b>Responsibility for Functions</b></p> <p><b>Table 2 – Responsibility for Council Functions (Table)</b></p> <p>Page 63</p>	<p><b>Membership</b></p> <p>8 Members of the Authority</p> <p>Where the matter to be considered relates to the dismissal of the Head of Paid Service, Monitoring Officer or Chief Finance Officer, the Employment and Appointments Committee membership shall include a minimum of two Independent Persons on the Committee as determined and defined by The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (SI 2015/881) or as may be amended from time to time.</p> <p><b>Functions</b></p> <p>Appointment of Chief Officers and Deputies.</p> <p>To act as the Appeals Body in respect of misconduct of chief officers.</p> <p>Functions relating to Pensions as an Employer.</p> <p>To provide advice, views or recommendations to Full Council on a matter proposing the dismissal of the Head of Paid Service, Monitoring Officer or Chief Finance Officer in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (SI 2015/881) or as may be amended from time to time.</p>	<p><b>Include:</b></p> <p>To approve, amendment and/or revise Council employment/ workforce policies and schemes.</p> <p>To monitor and exercise oversight of workforce performance and management matters.</p> <p>The Chairperson shall, in consultation with Party Spokespersons and the Head of Human Resources and Organisation Development, have authority to make minor amendments to employment/workforce policies and schemes.</p>
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**Amendment No. 12 - Technical amendments**

<p><b>SCHEDULE 4A</b> <b>PART 2</b> <b>para (1)</b> Page 123 - 133</p>	<p>N/a</p>	<p>[Insert]  'Control of Horses Act 2015'</p>
	<p>Mobile Homes Act 2010</p>	<p>Mobile Homes Act 2013</p>
	<p>(4) (a) Personally or, where legislation requires it, through the Trading Standards Manager authorise suitably qualified members of staff in the Trading Standards Division to carry out enforcement functions as authorised officers under trading standards, consumer and related legislation;</p>	<p>(4) (a) Personally or, where legislation requires it, through the <b>Senior Manager Trading Standards or Trading Standards Operations Manager (or equivalent post holders)</b> authorise suitably qualified members of staff in the Trading Standards Division to carry out enforcement functions as authorised officers under trading standards, consumer and related legislation;</p>
	<p>(4) (b) personally or through the Senior Manager (Trading Standards) authorise the commencement of legal proceedings on behalf of the Council under trading standards, consumer and related legislation;</p>	<p>(4) (b) personally or through the <b>Senior Manager Trading Standards or Trading Standards Operations Manager (or equivalent post holders)</b> authorise the commencement of legal proceedings on behalf of the Council under trading standards, consumer and related legislation;</p>
	<p>(4) (d) authorise the post-holders listed below, in the Trading Standards Division, to charge alleged offenders in police stations:</p> <p>Trading Standards Manager Divisional Officer (Business Support) Divisional Officer Community Support and Regulation);</p>	<p>(4) (d) authorise the <b>Trading Standards Operational Manager (or equivalent post holder)</b> to charge alleged offenders in police stations:</p> <p>.</p>

	The Head of Regeneration and Planning, assisted by the Development Management Manager has authority to determine <u>all</u> minor and other applications submitted by or on behalf of the Borough Council other than those listed under (A) below;	The Head of Regeneration and Planning, assisted by the Development Management Manager to determine <b>on behalf of the Council</b> all minor and other applications, <b>including those submitted by the authority, excluding those applications</b> listed under (A) below;
	(iii) To exercise all the powers and duties of the Council arising under the provisions of Safety of Sports Grounds Act 1975 in relation to the issuing of notices prohibiting the admission of spectators to sports grounds and make agreed amendments to safety certificates.	<b>Remove provision from Head of Regeneration and Planning responsibility area.</b>  <b>Transfer provision to Head of Corporate &amp; Community Safety.</b>
<b>SCHEDULE 4A</b> <b>PART 2</b> <b>para (1)</b>  Page 123	N/a	[Insert] after first paragraph ending with words ‘with express delegations below’, the following paragraph:  <b>The delegations below may be exercised by any Council Officer duly authorised by the post holder to whom the delegation(s) have been given or by any other person duly authorised by the Chief Executive or Head of Legal and Member Services.</b>

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## APPENDIX 1 - ANNEX A

### 35. Calling-In of decisions

- (1) All decisions of:
  - (i) the Cabinet;
  - (ii) an individual member of the Cabinet; or
  - (iii) a committee of the Cabinet; and
  - (iv) key decisions taken by an officer

shall be published, and shall be available at the main offices of the Council normally within 2 days of being made. All members of the Council will be sent a copy of the decision.

- (2) That Minute(s) will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, unless the decision is called in for scrutiny by 5:00p.m. on the final day of the Call-In period of **within** five clear working days from the date of publication. (Adjusted by a maximum of one day if there is one or more Bank Holidays in that period).
- (3)
  - (a) During that period, the Chief Executive shall Call-In a decision for scrutiny by the Co-ordinating Committee if so requested by any six members of the Council who have given detailed reasons for the Call- In of the decision. The detailed reasons must be provided by the Lead signatory, by the Call-In deadline. When a Call-In is requested the Chief Executive shall liaise with the Member listed first on the Call-In schedule, to ensure there is sufficient information provided to enable the Call-In to proceed. As long as there is a clear reason given, the Call-In should be allowed. He/she shall then notify the decision-taker of the Call-In. He/she shall call a meeting of the Committee on such date as he/she may determine, where possible after consultation with the Chair of the Co-ordinating Committee, and in any case within 15 working days of the decision to Call-In.
  - (b) 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 be called in only once.
- (4) Having considered the decision, the Co-ordinating Committee may:-
  - (i) refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or;

- (ii) refer the matter to full Council. Such a referral should only be made where the Co-ordinating Committee believes that the decision is outside the policy framework or contrary to or not wholly in accordance with the budget. The procedures set out in those rules must be followed prior to any such referral.
- (5) If a decision is referred back to the decision making person or body it shall be reconsidered in the light of the written concerns of the Co-ordinating Committee before a final decision is made.
- (6) If following a Call-In, the Co-ordinating Committee does not refer the matter back to the decision making person or body and does not refer the matter to Council, the decision shall take effect on the date of the Co-ordinating Committee meeting. If the Co-ordinating Committee does not meet the decision shall take effect from the date when the Committee should have met.
- (7) If the matter is referred to full Council and the Council does not object to a decision which has been made, then the decision will become effective on the date of the Council meeting.
- (8) If the Council does object the Council may take a decision, which is outside the policy and budgetary framework. Otherwise the Council will refer any decision to which it objects back to the decision-making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Executive Board as a whole or a committee of it, a meeting will be convened to reconsider within ten working days of the Council request. Where the decision was made by an individual, the individual will reconsider within ten working days of the Council request.
- (9) Call-In should only be used in exceptional circumstances where members have evidence which suggests that the decision was not made in accordance with the principles of decision making in the constitution.
- (10) Call-In and urgency
  - (a) The Call-In procedure set out above shall not apply where the decision being taken by the Cabinet is urgent. A decision will be urgent if any delay is likely to be caused by the Call-In process would seriously prejudice the Council's or the public's interest. The record of the decision and the notice by which it is made public shall state whether, in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to Call-In. The Chief Executive must agree both that the decision proposed is reasonably in all the circumstances and to it being treated as a matter of urgency. Decisions taken as a

matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

- (b) The operation of the provisions relating to Call-In and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

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## APPENDIX 1 - ANNEX B

### 35. Calling-In of decisions

- (1) All decisions of:
  - (i) the Cabinet;
  - (ii) an individual member of the Cabinet; or
  - (iii) a committee of the Cabinet; and
  - (iv) key decisions taken by an officer

shall be published, and shall be available at the main offices of the Council normally within 2 days of being made. All members of the Council will be sent a copy of the decision.

- (2) That Minute(s) will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, unless the decision is called in for scrutiny by 5:00p.m. on the final day of the Call-In period of **within** five clear working days from the date of publication. (Adjusted by a maximum of one day if there is one or more Bank Holidays in that period).

- (3)
  - (i) During that period, the Chief Executive shall Call-In a decision for scrutiny by the Co-ordinating Committee if so requested by any six members of the Council who have given detailed reasons for the Call- In of the decision. The detailed reasons must be provided by the Lead signatory, by the Call-In deadline. When a Call-In is requested the Chief Executive shall liaise with the Member listed first on the Call-In schedule, to ensure there is sufficient information provided to enable the Call-In to proceed. As long as there is a clear reason given, the Call-In should be allowed. He/she shall then notify the decision-taker of the Call-In. He/she shall call a meeting of the Committee on such date as he/she may determine, where possible after consultation with the Chairperson of the Co-ordinating Committee, and in any case within 15 working days of the decision to Call-In.
  - (ii) 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 be called in only once.
  - (iii) A Call-In Panel be established consisting of nine (9) members of the Co-Ordinating Committee (including deputies) to hear all call-ins. The Panel of nine (9) members shall be politically proportionate (5:3:1). The panel shall be quorate if six (6) or more members are in attendance.

- (iv) The Call-In Panel meetings shall commence at 4:00pm unless otherwise agreed by the Chairperson.
  - (v) Should a call-in be adjourned part-heard it must be convened within 7 working days thereafter otherwise it shall be abandoned and a new Call-In Panel convened within 7 working days.
- (4) Having considered the decision, the Co-ordinating Committee may:-
  - (i) refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or;
  - (ii) refer the matter to full Council. Such a referral should only be made where the Co-ordinating Committee believes that the decision is outside the policy framework or contrary to or not wholly in accordance with the budget. The procedures set out in those rules must be followed prior to any such referral.
- (5) If a decision is referred back to the decision making person or body it shall be reconsidered in the light of the written concerns of the Co-ordinating Committee before a final decision is made.
- (6) If following a Call-In, the Co-ordinating Committee does not refer the matter back to the decision making person or body and does not refer the matter to Council, the decision shall take effect on the date of the Co-ordinating Committee meeting. If the Co-ordinating Committee does not meet the decision shall take effect from the date when the Committee should have met.
- (7) If the matter is referred to full Council and the Council does not object to a decision which has been made, then the decision will become effective on the date of the Council meeting.
- (8) If the Council does object the Council may take a decision, which is outside the policy and budgetary framework. Otherwise the Council will refer any decision to which it objects back to the decision-making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Executive Board as a whole or a committee of it, a meeting will be convened to reconsider within ten working days of the Council request. Where the decision was made by an individual, the individual will reconsider within ten working days of the Council request.
- (9) Call-In should only be used in exceptional circumstances where members have evidence which suggests that the decision was not made in accordance with the principles of decision making in the constitution.
- (10) Call-In and urgency

- (i) The Call-In procedure set out above shall not apply where the decision being taken by the Cabinet is urgent. A decision will be urgent if any delay is likely to be caused by the Call-In process would seriously prejudice the Council's or the public's interest. The record of the decision and the notice by which it is made public shall state whether, in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to Call-In. The Chief Executive must agree both that the decision proposed is reasonably in all the circumstances and to it being treated as a matter of urgency. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
  
- (ii) The operation of the provisions relating to Call-In and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

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# Council [EXAMPLE PROPOSED]

Town Hall  
Wallasey

[ ] 2015

Dear Councillor

You are hereby summoned to attend a meeting of the Council to be held at **6.00 pm on Monday, [ ] 2015** in the Council Chamber, within the Town Hall, Wallasey, to take into consideration and determine upon the following subjects :

**Contact Officer:** [ ]  
**Tel:** 0151 691 [ ]  
**e-mail:** [ ]@wirral.gov.uk  
**Website:** <http://www.wirral.gov.uk>

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## AGENDA

### 1. DECLARATIONS OF INTEREST

Members of the Council are asked to consider whether they have any disclosable pecuniary interests and/or any other relevant interest, in connection with any matter to be debated or determined at this meeting and, if so, to declare it and state the nature of such interest.

### 2. CIVIC MAYOR'S ANNOUNCEMENTS

To receive the Civic Mayor's announcements and any apologies for absence.

**3. MINUTES  
(Pages xx - xx)**

To approve the accuracy of the minutes of the Council meeting held on [ ], 2015.

**4. PETITIONS (Pages x - xx)**

A. To receive petitions submitted in accordance with Standing Order 21.

B. The following petition is referred to the Council for consideration in accordance with Standing Order 34.

**5. PUBLIC QUESTIONS**

To deal with questions from members of the public, in accordance with Appendix 1 to Standing Orders – up to 30 minutes.

**6. LEADER'S, EXECUTIVE MEMBERS' AND CHAIRS REPORTS  
(Pages xx - xx)**

To receive the written reports of the Executive and Policy and Performance Committee Chairs, and to receive questions and answers on any of those reports in accordance with Standing Orders 10(2)(a) and 11.

**7. MEMBERS' QUESTIONS**

To consider Members' general questions to the Civic Mayor, Executive or Committee Chair in accordance with Standing Orders 10 (2)(b) and 11.

**8. MATTERS REFERRED FROM POLICY AND PERFORMANCE COMMITTEES OR OTHER COUNCIL COMMITTEES  
(Pages xx - xx)**

To consider and determine any references from the Policy and Performance Committees and any other Council Committees.

**9. VACANCIES**

To receive nominations, in accordance with Standing Order 25(6), in respect of any proposed changes in the membership of committees, and to approve nominations for appointments to outside organisations.

**10. MATTERS REQUIRING APPROVAL OR CONSIDERATION BY THE COUNCIL**  
**(Pages xx - xx)**

APPROVAL: To consider any recommendations of the Executive or Council Committees which require the approval or consideration of the Council.

NOTING: The following matters are drawn to the Council's attention for noting.

**11. NOTICES OF MOTION**  
**(Pages xx - xx)**

Notices of motion submitted in accordance with Standing Order 7(1), are attached. They are listed in accordance with Standing Order 7(2), and the full text of each motion is attached. The Mayor, having considered each motion, in accordance with Standing Order 7(4) has decided that they will be dealt with as follows:

**12. ANY OTHER BUSINESS**

To consider any other items of business that the Civic Mayor accepts as being urgent.

A handwritten signature in black ink, appearing to be a stylized name, possibly 'D. J. ...', written over a light blue horizontal line.

Head of Legal and Member Services

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### Protocol for Dealing with Referred Notices of Motion

- i) This Protocol shall apply where a Notice of Motion has been referred by the Civic Mayor to the Executive or a Committee of the Council under Standing Order 7(4) of the Constitution.
- ii) The Proposer and Seconder of a motion which has been referred under (i) above shall be given at least 7 days notice of the meeting at which the motion is to be considered. The Proposer (or in his/her absence, the Seconder) shall be expected to attend the meeting and explain the Motion.
- iii) The Chairperson may call an extraordinary meeting of the Committee if he/she considers the matter to be time sensitive and the matter should be considered before the next scheduled meeting of the Committee.
- iv) At the discretion of the Chairperson, other persons with expertise on the subject of the Motion may be invited to attend the meeting at which it is to be considered.
- v) The following shall apply to speakers:-
  - (a) the Proposer (or in his/her absence, the Seconder) of the Motion – shall have up to 5 minutes to explain the motion (unless otherwise permitted by the Chairperson).
  - (b) any other person – up to 3 minutes (unless otherwise permitted by the Chairperson).
  - (c) the Proposer (or in his/her absence, the Seconder) of the Motion shall have the right of reply - not exceeding 3 minutes (unless otherwise permitted by the Chairperson).
  - (d) Questions may be asked of speakers by the Committee – not to exceed 5 minutes (unless otherwise permitted by the Chairperson).

- vi) Should both the Proposer and Secunder of the motion be unable to attend, no written submission on their behalf will be permitted and the motion shall be considered in their absence.
- vii) Consideration of the motion may be deferred to a future meeting to allow further information to be provided or other persons to attend.
- viii) Subject to (vii) above, the Committee shall debate the Motion and reach a decision.
- ix) Any decision taken in respect of the motion shall be referred to the next Ordinary Council meeting for consideration.