

## Chapter 3 – Meeting Procedure Rules

### THE FULL COUNCIL

#### Introduction to the Full Council

The Full Council is responsible for the adoption and approval of the strategies and plans comprising [the Policy Framework](#) or [the Budgetary Framework](#). In addition, there are some other [matters that have been reserved to the Full Council](#) for a formal decision. The full scope of the Full Council's powers and responsibilities are set out in [the Scheme of Delegation](#).

The Full Council makes its decisions at meetings of the Council. There are three types of Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings; and
- (c) special meetings.

Full Council will normally have 5 ordinary meetings a year in addition to the annual meeting. All of the meetings of the Full Council will be conducted under [the Council Procedure Rules](#).

NOTE: Meetings of Committees and of the Executive are conducted under [the Committee Procedure Rules](#) and [The Executive Procedure Rules](#) respectively.

Meetings of the Full Council are normally chaired by the Chairman of the Council or in their absence, the Vice-Chairman of the Council. Both the Chairman of the Council and the Vice-Chairman of the Council are elected by the Council annually. The role and responsibilities of the Chairman of the Council and the Vice-Chairman of the Council are described in their [job profiles](#).

### COUNCIL PROCEDURE RULES

#### 1. ANNUAL MEETING OF FULL COUNCIL

##### 1.1 Date of Annual Meeting

In a year when there is an ordinary election of Councillors, the Annual Meeting of the Full Council will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the Annual Meeting will take place in April or May.

## 1.2 Business

The Annual Meeting of the Full Council will:

- (a) elect a person to preside if both the Chairman and Vice-Chairman are not present;
- (b) elect the Chairman of the Council;
- (c) elect the Vice-chairman of the Council;
- (d) receive any declarations of interest from Councillors;
- (e) approve the minutes of the last meeting as a correct record and to authorise the Chairman to sign them;
- (f) receive any announcements from the Chairman of Council and/or Head of Paid Service;
- (g) elect the Leader;
- (h) note the appointment of the Deputy Leader and any Portfolio Holders made by the Leader;
- (i) appoint at least one Overview and Scrutiny Committee, a Licensing Committee and such other Committees or Boards as the Full Council considers appropriate to deal with matters within its control, their size, terms of reference and powers;
- (j) decide the allocation of seats on Committees to political groups in accordance with the rules on political balance;
- (k) receive nominations from political groups for Councillors to serve on committees or any outside body and to make appointments to each committee or outside body, except where the Full Council has delegated the appointment or is exercisable only by the Leader;
- (l) appoint the Chairman and Vice-Chairman of relevant committees;
- (m) make any other appointments as may be necessary;
- (n) approve a programme of ordinary meetings of the Full Council and its Committees for the year;
- (o) consider item(s) that in the opinion of the Chairman of Council should be considered at the meeting as a matter of urgency; and

- (p) consider any other business set out in the notice convening the meeting.

## 2. **ORDINARY MEETINGS OF FULL COUNCIL**

### 2.1 **Date of ordinary meetings**

Five ordinary meetings of the Full Council will take place on dates agreed by the Full Council at its Annual Meeting. If the Chairman considers it is appropriate to do so the Chairman may, in consultation with the Head of Paid Service, cancel the meeting or direct that it is held on another date.

### 2.2 **Business**

Ordinary meetings of the Full Council will:

- (a) elect a person to preside if both the Chairman of Council and Vice-Chairman are not present;
- (b) receive any declarations of interest from Councillors;
- (c) approve the minutes of the last meeting as a correct record and to authorise the Chairman to sign them;
- (d) receive any announcements from the Chairman or Head of Paid Service;
- (e) receive any report from the Leader and Portfolio Holders and receive any reply from the Leader and Portfolio Holders to Councillors' questions;
- (f) receive and reply to any question from the public;
- (g) receive and reply to any petition from the public;
- (h) receive, consider and reply to any report or recommendations formally submitted by any Overview and Scrutiny Committee, other Committee, Panel or Board;
- (i) deal with any business from the last Council meeting;
- (j) deal with any Councillor Questions;
- (k) consider any notices of motion;
- (l) consider any item(s) that in the opinion of the Chairman should be considered at the meeting as a matter of urgency; and

- (m) consider any other business specified in the notice convening the meeting.

### **3 SPECIAL MEETINGS**

#### **3.1 Calling special meetings**

The following may request the Head of Paid Service to call a special meeting of the Full Council:

- (a) the Full Council by resolution;
- (b) the Chairman of Council;
- (c) the Head of Paid Service;
- (d) the Monitoring Officer;
- (e) the Section 151 Officer; or
- (f) any five Councillors by signing and giving a request to the Chairman. If the Chairman refuses to call a meeting or fails to call a meeting with seven days of the request being presented, any five Councillors may then call a meeting.

#### **3.2 Business of special meetings of the Full Council**

- (a) Unless the Chairman is of the opinion that an item should be considered as a matter of urgency, Full Council will only consider the business which is specified in the notice of the special meeting.
- (b) Petitions and questions from members of the public will be accepted only if in the Monitoring Officer's opinion they relate to the business for which the special meeting has been arranged.

### **4 TIME AND PLACE OF MEETINGS AND ITEMS ON AN AGENDA**

#### **4.1 Time and place of meetings**

Meetings of the Full Council will take place on the date and at the time published in the agenda for the meeting.

#### **4.2 Items on an agenda**

- (a) Unless the law otherwise requires, items will be included on an agenda:
  - (i) at the request or at the direction of the Chairman;

- (ii) as required by these Council Procedure Rules, [the Petition Scheme] or any other provision of the Constitution;
  - (iii) as required by resolution of the Full Council and/or by way of a requisition;
  - (iv) at the request of the Head of Paid Service subject to prior consultation with the Chairman;
  - (ii) at the request of the Monitoring Officer or Section 151 Officer subject to prior consultation with the Chairman (unless unavailable or absent);
  - (iii) in accordance with a requirement of the Overview and Scrutiny Committee to consider and reply to a report or recommendation;
  - (iv) to consider any recommendation or referral from a Committee or Sub-Committee of the Full Council;
  - (v) to consider any Officer report identified by any Officer (nominated by the Head of Paid Service for such a purpose) as appropriate to go to Full Council and/ or which refers to any matter which the Constitution or law requires to be considered by Full Council; and/or
  - (vi) in the case of an special meeting of Full Council to address the reason for the special meeting.
- (b) The Head of Paid Service (or any other person as the Head of Paid Service may nominate) with the agreement of the Chairman shall decide the appropriate meeting of the Full Council to which an item should be considered and the order of all such items.
- (c) Any urgent items and the reasons for urgency must be submitted to the Head of Paid Service and the Monitoring Officer in advance of the meeting.

#### 4.3 **Acting in absence**

If the Chairman is absent or unavailable at any time when these Council Procedure Rules would otherwise require the Chairman to act then unless the procedure rules say otherwise the Vice-Chairman or if both are absent or unavailable such other Councillor as the Head of Paid Service may at his absolute discretion determine (if any) may act.

## 5 NOTICE AND AGENDA FOR MEETINGS

- 5.1 The Head of Paid Service will give notice to the public of the time and place of any meeting in accordance with the [Access to Information Rules](#).
- 5.2 Normally at least five clear working days before a meeting, the Head of Paid Service will send (or where a Councillor has given an email address, e-mail) a copy of the agenda to every Councillor.
- 5.3 The agenda will be authenticated in such manner as the Head of Paid Service considers appropriate, give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

## 6 CHAIRING THE MEETING

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

## 7 QUORUM

### 7.1 Full Council

The minimum number of Councillors required to be present or quorum for a meeting of the Full Council is 8.

### 7.2 Absence of a quorum

If during any meeting, the Chairman counts the number of Councillors present and declares there is not a quorum present, then the meeting will adjourn immediately. No further business will be considered. Any remaining business will be considered at a time and date fixed by the Chairman. If the Chairman does not fix a date, any remaining business will be considered at the next ordinary meeting.

## 8. DURATION OF THE MEETING AND TIME PERIODS

### 8.1 Time limits

Once a meeting has been in progress for two hours the Chairman will interrupt the meeting at the conclusion of the item under discussion. The meeting will then adjourn for a period of up to 20 minutes or such other period as the Chairman may decide is appropriate.

### 8.2 Public Participation Time

At each meeting of the full Council (except for the Annual Meeting and any special meeting) a period of up to 15 minutes will be allowed for [Public Participation Time](#).

### 8.3 Questions and notices of motion by Councillors

At each meeting of the full Council (except for the Annual Meeting and any special meeting):

- (a) a period of up to 15 minutes will be allowed for Councillor Questions; and
- (b) a period of up to 45 minutes will be allowed for Notices of Motion.

In either case, the Chairman may increase the period for the asking of questions, or debating notices of motion if in the Chairman's opinion, the importance of the issue raised merits it and to do so would not have an adverse impact on the efficient running of the meeting.

## 9. PUBLIC PARTICIPATION TIME

- 9.1 Appendix A - Questions from members of the public explains how the public can ask questions at meetings of the full Council.
- 9.2 Any member of the public may submit a petition at Council meetings. However the Council will not normally accept any petition that does not comply with the Petition Scheme. Petitions which are accepted for consideration will be dealt with under the Petition Scheme

## 10 REPORTS FROM THE LEADER AND PORTFOLIO HOLDERS

### 10.1 Receiving reports from the Leader and Portfolio Holders

Every ordinary meeting of Full Council (except for the Annual Meeting) may receive a report, usually in writing with oral updates, but may simply be oral, from:

- (a) the Leader on matters affecting the Council; and
- (b) each Portfolio Holder on matters relating to their portfolios.

### 10.2 Presentation of report

- (a) The Head of Paid Service will make arrangements for a copy of any written report to be included on the agenda.
- (b) Where the report has been included on the agenda, there shall not be a requirement for the report to be read out by the Leader/Portfolio Holder at the meeting.

### 10.3 **Asking and replying to questions**

- (a) Councillors may ask questions on any oral or written report given by the Leader or Portfolio Holder provided that in the opinion of the Chairman the questions relate to the report.
- (b) The total number of questions that may be asked of the Leader and Portfolio Holders and the subjects allowed are at the discretion of the Chairman, but each Councillor will normally not be allowed to ask more than one question and one supplemental question on a report.
- (c) The Leader or Portfolio Holder may reply to any question by:
  - (i) giving an oral answer; or
  - (ii) indicating that they will give an answer within seven days of the meeting, with a copy of the answer being circulated to all Councillors.

## 11 **QUESTIONS ON NOTICE BY COUNCILLORS**

Any Councillor may ask:

- (i) the Leader;
- (ii) the Chairman;
- (iii) a Portfolio Holder; or
- (iv) the Chairman of any Committee;

questions on notice at a meeting of the Full Council (except at the Annual Meeting or a special meeting) within the area of responsibility of the person being asked. [Appendix B - Questions by Councillors](#) will apply to the asking of any Questions.

## 12 **COUNCILLOR NOTICES OF MOTION FOR CONSIDERATION AT FULL COUNCIL**

Any 2 Councillors may give notice of a motion about a topic or issue related to the responsibilities of the Full Council or which directly affects the Council to be debated at a meeting of the full Council except at the Annual Meeting or a special meeting). [Appendix C – Notices of Motions](#) will apply to the giving of notice and to the consideration of the motion. :

## 13 **ANNUAL BUDGET**

A Councillor wishing to move an amendment to any recommendation from the Executive on the annual budget must give written notice to the

Head of Paid Service not less than 3 clear working days before the meeting at which the budget or review of charges are being considered. The notice shall set out details of the proposed amendment. The proposed amendment must ensure a balanced budget.

## 14 MOTIONS WITHOUT NOTICE

14.1 The following motions may be moved without notice:

- (a) to appoint a Chairman of the meeting at which the motion is moved;
- (b) about the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a working group arising from an item on the agenda for the meeting;
- (f) to receive reports and/or propose motions/amendments relating to recommendations (whether verbal or written) of the Executive, any Joint Committee, Committee, Sub-Committee, or Officer and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now asked;
- (k) to adjourn a debate;
- (l) to extend or adjourn a meeting;
- (m) to suspend a procedure rule subject to any limitation as provided for in the Constitution;
- (n) to exclude the public and press as provided for in the Access to Information Rules;
- (o) to not hear further a Councillor named by the Chairman or to exclude a Councillor from the meeting under [Council Procedure Rule 15](#);

- (n) by the Chairman of a Committee to identify an alternative motion to that considered by the Committee in reply to a Notice of Motion referred to it under [Council Procedure Rule 12.7\(c\)](#);
- (o) to provide a reply to a question or petition from a member of the public to such extent as the Council Procedure Rules or any Petition Scheme allow; and
- (q) to give the consent of the Council where its consent is required by this Constitution.

#### 14.2 **Agenda items not dealt with**

If a motion to adjourn the meeting is passed, any unresolved agenda items will be adjourned to a date decided by the Head of Paid Service in consultation with the Chairman.

### 15 **RULES OF DEBATE**

#### 15.1 **No discussion until motion seconded**

Subject to the proposer's rights under Council Procedure Rule 15.3(a), a motion or amendment shall not be discussed unless it has been proposed and seconded.

#### 15.2 **Right to require motion in writing**

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

#### 15.3 **Proposer's and Secunder's speech**

- (a) The proposer of a motion or an amendment shall have the right to speak immediately after making the proposal or may opt to exercise that right at a later stage in any debate. This is in addition to the proposer's right to speak before a vote is taken.
- (b) The seconder of a motion or amendment shall have the right to speak:
  - (i) immediately after seconding a motion or amendment; or
  - (ii) may opt to reserve their speech until later in the debate.

#### 15.4 **Content and length of speeches**

- (a) Speeches must be directed to the matter under discussion or to a personal explanation or point of order.

- (b) No speech may exceed three minutes without the consent of the Chairman of Council.

### 15.5 When a Councillor may speak again

A Councillor who has spoken on a motion may not speak again whilst it is the subject of debate, except;

- (a) to speak once on an amendment moved by another Councillor;
- (b) to move a further amendment if the motion has been amended since they last spoke;
- (c) if their first speech was on an amendment moved by another Councillor, to speak on the main issue (whether or not the amendment on which they spoke was carried);
- (d) to exercise any right of reply;
- (e) on a point of order;
- (f) by way of personal explanation; or
- (g) with the consent of the Chairman.

### 15.6 Amendments to motions

- (a) An amendment to a motion must be relevant to the motion and will be:
  - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
  - (ii) to leave out words;
  - (iii) to leave out words and add others; or
  - (iv) to add words,

so long as the effect of the amendment is not to negate the motion.
- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.

- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments or, if there are none, put it to the vote.
- (f) Where possible as a courtesy to other Councillors, notice should be given to the Head of Paid Service of any proposals to amend a motion of which notice has been given. Notice of amendments should be given 24 hours before the meeting at which the Notice of Motion is to be debated.

### 15.7 Alteration of motion

- (a) A Councillor may alter a motion of which the Councillor has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A Councillor may alter a motion or amendments which the Councillor has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

### 15.8 Withdrawal of motion

Subject to [Council Procedure Rule 12.1](#), a Councillor may withdraw a motion which they Councillor has moved with the consent of both the meeting and any seconder. No Councillor may speak on the motion after the Proposer has asked permission to withdraw it unless permission is refused.

### 15.9 Right to reply

- (a) The Proposer of a motion has a right to reply at the end of the debate on the motion, immediately before it is voted upon.
- (b) If an amendment is moved, the Proposer of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (c) The Proposer of an amendment has no right of reply to the debate on his or her amendment.

### 15.10 Motions which may be moved during debate

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

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to postpone consideration of the motion;
- (d) that the question be now asked;
- (e) to adjourn the debate;
- (f) to adjourn the meeting;
- (g) to exclude the public and press as provided for in the Access to Information Rules; and
- (i) to not hear further a Councillor named by the Chairman or to exclude a Councillor from the meeting.

### 15.11 Closure motions

- (a) A Councillor may move, without comment, the following motions at the end of a speech of another Councillor:
  - (i) that the question be now asked;
  - (ii) to adjourn a debate; or
  - (iii) to adjourn a meeting.
- (b) If a motion that the question be now asked is seconded and the Chairman thinks the item has been sufficiently discussed, the Chairman will put the procedural motion to the vote. If it is passed the Chairman will give the Proposer of the original motion a right of reply before putting the motion to the vote.
- (d) If a motion to adjourn the debate or the meeting is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, the Chairman will put the procedural motion to the vote without giving the Proposer of the original motion the right of reply.

### 15.12 Point of order

A Councillor may raise a point of order at any time. The Chairman will hear the Councillor immediately. A point of order may only relate to an

alleged breach of these procedure rules or the law. The Councillor must indicate the rule or law and the way in which they considers it has been broken. The ruling of the Chairman on the matter will be final.

### 15.13 Personal explanation

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

NOTE: [Appendix D - Rules of debate Flowchart](#) shows the rules of debate for motions.

## 16 RECISSION OF PREVIOUS DECISIONS AND MOTIONS

16.1 Subject to Council Procedure Rule 16.2, no motion to rescind a decision made within the past six months and no motion or amendment in similar terms to one that has been rejected in the past six months shall be proposed unless the Notice of Motion is supported by at least 11 Councillors. Once the motion or amendment is dealt with, a similar motion or amendment cannot be proposed for a further period of six months.

16.2 Council Procedure Rule 16.1 shall not apply:

- (a) in respect of a decision or motion for which the Head of Paid Service or Monitoring Officer consider there are exceptional circumstances justifying reconsideration;
- (b) in respect of any motion that may be moved without notice including for the avoidance of doubt to receive reports and/or propose motions/amendments relating to recommendations of any Committee, Sub-Committee or Officer and any resolutions following from them; or
- (c) to give effect to a revised budgetary decision of Full Council as provided for in the [Budget and Policy Framework Procedure Rules](#).

## 17 VOTING

### 17.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Councillors voting and present in the room at the time the question is asked.

### 17.2 Chairman's casting vote

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

### **17.3 Ways of voting**

Unless a recorded vote is demanded, the Chairman will take the vote by show of hands, electronic voting or if there is no dissent, by the affirmation of the meeting.

### **17.4 Recording number of votes**

The number of votes for and against a proposal shall be recorded if five or more Councillors at the meeting demand it, immediately before or after the vote is taken. The Chairman of Council will announce the numerical result of the vote immediately the result is known.

### **17.5 Recorded vote**

If five or more Councillors present at the meeting demand it, before the vote is taken, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

### **17.6 Recorded votes at budget meetings**

Recorded votes shall be taken on all decisions at a budget decision meeting on the budget and on the setting of council tax. The names of Councillors who cast a vote for or against the decision, or who abstain from voting shall be recorded in the minutes.

### **17.7 Right to require individual vote to be recorded**

Where immediately after the vote is taken, any Councillor requests their individual vote to be recorded, the minutes will record whether they voted for or against the motion or abstained from voting.

### **17.8 Voting on appointments**

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

## **18 MINUTES**

### **18.1 Signing the minutes**

Unless Council Procedure Rule 18.2 applies, the Chairman will sign the minutes of the proceedings at the next meeting of Full Council. The Chairman will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

## 18.2 **No requirement to sign minutes of previous meeting at special meeting**

Where the next meeting of the full Council is a special meeting, the minutes of the previous meeting will be signed at the next ordinary meeting after that special meeting.

## 18.3 **Form of minutes**

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

## 19 **RECORD OF ATTENDANCE**

A record of Councillors attending at a meeting of Full Council will be made by the Head of Paid Service or their representative attending at the meeting.

## 20 **EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded from a meeting either as provided for in the [Access to Information Procedure Rules](#) or in accordance with [Council Procedure Rule 22](#).

## 21 **COUNCILLORS' CONDUCT**

### 21.1 **Chairman wishes to speak**

When the Chairman indicates that they wishes to speak, any Councillor speaking at the time must stop. The meeting must be silent.

### 21.2 **Councillor not to be heard further**

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

### 21.3 **Councillor to leave the meeting**

If in the opinion of the Chairman a Councillor continues to behave improperly at a meeting, the Chairman may move that either the Councillor should leave the meeting or that the meeting is adjourned for

a specified period. If seconded, the motion will be voted on without discussion.

#### 21.4 **General disturbance**

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

### 22 **DISTURBANCE BY PUBLIC**

#### 22.1 **Removal of member of the public**

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

#### 22.2 **Clearance of part of room**

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

### 23 **APPOINTMENT OF AND DISCIPLINARY ACTION AGAINST OFFICERS**

Where Full Council is to appoint any Officer or is proposing or considering any disciplinary action against an Officer then such appointment proposals or consideration shall be carried out in accordance with the Officer Employment and Dismissal Procedure Rules.

### 24 **INTERPRETATION OF COUNCIL PROCEDURE RULES**

The ruling of the Chairman as to any proceedings of the Full Council, shall not be challenged at any meeting.

### 25 **SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

#### 25.1 **Suspension**

Any of these procedure rules except any rule except [Council Procedure Rules 17.6](#), [17.7](#), and [18.2](#), may be suspended by a Notice of Motion or without notice if at least half of the whole number of councillors of the Council are present. Suspension can only be for the duration of the meeting.

#### 25.2 **Amendment to the Council Procedure Rules**

Any motion to add to, vary or revoke these procedure rules will, when proposed and seconded, stand adjourned without discussion to the next

meeting of the Audit Committee unless such addition, variation or revocation is contained in a report seeking to formally alter the terms of the Constitution.

## COMMITTEES, PANELS AND GOVERNANCE BOARD

### Introduction to Committees, Panels and Governance Boards

The Council has set up the Committees, Panels and Governance Boards described in the [Scheme of Delegation](#).

The members of the Committees and Panels are appointed by the Full Council. The make-up of each Committee or Panel will reflect the balance of political parties on the Council.

If a member of a Committee or Panel is unable to attend a meeting of the Committee, Panel or Board it may be possible for a substitute member to be appointed under [Appendix E - Arrangements for appointing Substitutes and Co-optees](#) and to attend the meeting in their place.

Each of the Committees and Panels may set up one or more sub-committees to carry out any of the Committee's or Panel's functions. When creating a sub-committee, the Committee or Panel will normally decide the:

- (a) terms of reference;
- (b) arrangements for the holding and frequency of meetings;
- (c) size of membership; and
- (d) quorum,

of each of its Sub-Committees but if not, the Sub-Committee may decide such matters itself provided that the quorum will be not less than 3 Councillors.

Committees, Sub-Committees and Panels will meet in accordance with the programme of meetings agreed by the Full Council at its annual meeting. All of the meetings including those of any sub-committee will be conducted under [the Committee Procedure Rules](#).

The Overview and Scrutiny Committee may also set up time-limited and single focus advisory groups called [Task and Finish Groups](#) to support policy development and provide Member oversight of key projects. Membership of such Task and Finish Groups is drawn from those Councillors who are not members of the Executive.

The Executive may also establish a Task and Finish Group to provide oversight of a key corporate project.

When Task and Finish Groups are set up they will be given terms of reference and reporting deadlines. Given the nature of Task and Finish Groups, meetings need not be conducted under the Committee Procedure Rules.

Governance Boards oversee governance arrangements for partnership activity and with specified decision-making powers. The partnership agreement will set out who are the members of the partnership are and their roles. Meetings will conducted in accordance with any rules set out in the partnership agreement.

## COMMITTEE PROCEDURE RULES

### 1 APPLICATION OF COUNCIL PROCEDURE RULES TO COMMITTEES, PANELS, BOARDS AND SUB-COMMITTEES

All of the following Council Procedure Rules apply, so far as practicable, to meetings of Committees, Panels, Boards and Sub-Committees (unless expressly specified otherwise in their terms of reference):

- (a) [Rule 4](#);
- (b) [Rules 5–7.2](#) (excluding Rule 7.1);
- (c) [Rule 13](#);
- (d) [15-25](#) (excluding [Rule 15.5](#) (speaking only once); and in [Rule 17.5](#) (recorded vote) a recorded vote may be requested by three members of a Committee).

together with the following additional procedure rules.

References to “the Chairman” shall be a deemed to be references to the Chairman of the relevant Committee, Panel, Board or Sub-Committee

### 2 ABSENCE OF CHAIRMAN AND VICE-CHAIRMAN

In the absence of a Chairman and Vice-Chairman at a Committee or Sub-Committee the remaining Councillors present may move and elect a member of that body to preside at that meeting.

### 3 SPECIAL MEETINGS OF COMMITTEES, PANELS, AND SUB-COMMITTEES

- (a) A special meeting of a Committee, Panel, or Sub-Committee may be called:
  - (i) by the Chairman of Council;
  - (ii) by the Chairman of that Committee, Panel, or Sub-Committee;
  - (iii) at the request of a quarter of the members of the Committee Panel, or Sub-Committee, delivered in writing to the Head of Paid Service, but in no case shall less than five Councillors request a special meeting;
  - (iv) by the Head of Paid Service; and/or
  - (v) by the Monitoring Officer or Section 151 Officer where either are of the opinion that a meeting needs to be called to consider a matter that requires a decision.
- (b) The agenda of the special meeting shall set out the business to be considered, and subject to any matters of urgency approved by the Chairman no business other than that set out in the agenda shall be considered at that meeting.

#### 4. **ATTENDANCE OF COUNCILLORS AT A COMMITTEE/SUB-COMMITTEE**

- (a) Subject as provided for below a Councillor not appointed to a Committee, Panel, or Sub-Committee may only speak at the invitation of the Chairman of that Committee, Panel or Sub-Committee.
- (b) Any Councillor not appointed to a Committee, Panel, or Sub-Committee attending a meeting of that Committee, Panel, or Sub-Committee shall sit separately from the main body of the Committee, Panel or Sub-Committee.

#### 5. **PUBLIC PARTICIPATION TIME**

[Appendix A - Questions from members of the public](#) explains how the public can ask questions at meetings of Committees and Sub-Committees of the full Council.

#### 6. **ORDER OF BUSINESS OF A COMMITTEE/SUB-COMMITTEE**

- (a) Subject to any other provisions in the Constitution or as otherwise decided by the Chairman of a relevant Committee, Panel, Board or Sub-Committee the order of business will normally be to:

- (i) elect a person to preside if the Chairman and Vice-Chairman are not present;
- (ii) receive any declarations of interest from Councillors;
- (iii) approve the minutes of the last meeting;
- (iv) receive any questions, petitions or motions referred to the Committee/Sub-Committee in accordance with the provisions of the Council Procedure Rules/Petition Scheme;
- (vi) consider any item of urgency approved by the Chairman for consideration;
- (vii) receive any matter referred to it for consideration by Full Council;
- (viii) receive any report or recommendations from a Committee or Sub-Committee (as the case may be) and reply to matter(s) arising about it;
- (ix) receive and reply to any report or recommendations formally submitted by the Overview and Scrutiny Committee pursuant to its legislative powers in this respect (if any); and
- (xi) consider any other business set out in the agenda of the meeting.

## 7 REFERRAL OF A QUESTION, PETITION OR MOTION TO A COMMITTEE OR SUB-COMMITTEE

### 7.1 General

- (a) Where a matter is referred to a Committee or Sub-Committee under these procedure rules/**Petition Scheme** then that Committee or Sub-Committee shall deal with such matter in accordance with the provisions of these procedure rules/Petition Scheme as if it was being considered by an ordinary meeting of Full Council unless there are express provisions in these rules and Petition Scheme as to how a Committee or Sub-Committee (as the case may be) should deal with such a referral in which event those rules should take precedence.
- (b) For the avoidance of doubt nothing in this Rule shall prevent a Committee or Sub-Committee suspending any rule in accordance with **Council Procedure Rule 26**.

## 7.2 **Attending and speaking about a referred matter**

Where a matter to which **Committee Procedure Rule 7.1** applies is referred to a Committee or Sub-Committee of the Council, then if the matter was submitted:

- (a) by a member of the public or an organisation then any such person/representative of the organisation shall be given the same right to speak as would have been made available as if the matter was being presented to an ordinary meeting of Full Council; or
- (b) by a Councillor, then that Councillor may attend that meeting and shall be given the same right to speak as would have been made available as if the matter was being presented to an ordinary meeting of Full Council, provided that the Councillor shall not be entitled:
  - (i) to move any motion relating to the matter, but may instead ask any member of the Committee or Sub-Committee to move it, in which case any such member may at their absolute discretion choose to move it or not; or
  - (ii) to vote on any motion at that Committee or Sub-Committee,

unless in either case the Councillor is also an appointed member of the Committee or Sub-Committee to which the referral has been made.

## 8 **QUESTIONS BY COUNCILLORS AT COMMITTEES/SUB-COMMITTEES**

- 8.1 Any Councillor has the right to ask a question of the Committee Chairman at any ordinary meeting of a Committee or Sub-Committee of the Full Council (excluding the Development Management and Licensing Committees and the Salcombe Harbour Board). [Appendix B - Questions by Councillors](#) will apply to the asking of any Questions.

## THE EXECUTIVE

### Introduction to the Executive

The Executive is responsible for everything that is not the responsibility of the full Council any other committee of the Council under [the Scheme of Delegation](#). It consists of the [Leader](#), who is the Chairman of the Executive and at least 2, but not more than 9 other Members appointed by the Leader. The Leader cannot appoint the Chairman and Vice-Chairman of Full Council or any member of the Overview and Scrutiny Committee to the Executive.

The Executive decides annually when it is to meet, but the Leader may call a special meeting of the Executive when the Leader considers it necessary. The Leader may also cancel a meeting of the Executive if there is insufficient business.

The Executive may have Informal Meetings. Informal Meetings are held in private and are for discussion purposes only. For that reason Informal Meetings not decision-making meetings of the Executive.

Meetings of the Executive will be held in accordance with the [Executive Procedure Rules](#).

## EXECUTIVE PROCEDURE RULES

### 1. APPLICATION OF COUNCIL PROCEDURE RULES TO THE EXECUTIVE

All of the following Council Procedure Rules apply, so far as practicable, to meetings of the Executive (unless they are inconsistent with these Executive Procedure Rules):

- (a) [Rule 4](#);
- (b) [Rules 5–7.2](#) (excluding Rule 7.1);
- (c) [15-25](#) (excluding [Rule 15.5](#) (speaking only once); and in [Rule 17.5](#) (recorded vote) a recorded vote may be requested by three members of the Executive)

together with the following additional procedure rules.

References to “the Chairman” shall be deemed to be references to the Leader.

### 2. MEETINGS OF THE EXECUTIVE

#### 2.1. Dates of Meetings

- (a) Each year the Executive will decide the programme of meetings of the Executive. The Leader may direct that a meeting shall be cancelled or held on another date.
- (b) A special meeting of the Executive may be called by the Leader or, if absent, the Deputy Leader, or by the Monitoring Officer if he/she considers it necessary or appropriate.

## 2.2. **Business**

At each meeting of the Executive the following business shall, subject to the remaining provisions of these Executive Procedure Rules, be conducted:

- (a) consideration of the record of decision and record of the last meeting;
- (b) declarations of interest, if any;
- (c) a statement from the Leader, if any;
- (d) any other matters set out in the agenda that are Key Decisions (except those containing confidential or exempt information);
- (e) any decisions referred to the Executive for reconsideration;
- (f) consideration of any report and/or recommendation from any Overview and Scrutiny Committee;
- (g) Questions from Councillors to the Executive; and
- (h) other matters set out in the agenda including review of the Forward Plan and other ongoing or outstanding matters.

## 3. **CHAIRING MEETINGS OF THE EXECUTIVE**

If the Leader is present they will preside. In their absence, then the Deputy Leader shall preside. If both the Leader and the Deputy Leader are absent, or where they agree, the Executive shall elect another member of the Executive to preside.

## 4. **QUORUM**

- 4.1 The quorum for a meeting of the Executive will be no less than half of the total membership (including the Leader or Deputy Leader, if present).
- 4.2 The quorum for a meeting of an Executive Committee will be no less than two members of the Executive.

## 5. **AGENDA ITEMS**

### 5.1. **Items requested by members of the Executive**

Any Executive Member may request the Head of Paid Service to place an item of business which is about a matter for which the Council has a responsibility or which affects the area of the Council on the agenda of the next available meeting of the Executive.

### 5.2. **Items requested by other Councillors**

- (a) Any Councillor may ask the Leader to place an item of business about a matter for which the Council has a responsibility or which affects the area of the Council to be placed on the agenda of the next available meeting of the Executive for consideration. The Leader, or in their absence Deputy Leader, has a discretion to limit the number of such items of business at the meeting of the Executive.
- (b) Where the Leader has agreed to the Councillor's request the Notice of the Meeting shall state the name of the Councillor who requested the item of business to be considered. This Councillor shall be invited to attend the meeting, whether or not it is a meeting in public session.

### 5.3. **Referrals from the Overview and Scrutiny Committee or Council**

Any item of business resolved by the Overview and Scrutiny Committee or the Council for referral to the Executive shall be placed on the agenda of the next available meeting of the Executive or as soon as practicable after that meeting

### 5.4. **Items by the Head of Paid Service, the Monitoring Officer or the Section 151 Officer**

The Head of Paid Service, the Monitoring Officer or the Section 151 Officer may include one or more items of business for consideration on the agenda of a meeting of the Executive and may require a meeting to be called. If there is no meeting of the Executive in time to deal with the matter in question, then the Head of Paid Service, the Monitoring Officer or the Section 151 Officer may also require that a meeting be convened at which the matter will be considered.

## 6. **ATTENDANCE AT MEETINGS OF THE EXECUTIVE**

- 6.1. All Councillors shall be entitled to attend formal meetings of the Executive or its committees unless the Executive decides otherwise.

- 6.2. The [Access to Information Procedure Rules](#) set out the rights of access of the press and public to formal meetings of the Executive or its committees.

## 7. **SPEAKING AT MEETINGS OF THE EXECUTIVE**

- 7.1. The Chairman of the Overview and Scrutiny Committee is entitled, at any formal public meeting of the Executive, to speak to any matter on the agenda for that meeting.
- 7.2. Other Councillors may also speak at such meetings with the agreement of the Leader or person presiding in their absence.
- 7.3. The mover of a [Notice of Motion](#) under [Council Procedure Rule 13](#) which has been referred to the Executive for consideration may attend the meeting of the Executive when the motion is under consideration and to explain the motion. The mover of the motion will be advised of the date and time of the meeting when the matter is to be considered and he/she will be sent a copy of the relevant papers

## 8. **QUESTIONS BY COUNCILLORS AT THE EXECUTIVE**

Any Councillor may ask Questions of the Executive at any ordinary formal meeting of the Executive. [Appendix B - Questions by Councillors](#) will apply to the asking of any Questions.

## 9. **KEY DECISIONS AND THE FORWARD PLAN**

A Forward Plan of Key Decisions to be taken by the Executive, an Executive Committee or an individual member of the Executive, will be prepared in accordance with [the Access to Information Rules](#).

## **THE OVERVIEW AND SCRUTINY COMMITTEE**

### **Introduction to the Overview and Scrutiny Committee**

The Principles of Scrutiny underpin the Council's overview and scrutiny function. This means that scrutiny:

- Provides a critical challenge to Executive policy makers and decision makers;
- Enables the voice and concerns of the public to be heard;
- Is carried out by "independent minded governors" who lead and own the scrutiny role; and
- Drives improvement in public services.

The Overview and Scrutiny Committee is responsible for scrutinising decisions the Executive is planning to take, those it plans to implement, and those that have already been taken/implemented. Recommendations following scrutiny enable improvements to be made to policies and how they are implemented. The Committee is therefore to be seen as a “critical friend” rather than something that opposes the Executive.

The Overview and Scrutiny Committee also plays a valuable role in developing policy. Time limited task and finish Groups may be set up for this purpose.

Evidence sessions are a key way in which the Overview and Scrutiny Committee may inform its work. They might happen at formal committee or in less formal ‘task and finish’ groups.

The [Scheme of Delegation](#) sets out the full responsibilities of the Overview and Scrutiny Committee.

Meetings of the Overview and Scrutiny Committee will be held in accordance with the [Overview and Scrutiny Procedure Rules](#).

## OVERVIEW AND SCRUTINY PROCEDURE RULES

### 1. APPLICATION OF COMMITTEE PROCEDURE RULES TO THE OVERVIEW AND SCRUTINY COMMITTEE

All of the [Committee Procedure Rules](#) together with the following additional procedure rules shall apply to the Overview and Scrutiny Committee

References to “the Chairman” shall be deemed to be references to the Chairman of the Overview and Scrutiny Committee.

### 2. ORDER OF BUSINESS

Subject to any other provisions in the Constitution or as otherwise decided by the Chairman of the Overview and Scrutiny Committee the order of business will normally be to:

- (a) minutes of the last meeting;
- (b) declarations of interest;
- (c) consideration of the [Executive Forward Plan](#);
- (d) the [Work Programme](#);

- (e) consideration of any matter referred to the committee for a decision in relation to the call-in of a decision;
- (f) responses of the Executive to reports of the committee; and
- (g) the business otherwise set out on the agenda for the meeting.

### 3. CHAIRING MEETINGS

- 3.1. The Chairman and Vice-Chairman of the Overview and Scrutiny Committee are to be appointed by the Council based on ability and expertise without reference to party political affiliation.
- 3.2. In the absence of the Chairman or Vice-Chairman [Council Procedure Rule 4.3](#) shall apply.

### 4. CO-OPTees

The Overview and Scrutiny Committee and its sub-committees can include people who are not Councillors. [Appendix E - Arrangements for Substitutes and Co-optees](#) determines how people will be co-opted onto the Overview and Scrutiny Committee.

### 5. WORK PROGRAMME

The Overview and Scrutiny Committee will be responsible for setting its overall [Work Programme](#).

### 6. AGENDA ITEMS

#### 6.1. Rights of Councillors to have matters put on the agenda of the Committee

- (a) Any Councillor shall be entitled to give written notice to the Democratic Services Manager that they would like an item relevant to the functions of the Overview and Scrutiny Committee to be included on the Work Programme. The notice must specify the item and the reasons why the Councillor would like the item included. The reasons should be relevant to the overview and scrutiny function.
- (b) The request will be considered by the Head of Paid Service and the Chairman and Vice-Chairman of the Overview and Scrutiny within 7 working days of the request being received with a view to agreeing the merits of the request. If agreement cannot be reached the Chairman will make the decision whether the item should be included on the Work Programme.

- (c) If a request for an item to be included on the Work Programme is agreed the item will be included on the first reasonably scheduled meeting of the Overview and Scrutiny Committee.

## 6.2. Requests from Council and the Leader/Executive

Full Council and the Leader/the Executive, may request that any matter is included on the agenda of the Overview and Scrutiny Committee and the Overview and Scrutiny Committee shall include the request in its work programme.

## 7. REPORTS AND RECOMMENDATIONS

- 7.1. Once it has formed proposals, the Overview and Scrutiny Committee will submit a formal report, including recommendations for consideration by the Leader/Executive (if the proposals relate to an executive function and are consistent with the existing budget and policy framework), or to the Council as appropriate.
- 7.2. The Council or Leader/Executive shall consider and respond to the report and/or recommendations of the Overview and Scrutiny Committee, indicating what (if any) action is proposed within two months of the report being submitted.
- 7.3. Where the Overview and Scrutiny Committee submit a report for consideration by the Executive on a matter where the Leader has delegated decision-making power to a Portfolio Holder, the report will be submitted to them for consideration. The Portfolio Holder must consider the report and respond in writing to the Overview and Scrutiny Committee within two months of receiving it. The Portfolio Holder will also attend a future meeting of the Overview and Scrutiny Committee to present their response if requested to do so.

## 8. FAILURE TO CONSIDER REPORT

In the event that Leader/Executive fails to consider and to respond to the Overview and Scrutiny Committee within two months of the report being submitted, the Chairman of the Overview and Scrutiny Committee shall be entitled to refer the matter to the next meeting of the full Council.

## 9. RIGHTS OF OVERVIEW AND SCRUTINY COMMITTEE MEMBERS TO DOCUMENTS

In addition to their rights as Councillors, members of the Overview and Scrutiny Committee or sub-committee have the right to documents and to notice of meetings as set out in the [Access to Information Procedure Rules](#).

## 10. **COUNCILLORS AND OFFICERS GIVING ACCOUNT**

- 10.1. The Overview and Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation it may require any officer or Executive Member to attend a meeting to answer questions. This will normally be confined to the Leader, any Portfolio Holder, the Head of Paid Service, and any statutory or chief officer. Attendance by officers below these will require the prior agreement of the Head of Paid Service.
- 10.2. Where the Leader, Portfolio Holder or officer is required to attend an overview and scrutiny body under this Rule, the Democratic Services Manager shall inform the Executive Member or officer in writing giving sufficient notice of not less than 10 working days' notice. The notice will state the nature of the matter on which the Executive Member or officer is required to give an account and whether any written evidence needs to be produced for the meeting. Sufficient notice should be given to allow reasonable time to produce the written evidence.
- 10.3. Where a specific request has been made it is the duty of those persons to attend if so required unless they have a reasonable excuse for being unable to attend.

## 11. **ATTENDANCE BY OTHERS AND EVIDENCE GATHERING**

- 11.1 The Leader/Executive has a standing invitation to attend any meeting of the Overview and Scrutiny Committee.
- 11.2 The Overview and Scrutiny Committee may appoint advisors and invite people to attend at their meetings to provide information. Attendees at a meeting should be treated with respect and courtesy.

## 12. **CALL-IN**

- 12.1. Call-in should only be used in exceptional circumstances.
- 12.2. When a decision is made by the Leader/Executive, Portfolio Holder, or a an Executive Committee, or is made by an officer with delegated authority or under executive joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within two days of being made. The Chairman of the Overview and Scrutiny Committee will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.
- 12.3. The decision notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, subject to the provisions of this Rule on the expiry of five clear working days after the publication of the decision.

- 12.4. If the Chairman, any three members of the Overview and Scrutiny Committee, or any four other Councillors consider that [a Key Decision](#) has breached or will breach [the principles for good decision-making](#) or a decision has been made that was not treated as being a Key Decision, they may give a written call-in notice to the Head of Paid Service. The call-in notice shall identify the decision to be called-in and the grounds for the call-in.
- 12.5. If the Head of Paid Service, is satisfied that there are reasonable grounds for the proposed call-in, they will notify the decision-maker of the call-in within five clear working days. The Head of Paid Service, will arrange for a meeting of the Overview and Scrutiny Committee, to be held. The meeting will be held as soon as reasonably practicable after receipt of the call-in notice.
- 12.6. If, having considered the decision, the Overview and Scrutiny Committee is concerned about it, then:
  - 12.6.1. in the case of a decision that was not treated as being a Key Decision, the Panel may require the decision-maker to submit a report to the full Council within such reasonable period as it may specify setting out the particulars of the decision, the reasons for the decision and if the decision-maker considers that the decision was not a key decision, the reasons for that opinion; or
  - 12.6.2. in the case of a Key Decision, the Panel may refer it back to the decision-making person or body for reconsideration, setting out in writing the nature of its concerns, or refer the matter to full Council. If referred to the decision-maker they shall then reconsider within a further five working days, amending the decision or not, before adopting a final decision.
- 12.7. If, having considered the decision, the Overview and Scrutiny Committee is not concerned about it, then the decision will come into force, and may then be implemented immediately.
- 12.8. If the decision was referred to full Council and the Council:
  - 12.8.1. does not object to a decision which has been made, then no further action is necessary and the decision will come into force and may then be implemented immediately.
  - 12.8.2. objects to the decision, then the decision will be referred 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.
- 12.9. Where the decision that has been called-in was taken by the Executive as a whole or a committee of it, a meeting will be convened to reconsider the Council's view as soon as reasonably practicable.

12.10. Where the decision was made by an individual, the individual will reconsider within five working days of the Council request.

### 13. **EXCEPTIONS TO CALL-IN**

Call-in will not apply to the following decisions:

- (a) non-executive decisions, e.g. individual planning decisions;
- (b) executive decisions made by Area Committees (if any);
- (c) decisions made on any appeal;
- (d) decisions already called-in once;
- (e) non-key decisions made by officers; and
- (f) urgent decisions (subject to compliance with [Overview and Scrutiny Procedure Rule 14](#)).

### 14. **URGENT DECISIONS EXCLUDED FROM CALL-IN**

- 14.1. The call-in procedure set out in [Overview and Scrutiny Procedure Rule 13](#) shall not apply where the decision being taken by the Council, Leader/Executive or officer is urgent. The record of the decision, and 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.
- 14.2. The Chairman of the Overview and Scrutiny Committee must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chairman, the Chairman of the Council; or in his absence, the Vice-Chairman of Council must agree.
- 14.3. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
- 14.4. For the purposes of this Rule a decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests.

### 15. **MONITORING AND REVIEW OF CALL-IN RULES**

The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council by the Democratic Services Manager with proposals for review if necessary.

16. **THE PARTY WHIP**

There is a presumption that a party whip shall not be applied to matters considered by Councillors when engaged in overview and scrutiny.

## **APPENDIX A – Questions from members of the public**

**A1.** As part of every ordinary meeting of the Full Council (other than the Annual meeting), the Executive or a Committee (other than the Development Management, Licensing or Audit Committees or the Salcombe Harbour Board) a period of time will be set aside for any member of the public living or working within the Council's area; and any appointed representative of any organisation operating within the Council's area to ask a question of the:

- (a) Leader or Portfolio Holder; or
- (b) the Committee Chairman.

**A2.** In the case of a special meeting of the Full Council, a Committee (other than the Development Management Committee) or the Executive questions from any member of the public living or working within the Council's area; and any appointed representative of any organisation operating within the Council's area to the Leader, Portfolio Holder or the Committee Chairman, will only be permitted if the Monitoring Officer is satisfied they specifically relate to the business for which the special meeting has been arranged.

### **A3. Time for public questions**

- (a) A period of 15 minutes will be set aside at each meeting to receive and reply to any questions from members of the public or appointed representatives.
- (b) The Chairman may increase the period for the asking of questions, or receiving petitions if in the Chairman's opinion, the importance of the issue raised merits it and to do so would not have an adverse impact on the efficient running of the meeting.

### **A4. Number and duration of questions**

No person or organisation may ask more than one question in total during public participation time. Sub-divided questions will count towards this total.

### **A5. Notice of questions**

A question, which must be limited to 50 words and not be broken down into multiple parts, may only be asked if notice has been given in writing or by email to the Head of Paid Service before 1pm three clear days before the meeting at which it is to be asked. The notice must include:

- (a) the name and address of the person wanting to ask the question;
- (b) the title of the Councillor to whom the person would prefer it to be directed (if any); and
- (c) the text of the question.

**A6. Scope of questions**

- (a) Questions must be about items appearing on the published agenda for the meeting. The Monitoring Officer in consultation with the Head of Paid Service may reject any question if the Monitoring Officer considers that it:
- (i) is not about a matter that is not on the published agenda;
  - (ii) is defamatory, frivolous or offensive;
  - (iii) is substantially the same or is about a subject which is substantially the same as a question that has been asked/received at a meeting of the Council in the past six months;
  - (iv) has already been answered or dealt with through other mechanisms or procedures such as the Council's complaints procedure or the Local Government and Social Care;
  - (v) requires the disclosure of confidential or exempt information;
  - (vi) is about any standards, planning or licensing matter or similar such matters;
  - (vii) is about any on-going investigation; and/or
  - (viii) is otherwise inappropriate for such a question to be asked.
- (b) If the Monitoring Officer decides that a question cannot be asked at the meeting then the reason why not will be sent to the person seeking to raise it.

**A7. Identification of who will reply**

- (a) The Chairman in consultation with the Head of Paid Service shall decide the most appropriate Councillor to reply to any question where a reply is needed. If this differs from that identified by the person presenting the question then this shall be identified before the question is read.
- (b) The Head of Paid Service will arrange for each question that is to be presented to be given to any Councillor who is to reply as soon as reasonably practicable following its receipt.

**A8. Order of questions**

Questions will be taken in the order in which notice of them was received except that the Chairman may also decide to group together similar questions.

**A9. Asking the question at the meeting**

- (a) A copy of every question to be read at Full Council will normally:
  - (i) be circulated to Councillors at the meeting;
  - (ii) be made available to the public attending the meeting; and either recorded verbatim in the minutes or summarised.
- (b) The Chairman will invite the person presenting the question to ask it.

**A10. Discussion and referral of questions**

- (a) There will be no discussion on matters raised by questions by the public unless the Chairman decides otherwise.
- (b) Any Councillor may suggest that a question which is within the terms of reference of the Executive or a Committee might be better dealt with by the Executive or the Committee. If the Chairman agrees, the Chairman may direct that the question is referred to the Executive or such Committee as the Chairman considers appropriate and the Head of Paid Service will arrange for the question to be included on the next suitable agenda.

**A11. Replying to a question**

- (a) A reply to any question shall take such form as the Councillor replying considers appropriate, including:
  - (i) an oral reply;
  - (ii) where the information is in a Council publication or other published work, a reference to that publication;
  - (iii) a referral of the matter to the Executive, a Committee or Sub-Committee for consideration; or
  - (iv) where a reply cannot be given at the meeting, a written reply to the person asking the question.
- (b) The Councillor need not reply to a question where they consider it to be inappropriate to reply.

**A12. Supplementary question**

Where a reply has been given to a question/statement no supplementary questions will be permitted

**A13. Inability to present a question**

- (a) If the person asking the question is unable to attend the meeting, the Chairman may decide that a written reply will be given to the question or that the question will not be dealt with.
- (b) Any question which cannot be dealt with during public participation time, whether because of lack of time or the non-attendance of the Councillor who was to reply will be dealt with by giving a written reply within a reasonable timescale.
- (c) Where written reply is given to a question the Head of Paid Service will arrange for the question and any reply to be copied to all Councillors.

## **APPENDIX B – Questions by Councillors**

**B1.** As part of every ordinary meeting of the Full Council, the Executive or a Committee (other than the Development Management, Licensing or Audit Committees or the Salcombe Harbour Board) a period of time will be set aside for any Councillor to ask a question on notice of the:

- (a) Leader or Portfolio Holder; or
- (b) Committee Chairman (as relevant to the meeting).

**B2.** In the case of a special meeting of the Full Council, a Committee or the Executive no period of time will be set aside for questions on notice by Councillors.

### **B3. Time for questions**

- (a) A period of 15 minutes will be set aside at each meeting to receive and reply to any questions from Councillors.
- (b) The Chairman of the meeting may increase any of the period for the asking of questions if in the Chairman's opinion, the importance of the issue raised merits it and to do so would not have an adverse impact on the efficient running of the meeting.

### **B4. Number and duration of Questions**

There is no limit on the number of Questions on Notice that a Councillor may ask during Councillors' Question time.

### **B5. Notice to be given of Questions**

A Question may only be asked if notice has been given in writing or by email to the Head of Paid Service before 1pm seven clear working days before the meeting at which it is to be asked. Each notice must include:

- (a) the title of the Councillor to whom the Councillor would prefer it to be directed (if any); and
- (b) the text of the Question.

### **B6. Scope of Questions**

- (a) Questions must be limited to 50 words, not be broken down into multiple parts and must be about matters within the responsibility of the Full Council, the Committee or the Executive as the case may be.
- (b) The Monitoring Officer in consultation with the Head of Paid Service may reject any Question if the Monitoring Officer considers that it:

- (i) is defamatory, frivolous or offensive;
  - (iii) is substantially the same or is about a subject which is substantially the same as a question that has been asked/received at a meeting of the Council, the Committee or the Executive in the past six months;
  - (iv) has already been answered or dealt with through other mechanisms or procedures such as the Council's complaints procedure or the Local Government and Social Care Ombudsman;
  - (v) requires the disclosure of confidential or exempt information;
  - (vi) is about matters that the Council does not have and powers or statutory duties;
  - (vii) is about any standards, planning or licensing matter or similar such matters;
  - (viii) is about any on-going investigation; and/or
  - (ix) is otherwise inappropriate for such a Question to be asked.
- (c) If the Monitoring Officer decides that a Question cannot be asked at the meeting then the reason why not will be sent to the Councillor seeking to raise it.

#### **B7. Identification of who will reply**

- (a) The Leader or Chairman (as appropriate) in consultation with the Head of Paid Service shall decide the most appropriate Councillor to reply to any Question where a reply is needed. If this differs from that identified by the person presenting the Question then this shall be identified before the question is read.
- (b) The Head of Paid Service will arrange for each Question to be given to any Councillor who is to reply as soon as reasonably practicable following its receipt.

#### **B8. Order of questions**

Questions will be printed on the agenda and taken in the order in which notice of them was received. Where a Councillor has however given notice of more than one Question, the second or further Question will be taken after all those Councillors who have given notice of a Question have had the opportunity of asking their first Question. The Chairman may however decide to group together similar questions.

**B9. Asking and Replying to the Question at the meeting**

- (a) A copy of every Question together with the answer (unless an oral answer is to be given) will normally:
  - (i) be circulated to all Councillors before 10am on the day of the meeting;
  - (ii) be made available to the public attending the meeting; and
 either recorded verbatim in the minutes or summarised.
- (b) Questions and the answers that have been circulated before the meeting will be taken as read.

**B10. Supplementary question**

The Councillor asking the Question shall be entitled to ask one supplementary question. The supplementary question must relate to the answer given to the original Question.

**B11. Discussion and referral of Questions**

- (a) Subject to paragraph B10, there will be no discussion on matters raised by Questions by Councillors unless the Chairman decides otherwise.
- (b) Any Councillor may suggest that a Question which is within the terms of reference of the Executive or a Committee might be better dealt with by the Executive or the Committee. If the Chairman agrees, the Chairman may direct that the question is referred to the Executive or such Committee as the Chairman considers appropriate and the Head of Paid Service will arrange for the question to be included on the next suitable agenda.

**B12. Inability to reply to a Question**

- (a) Any Question which was to be answered orally cannot be dealt with during Councillors Questions, whether because of lack of time or the non-attendance of the Councillor who was to reply, will be dealt with by giving a written reply within a reasonable timescale.
- (b) Where written reply is given to a Question the Head of Paid Service will arrange for the question and any reply to be copied to all Councillors.

## **APPENDIX C –Notices of Motion**

**C1.** As part of every ordinary meeting of the Full Council a period of time will be set aside for Councillors to debate Notices of Motion.

**C2.** In the case of a special meeting of the Full Council, no period of time will be set aside for Councillors to debate Notices of Motion.

### **C3. Time for Notices of Motion**

(a) A period of 45 minutes will be set aside at each meeting to debate notices of motion.

(b) The Chairman of the meeting may increase any of the period for debating notices of motion if in the Chairman's opinion, the importance of the issue raised merits it and to do so would not have an adverse impact on the efficient running of the meeting.

### **C4. Number of Notices of Motion**

There is no limit on the number of Notices of Motion that a Councillor may propose for debating during the time set aside for Notices of Motion.

### **C5. Notice of Motion**

(a) A Notice of Motion is a proposal of which written notice has been given by any 2 Councillors to the Head of Paid Service before 1pm seven clear working days before the meeting and which in the opinion of the Monitoring Officer:

(i) is about a topic or issue related to the responsibilities of the Full Council or which directly affects the Council;

(ii) is clearly identifiable as a Notice of Motion;

(iii) identifies which of the 2 Councillors is to be the Proposer and which is to be the Seconder; and

(iv) is signed by the Councillors submitting it (unless submitted by e-mail) and the date it was submitted to the Head of Paid Service; but

(v) does not relate to the personal affairs or conduct of any individual Councillor or Officer; nor

(vi) contain defamatory, inappropriate or inflammatory language.

(b) A Notice of Motion may be debated despite written notice not having been given under Paragraph C5(a) if in the opinion of the

Monitoring Officer the Notice of Motion is about an urgent matter and the Notice of Motion was put in writing and given to the Head of Paid Service as soon as reasonably practicable before the meeting.

**C6. Where Notice of Motion is to be considered and order in which to be considered**

- (a) Unless Paragraph C6(b) applies, a Notice of Motion will normally be considered at the next ordinary meeting of Full Council. The Notice of Motion may be considered at a later ordinary meeting if the Councillors who submitted it prefer and the Chairman of Council considers this appropriate.
- (b) Where the Head of Paid Service considers that a Notice of Motion is about a matter within the terms of reference of the Executive then, subject to prior discussion with the Chairman of Council, the Head of Paid Service may arrange for the Notice of Motion not to be included on an agenda for the Full Council, but included on the next suitable agenda of the Executive.
- (c) Subject to Paragraph C6(d), Notices of Motion will be listed on the relevant agenda in the order they have been received unless the Chairman considers a different order is appropriate.
- (d) Where a Councillor has submitted more than one Notice of Motion, the second and any subsequent Notice of Motion will be listed after all those Councillors who have submitted a Notice of Motion have had their first Notice of Motion listed.

**C7. Presenting a Notice of Motion**

The Councillor identified in the Notice of Motion as the Proposer will read out Notice of Motion and propose it. In the absence of the Proposer or if the Proposer declines to read it then the Notice of Motion shall be dealt with as the Chairman considers appropriate.

**C8. Consideration of a Notice of Motion**

- (a) If a Notice of Motion is not:
  - (i) moved either by the Proposer of it or where the Chairman considers it appropriate, by one of the other signatories on the Proposer's behalf; and
  - (ii) seconded,

then unless postponed by consent of the Chairman, it shall be treated as withdrawn and may not be moved without a new notice.

- (b) A Notice of Motion shall not be debated unless it is both moved and seconded. If it is both moved and seconded then the normal rules of debate as set out below shall apply.

#### **C9. Notice of Motion referred to a Committee**

- (a) If a Notice of Motion has been referred to the Executive or a Committee, the Executive or the Committee shall report on it to the next suitable meeting of Full Council. The report shall be presented by the Leader or the Committee's Chairman during that part of the Full Council meeting set aside to consider Notices of Motions.
- (b) When the report has been presented, the Notice of Motion shall be read to the meeting. If the Notice of Motion is not proposed and seconded it shall fall and shall not be considered further without the submission of a new Notice of Motion.
- (c) If the Executive or Committee decided that a different motion to the Notice of Motion should be considered by Full Council then:
- (i) if the Notice of Motion is proposed and seconded the Leader or Committee Chairman shall propose the alternative motion as an amendment. If that is proposed and seconded it shall be debated and voted upon under the rules of debate (see [Council Procedure Rule 16](#) or [Appendix D](#)); or
  - (ii) if the Notice of Motion is not proposed and seconded then the Leader or Committee Chairman shall move the alternative motion identified by the Committee. Such a motion may be moved without notice. If seconded it shall be debated and voted upon under the rules of debate (see [Council Procedure Rule 16](#) or [Appendix D](#)).
- (d) Any amendment to either motion if it has been moved and seconded shall be debated and voted upon under the rules of debate (see [Council Procedure Rule 16](#) or [Appendix D](#)).

**APPENDIX D – Flowchart for the Rules of Debate**

To follow

## APPENDIX E - Arrangements for the appointment of substitutes and co-opted persons to Committees, Panels and Boards

### E1. Substitutes

- (a) Unless there is express provision to the contrary every Committee, Panel, Board and Sub-Committee shall have the right to have substitutes appointed to it for the purposes of any meeting.
- (b) In relation to Councillors, arrangements for any substitute shall normally be made:
- (i) by the group leader of the Councillor for whom the substitution is being sought; or
  - (ii) if the group leader is unavailable/absent or it is not practical for the group leader to do so, then by any person appointed as a deputy for that group leader,
- by giving notice to the Democratic Services Manager as soon as practicable and no later than 4pm on the working day before the meeting. In the event of advance notification not being provided/received then the substitute shall not be treated as a member of the Committee, Board, Panel or Sub-Committee for the purposes of being able to speak or vote.
- (c) A substitute for a Councillor may only be from the same political group as the Councillor for whom the substitution is being made.
- (d) A Councillor may not be appointed as a substitute to the Development Management Committee or to the Licensing Committee unless they have undertaken appropriate training.
- (e) In the case of any appointment of a person to a Committee, Panel or Board who is not a Councillor then there shall be no power to appoint a substitute unless expressly provided for below or the law otherwise requires. Where a substitute for a non-Councillor is permitted, the substitute shall be notified to the Democratic Services Manager as soon as practicable in advance of the meeting of the Committee, Panel or Board and in any event no later than 4pm on the working day before the meeting.

### E2. Co-opted persons

Where any Committee, Panel, Board or Sub-Committee described in the [Scheme of Delegation](#) has persons who are not Councillors forming part of it, then unless the provisions identify otherwise, or the law otherwise requires, Committee, Panel, Board or Sub-Committee may appoint its non-members.