

## **Part 3 – Rules of Procedure**

### **3.1 Council Procedure Rules**

#### **Rule**

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## 1. **ANNUAL MEETING OF THE COUNCIL**

1.1 The annual meeting will take place on the third Wednesday in May at 7.30 pm.

The annual meeting will:

- (i) elect a person to preside if the Mayor is not present;
- (ii) elect the Mayor for the ensuing municipal year;
- (iii) appoint the Deputy Mayor for the ensuing municipal year;
- (iv) approve the minutes of the last meeting;
- (v) receive any declarations of interest from members;
- (vi) receive any announcements from the Mayor and/or the Head of Paid Service;
- (vii) elect the Leader;
- (viii) appoint the committees as the Council considers appropriate to deal with matters which are not reserved to the Council;
- (ix) appoint Chairmen and Vice-Chairmen for the ensuing municipal year;
- (x) agree that part of the scheme of delegation as the Constitution determines it is for the Council to agree (as set out in Part 3 of this Constitution);
- (xi) approve a programme of ordinary meetings of the Council for the year if this has not previously been determined; and
- (xii) consider any business set out in the notice convening the meeting.

### 1.2 **Selection of councillors on committees and outside bodies**

At the annual meeting, the Council will:

- (i) decide which committees to establish for the municipal year;
- (ii) decide the size and terms of reference for those committees;
- (iii) decide the allocation of seats to political groups in accordance with the political balance rules;
- (iv) receive nominations of councillors to serve on each committee and outside body; and

- (v) appoint to those committees and outside bodies except where appointment to those bodies has been delegated by the Council to a committee.

## **2. ORDINARY MEETINGS**

Ordinary meetings of the Council will take place in accordance with a programme decided at or prior to the Council's annual meeting which may be varied in exceptional circumstances by the Mayor. Traditionally meetings are not held in August or between the last scheduled Council meeting in April and Annual Council. Ordinary meetings will:

- (i) elect a person to preside if the Mayor and Deputy Mayor are not present;
- (ii) approve the minutes of the last meeting;
- (iii) receive any declarations of interest from members;
- (iv) receive any announcements from the Mayor, Leader, or the Chief Operating Officer;
- (v) deal with any business from the last Council meeting;
- (vi) receive reports from Council's committees and receive questions and answers on any of those reports;
- (vii) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (viii) consider motions; and
- (ix) consider any other business specified in the summons to the meeting, including consideration of any proposals from committees.

## **3. EXTRAORDINARY MEETINGS**

### **3.1 Calling extraordinary meetings.**

The Chief Operating Officer may call Council meetings in addition to ordinary meetings and those listed below may request him to do so:

- i) the Council by resolution;
- ii) the Mayor;
- iii) the Monitoring Officer;
- iv) any ten members of the Council if they have signed a requisition presented to the Mayor and they have refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

#### **4. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES**

##### **4.1 Allocation**

Unless decided otherwise at the annual meeting of the Council each political group on the Council may nominate one or more substitute members for any meeting of a committee or sub-committee by notifying the Head of Legal and Democratic Services by 12 noon on the day of the meeting. This rule should only apply to Standards Committee in exceptional circumstances and if the nominated substitute has been appropriately trained.

##### **4.2 Powers and duties**

Substitute members will have all the powers and duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable by the member for whom they are substituting.

##### **4.3 Substitution**

Substitute members may attend meetings in that capacity only:

- (i) to take the place of the ordinary member for whom they are the designated substitute; and
- (ii) where the ordinary member will be absent for the whole of the meeting.

#### **5. TIME AND PLACE OF MEETINGS**

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

#### **6. NOTICE OF AND SUMMONS TO MEETINGS**

The Chief Operating Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules. At least five clear days before a meeting, the Chief Operating Officer will send a summons signed by them by post to every member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

#### **7. CHAIRMAN OF MEETING**

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

## **8. QUORUM**

The quorum of a meeting will be one quarter of the whole number of members. During any meeting if the Mayor counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. If after a period of fifteen minutes has elapsed there are not sufficient members present to constitute a quorum the remaining business will be deferred to a time and date fixed by the Mayor. If they do not fix a date, the remaining business will be considered at the next ordinary meeting.

## **9. DURATION OF MEETING**

Unless the majority of members present vote for the meeting to continue, any meeting will adjourn immediately upon conclusion of the item of business under discussion at 11.00 pm on the day of the meeting. Remaining business will be considered at a time and date fixed by the Mayor. If they do not fix a date, the remaining business will be considered at the next ordinary meeting.

## **10. QUESTIONS BY MEMBERS**

### **10.1 On reports of committees**

A member of the Council may ask the Leader or the Chairman of a committee any question without notice upon an item of the report of a committee when that item is being received or under consideration by the Council.

### **10.2 Questions on notice at full Council**

Subject to Rule 10.4, a member of the Council may ask:

- the Mayor;
- the Leader; or
- the Chairman of any committee or sub-committee

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

### **10.3 Questions on notice at committees and sub-committees**

Subject to Rule 10.4, a member of a committee or sub-committee may ask the Chairman of it a question on any matter in relation to which the Council has powers or duties or which affect the borough, and which falls within the terms of reference of that committee or sub-committee.

### **10.4 Notice of questions**

A member may only ask a question under Rule 10.2 or 10.3 if either:

- (a) they have given at least three working days' notice in writing of the question to the Chief Operating Officer; or

- (b) the question relates to urgent matters, they have the consent of the Chairman to whom the question is to be put and the content of the question is given to the Chief Operating Officer by 12 noon on the day of the meeting.

## 10.5 **Response**

- (i) An answer may take the form of:
  - (a) a direct oral answer;
  - (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
  - (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.
- (ii) Every question shall be put and answered without discussion, but the person to whom a question has been put may decline to answer.

## 11. **MOTIONS ON NOTICE**

### 11.1 **Notice**

Except for motions which can be moved without notice under Rule 12, written notice of every motion, signed by at least one member subject to 11.B below, must be delivered to the Chief Operating Officer by no later than 12 noon on the Monday of the week preceding the meeting. These will be available for public inspection.

### 11.2 **Motion set out in agenda**

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

### 11.3 **Scope**

Motions must be about matters for which the Council has a responsibility or which affect the borough.

### 11.4 **Automatic reference to Committee**

If the subject matter of any motion to which this Rule applies comes within the province of any committee or sub-committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to committee or sub-committee for consideration.

Provided that the Mayor may, if they considers it convenient and conducive to the despatch of business, allow the motion to be dealt with at the meeting on which it is brought forward.

## 11.5 **Acceptance of Motion**

- (a) If notice is given of any original motion which, in the opinion of the Chief Operating Officer is out of order, illegal, irregular or improper, the Chief Operating Officer shall forthwith submit such notice to the Mayor and it shall not be accepted and placed on the agenda without his/her sanction. In the event of non-acceptance the Chief Operating Officer shall inform the member giving the Notice of their decision.
- (b) In the event of the volume of items creating difficulty for the management of Council business or jeopardising the efficient running of Council business the Chief Operating Officer may make decisions about the priority and number of notices to be accepted in consultation with those submitting Notice and the Mayor. In the event of non-acceptance the Chief Operating Officer shall inform the member giving the Notice of their decision.

## 12. **MOTIONS WITHOUT NOTICE**

The following motions may be moved without notice:

- (a) to appoint a Chairman of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business on the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of committees or officers 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 put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) that the meeting continue beyond 11.00 pm;
- (n) to suspend a particular Council Procedure Rule;
- (o) to exclude the public and press in accordance with the Access to Information Procedure Rules;

- (p) to not hear further a member named under Rule 20.3 or to exclude them from the meeting under Rule 20.4; and
- (q) to give the consent of the Council where its consent is required by this Constitution.

### **13. RULES OF DEBATE**

#### **13.1 No speeches until motion seconded**

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

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

Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to him/her before it is discussed.

#### **13.3 Secunder's speech**

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

#### **13.4 Content and length of speeches**

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

#### **13.5 When a member may speak again**

A member 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 member;
- (b) to move a further amendment if the motion has been amended since they last spoke;
- (c) if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which they spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.



### 13.6 Amendments to motions

- (a) An amendment to a motion must be relevant to the motion and will either 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 insert or add others; or
  - (iv) to insert or add words.so long as the effect of (ii) to (iv) 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 Mayor will read out the new substantive motion before accepting any further amendments, or if there are none, put it to the vote.

### 13.7 Alteration of motion

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

### 13.8 Withdrawal of motion

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

### 13.9 Right of reply

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- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment but may not otherwise speak on it.
- (c) The mover of the amendment has no right of reply to the debate on their amendment.

### 13.10 **Motions which may be moved during debate**

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

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) to exclude the public and press in accordance with the Access to Information Procedure Rules; and
- (h) to not hear further a member named under Rule 20.3 or to exclude them from the meeting under Rule 20.4.

### 13.11 **Closure motions**

- (a) A member may move, without comment, the following motions at the end of a speech of another member:
  - (i) to proceed to the next business;
  - (ii) that the question be now put;
  - (iii) to adjourn the debate; or
  - (iv) to adjourn the meeting.
- (b) If a motion to proceed to the next business is seconded and the Mayor thinks the item has been sufficiently discussed, they will give the mover

of the original motion a right of reply and then put the procedural motion to the vote.

- (c) If a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, they will put the procedural motion to the vote. If it is passed they will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, they will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

#### **13.12 Point of order**

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

#### **13.13 Personal explanation**

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

### **14. PREVIOUS DECISIONS AND MOTIONS**

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

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 15 members.

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

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 15 members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

#### **14.3 Recommendations from Committee**

Rules 15.1 and 15.2 shall not apply to a motion moved in pursuance of a recommendation of a Committee.

## 15. VOTING

### 15.1 Majority

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

### 15.2 Mayor's casting vote

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

### 15.3 Show of hands

Unless a ballot or recorded vote is demanded under Rules 15.4 and 15.5, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

### 15.4 Ballots

The vote will take place by ballot **if two members** present at the meeting demand it. The Mayor will announce the numerical result of the ballot immediately the result is known.

### 15.5 Recorded vote

If any member present at the meeting demands it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes, save that immediately after any vote is taken at a budget decision meeting on any motion or amendment there must be recorded in the minutes the names of the persons who cast a vote for the decision or against the decision or who abstained from voting ("budget decision meeting" means a meeting at which the Council makes a calculation in respect of the setting of Council Tax or issues a precept and "vote" means a vote on any decision related to the making of the calculation or the issuing of the precept.) A demand for a recorded vote will override a demand for a ballot.

### 15.6 Right to require individual vote to be recorded

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

### 15.7 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.

## **16. MINUTES**

### **16.1 Signing the minutes**

The Mayor will sign the minutes of the proceedings at the next suitable meeting. The Mayor 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.

(a) Where the person who should have signed the minutes is unable to perform that duty the Chairman or Vice Chairman of the body is authorised to sign as a correct record the minutes of a previous meeting of that body.

(b) Where a body ceases to exist, the Councillor who chaired the last meeting of that body is authorised to sign the minutes as a correct record.

### **16.2 No requirement to sign minutes of previous meeting at extraordinary meeting**

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

### **16.3 Form of minutes**

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

## **17. RECORD OF ATTENDANCE**

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

## **18. EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Part 4 of this Constitution or Rule 21 (Disturbance by Public).

## **19. MEMBERS' CONDUCT**

### **19.1 Standing to speak**

When a member speaks at Council they must stand and address the meeting through the Mayor. If more than one member stands, the Mayor will ask one to speak and the others must sit. Other members must remain seated whilst a member is speaking unless they wish to make a point of order or a point of personal explanation.

#### **19.2 Mayor standing**

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

#### **19.3 Member not to be heard further**

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

#### **19.4 Member to leave the meeting**

If the member continues to behave improperly after such a motion is carried, the Mayor may move that either the member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

#### **19.5 General disturbance**

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

### **20. DISTURBANCE BY PUBLIC**

#### **20.1 Removal of member of the public**

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

#### **20.2 Clearance of part of meeting room**

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

### **21. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

#### **21.1 Suspension**

All of these Procedure Rules except Rules 15.6 and 16.2 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

Procedure Rules cannot be suspended in respect of a motion under Council Procedure Rule 11.1B that the Leader cease his/her term of office before the statutory period has come to an end.

## **21.2 Amendment**

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

## **22. USE OF E MAIL AND FAX**

For the avoidance of doubt, where in the Constitution reference is made to a written notice, signed by a Member or Members, this shall include delivery by fax or e-mail, subject to confirmation of identity by the Member or Members concerned.

## **23. AUDIO OR VISUAL RECORDING OF PROCEEDINGS**

- (i) Audio recordings of the proceedings of any Council or Committee (including Sub-Committees) meeting or part of any such meeting held in public shall be allowed by the Council. Anyone wishing to do this is requested to make their intentions clear before the commencement of the meeting in question.
- (ii) Photographing or filming of the proceedings of a Council, or Committee (including Sub-Committees) meeting or part of any such meeting held in public shall be allowed with the agreement of the Mayor or Chairman of the meeting in question. Filming shall be allowed in accordance with the law.
- (iii) In the event of the Mayor or Chairman of the meeting in question wanting to prohibit the photographing filming or audio recording of the proceedings as per (i) and (ii) above, they shall provide a reason for this to members of that meeting and seek their consent to their decision by means of a vote. Where members then vote to allow the photographing, filming or audio recording of the proceedings of that meeting, this shall be allowed. Any decision not to allow filming may only be made if such filming would prevent the orderly conduct of the meeting. Photographing, Filming and audio recording will not be allowed if Council or a committee is considering an exempt or confidential item as defined in law and the Access to Information Procedure Rules.

## **24. USE OF MOBILE PHONES AND OTHER SOCIAL MEDIA DEVICES IN MEETINGS**

In the interests of the smooth running of meetings:-

- (i) Mobile phones/devices must be switched off or to 'silent' at meetings.
- (ii) Calls should not be made or answered during the meeting.

- (iii) The use of mobile phones/devices to send texts or emails, access Facebook, send tweets, take notes, open emails, access the internet etc should be done discreetly and with common sense and should not cause a disturbance to the smooth running of the meeting.
- (iv) The Mayor/Chairman has discretion to require that mobile phone/devices are not used as at (iii) above if a disturbance to the smooth running of the meeting is caused.

**25. DISCLOSABLE PECUNIARY INTERESTS AND PECUNIARY INTERESTS–WITHDRAWAL FROM MEETINGS**

A Member or Co-opted Member must withdraw from the meeting room, including from the public gallery, during the whole of consideration of any item of business in which they have a Disclosable Pecuniary Interest (DPI) or Pecuniary Interest except where they are permitted to remain as a result of the grant of a dispensation or the Code.

**26. APPLICATION TO COMMITTEES AND SUB-COMMITTEES**

All of the Procedure Rules apply to meetings of full Council. Only Rules 5 to 13 and 15 to 26 (but not Rule 20.1) apply to meetings of committees and sub-committees with the substitution of the word 'Chairman' where the word 'Mayor' appears.

## **3.2 Committee Procedure Rules**

**NB. Relevant Council Procedure Rules are applied to Committees by virtue of Rule 24 of those Rules.**

**1. What will be the number and arrangements for Regulatory Committees?**

- (a) The Council will have the Regulatory Committees set out Part 2 (Constitution 2.2) of this Constitution and will appoint to them as it considers appropriate from time to time. Such committees may appoint sub-committees.
- (b) The terms of reference of each Regulatory Committee will be:
  - (i) to discharge the functions delegated to it as set out in Part 2;
  - (ii) to appoint such sub-committees as it considers appropriate to fulfil those functions; and
  - (iii) to consider, and respond as appropriate to, reports from the Council.



2. **Who may sit on Regulatory Committees?**

All councillors may be members of a Regulatory Committee.

3. **Meetings of Regulatory Committees**

The Council shall determine, on an annual basis, the meetings to be held each year in order to efficiently expedite the business of the Regulatory Committees. Traditionally meetings are not held in August or between the last scheduled Council meeting in April and Annual Council.

4. **Quorum**

The quorum for Regulatory Committees shall be as set out for committees in the Council Procedure Rules in Part 3.1 of this Constitution.

5. **Who chairs Regulatory Committee meetings?**

(a) Chairmen and Vice-Chairman of Regulatory Committees/sub-committees will be drawn from among the councillors sitting on the committee/sub-committee, and subject to this requirement, the Council or the committee/sub-committee may appoint such persons, as it considers appropriate as Chairman and Vice-Chairman, subject to Rule 2(a) above.

(b) In the absence from a meeting of a Regulatory Committee/sub-committee of the Chairman of that Committee/sub-committee the Vice-Chairman shall take the Chair.

(c) In the absence from a meeting of a Regulatory Committee/sub-committee of the Chairman or Vice-Chairman of that Committee/sub-committee, a person to chair the meeting shall be chosen from those members present at the meeting.

(d) If a vacancy shall occur in the office of Chairman or Vice-Chairman of a Regulatory Committee/sub-committee it will be filled at the next ordinary meeting of the Council unless the Council has determined alternative procedural arrangements.

6. **Agenda items**

(a) Any member of the Council, shall be entitled to give notice to the Head of Legal and Democratic Services that they wish an item relevant to the functions of the committee or sub-committee to be included on the agenda for the next available meeting of the committee or sub-committee. On receipt of such a request the Head of Legal and Democratic Services will ensure that it is included on the next available agenda. Other than for meetings to be held on a Monday or a Tuesday, any notice to be given under this provision shall be submitted to the Legal and Democratic Services Manager by no later than 12 noon on the Tuesday of the week preceding the meeting. For meetings to be held on a Monday or a Tuesday, Notices under this provision

shall be submitted to the Head of Legal and Democratic Services by no later than 12 noon on the Tuesday of the week before the week preceding the meeting. (For the avoidance of doubt, under this provision an item for a meeting to be held on, say Tuesday 15<sup>th</sup> would be required by noon on Tuesday 1<sup>st</sup> of that month).

- (b) Any member of the Council shall be entitled to give notice to the Head of Legal and Democratic Services by 12 noon on the Tuesday of the week preceding the meeting that they wish an item relevant to a report on the Members' Update relating to the functions of the Regulatory Committee/Sub-Committee concerned to be included on the agenda for the next meeting of that Committee or Sub-Committee. Notices under this provision shall be submitted to the Head of Legal and Democratic Services in accordance with

the timescale as set out in (a) above. The procedure for dealing with Member's Updates Procedure Rules.

## **7. Who may attend?**

- (a) The leaders of the political groups on the Council shall be allowed to attend each Regulatory Committee and to speak, subject to any restrictions in law, but not vote, on any issue under consideration.
- (b) Members who are not members of a Regulatory Committee shall be entitled to attend meetings of that Regulatory Committee but shall not be eligible to speak or vote except in relation to an item affecting that member's ward when the member will be allowed, with the consent of the Chairman, to speak but not vote, provided notice is given to the Head of Legal and Democratic Services or his/her representative by 12 noon on the day of the meeting.
- (c) Where a member has given written notice for an item to be included on a Regulatory Committee agenda, that member may attend and, with the consent of the Chairman, speak, but not vote, on that item, provided that in cases where disciplinary matters are under consideration, then only the members of the committee or sub-committee appointed by the Council shall be in attendance other than the officers servicing the committee or involved in the disciplinary action.

## **8. Appeal or quasi-judicial hearings**

The Licensing and Appeals Committee will, on occasions, meet to determine applications or appeals and will be sitting in a quasi-judicial capacity. For those meetings, the committee may have adopted a procedure to meet the requirements of the rules of natural justice and the conventions in the Human Rights Act 1998. If, on those occasions, any conflict arises between the adopted procedure and these Rules, the adopted procedure will apply.

## **9. Party Whip**

When considering any matter in respect of which a member of a Regulatory Committee is subject to a party whip, the member must declare the existence of the

whip, and the nature of it, before the commencement of the committee's deliberations on the matter. The declaration and the details of the whipping arrangement shall be recorded in the minutes, it being noted that it is current practice for the party whips not to be used in respect of quasi-judicial decisions.

### **3.3 PUBLIC PARTICIPATION SCHEME**

Part A - or meetings of Policy and Resources Committee, Audit & Governance Committee and Standards Committee)

#### **1.0 Public Speaking**

- 1.1 Residents of West Lancashire may, on giving notice, address any of the above meetings to make representations on any item on the agenda for those meetings, except where the public and press are to be excluded from the meeting during consideration of the item.
- 1.2 A Parish Council Representative may, on giving notice, address any of the above meetings to make representations on any item on the agenda for those meetings, except where the public and press are to be excluded from the meeting during consideration of the item.

#### **2.0 Written Representations**

- 2.1 Residents of West Lancashire may submit written representations, which will be considered by the relevant body if the Resident is unable to attend for any reason.
- 2.2 The form attached as an Appendix to this Protocol should be used for submitting requests.

#### **3.0 Deadline for submission**

- 3.1 The prescribed form should be received by Member Services by 10.00 am on the Friday of the week preceding the meeting. This can be submitted by e-mail to [member.services@westlancs.gov.uk](mailto:member.services@westlancs.gov.uk) or by sending to:

Member Services  
West Lancashire Borough Council  
52 Derby Street  
Ormskirk  
West Lancashire  
L39 2DF

- 3.2 Completed forms will be collated by Member Services and circulated via e-mail to relevant Members and officers and published on the Council website via Modgov. Only the name of the resident (and representative) and details of the issue to be raised will be published.
- 3.3 Groups of persons with similar views should elect a spokesperson to speak on their behalf to avoid undue repetition of similar points. Spokespersons should identify in writing on whose behalf they are speaking.

## **4.0 Scope**

4.1 Any matters raised must be relevant to an item on the agenda for the meeting.

4.2 The Head of Legal and Democratic Services may reject a submission if it:

- (i) is defamatory, frivolous or offensive;
- (ii) is substantially the same as representations which have already been submitted at a previous meeting; or
- (iii) discloses or requires the disclosure of confidential or exempt information.

## **5.0 Number of items**

5.1 A maximum of one form per resident will be accepted for each Agenda Item.

5.2 There will be a maximum of 10 speakers per meeting. Where there are more than 10 forms submitted by residents, Member Services will prioritise the list of those allowed to speak. This will be considered having regard to all relevant matters including:

- a. The order in which forms were received.
- b. If one resident has asked to speak on a number of items, priority will be given to other residents who also wish to speak
- c. Whether a request has been submitted in relation to the same issue.

No amendments will be made to the list of speakers once it has been compiled (regardless of withdrawal of a request to speak).

5.3 All submissions received will be published on the Council's website and circulated to Members of the relevant body and officers for consideration.

## **6.0 At the Meeting**

6.1 Speakers will be shown to their seats. At the commencement of consideration of each agenda item the Leader/Chairman will invite the speakers to make their representations. Speakers will have up to 3 minutes to address the meeting. The address must reflect the issue included on the prescribed form submitted in advance.

6.2 Members may discuss what the speaker/s have said along with any other information/representations submitted under the protocol, when all public speakers on that item have finished and will then make a decision. Speakers should not circulate any supporting documentation at the meeting and should not enter into a debate with Councillors.

6.3 If residents feel nervous or uncomfortable speaking in public, then they can ask someone else to do it for them, including a Parish or Borough Councillor representative. They can also bring an interpreter if they need one. They should be aware there may be others speaking as well.

6.4 A Borough Councillor is able to speak on behalf of a resident (without the need for the

resident to be in attendance), if requested to do so. However, that Councillor must not be a member of the body considering the item.

6.5 Speakers may leave the meeting at any time, taking care not to disturb the meeting.

(Please see attached form.)

APPENDIX - FORM

REQUEST FOR PUBLIC SPEAKING/REPRESENTATIONS AT MEETINGS

MEETING & DATE .....

NAME .....

ADDRESS.....  
.....

Post Code .....

PHONE.....

Email .....

Please indicate if you will be in attendance at the meeting Yes/No

Please indicate if someone will be speaking on your behalf at the meeting. Yes/No

If someone is speaking on your behalf please provide their correct details:

NAME .....

PHONE.....

Email .....

Note: This page will not be published.

PLEASE PROVIDE DETAILS OF THE MATTER YOU WISH TO RAISE

Agenda Item Number .....

Title.....

Details.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....

Name .....

Dated .....

Completed forms to be submitted by 10.00am on the Friday of the week preceding the meeting to:- Member Services, West Lancashire Borough Council, 52 Derby Street, Ormskirk, Lancashire, L39 2DF or Email: [member.services@westlancs.gov.uk](mailto:member.services@westlancs.gov.uk) If you require any assistance regarding your attendance at a meeting (including access) or if you have any queries regarding your submission please contact Member Services on 01695 585065

**Note: This page will be circulated to Members of the Committee and published**

## **PART B - PROCEDURE FOR THE PUBLIC AND APPLICANTS WHO WISH TO SPEAK AT THE PLANNING COMMITTEE ON PLANNING APPLICATIONS THAT MIGHT AFFECT THEM**

The Council wants to improve the opportunity given to people in West Lancashire to have their say about planning applications that affect them.

The Council have decided that people should have the opportunity to reinforce their views by talking to the Councillors who make the decision at Planning Committee.

The people who can request to speak at meetings are:

- anyone who has written objecting to the planning application and who has been consulted under the neighbour notification process by the Council, or his/her representative;

Note: Consultees/Organisations that have been formally consulted on the application will not be invited to speak, as their views will be set out clearly in the Committee reports.

- the Clerk to a Parish Council, or his/her representative where the Clerk is unavailable, to express the view of the Parish Council;
- the applicant or his/her representative but only where it has been agreed that a third party objecting to the proposal may speak.

Note: The minimum age for people to address the Committee under this procedure is 16 years.

Any person who wishes to speak must give at least 3 working days' notice prior to the day of the Committee meeting that they want to address the Committee (i.e. by 5pm on the Monday of the week of the Committee meeting). The request must also include a brief outline of the points the speaker wishes to make. A pro-forma is available.

If there is more than one speaker in any category then the Chairman of the Committee will decide how many can speak. This will be done the day before the meeting and the Member Services Officer will notify the person who has made the request to speak of the Chairman's decision. Groups (e.g. of residents) are asked to nominate one person to speak on their behalf.

Each person who is authorised by the Chairman to speak will be limited to three minutes.

Speakers must not circulate any supporting documentation at the Committee meeting.

What any speaker says must be relevant to the planning application only - nothing damaging or personal. There should be no duplicating points made by other speakers. All speakers should address the meeting and must not enter into a debate with Councillors. The Chairman may intervene and end a speaker's time if they do not comply with these requirements.



A speaker may ask someone else to speak for them if they are unable to do so or bring an interpreter if they need one.

A request to speak should be sent to Member Services, West Lancashire Borough Council,

Council Offices, 52 Derby Street, Ormskirk, Lancashire, L39 2DF. Telephone: 01695 585017 E Mail: [memberservices@westlancs.gov.uk](mailto:memberservices@westlancs.gov.uk)

## **PART 3.4 PETITION SCHEME**

A petition is one way in which people can let the Council know its concerns.

### **1.0 What is a petition?**

1.1 A petition is any communication that is signed by 10 or more people either on paper or in electronic format. There are no restrictions on who can submit or sign a petition. For details of the e-Petition scheme, see paragraphs 8 & 9 below.

### **2.0 What should a petition contain?**

2.1 A clear statement of concerns

This must relate to something which is the responsibility of this Council. Where a petition relates to a matter over which the authority has no responsibility or influence, we will return the petition to the petition organiser with an explanation for that decision. Where a petition relates to a matter which is within the responsibility of another public authority (e.g. Lancashire County Council), we will ask the petition organiser whether s/he would like us to redirect the petition to that other authority.

2.2 A statement of what action you would like the Council to take.

What would the petitioner(s) like the Council to do?

2.3 The name and contact details of the “petition-organiser”

Or someone to whom any correspondence about the petition can be sent. Contact details must be a postal address and/or an Email address.

2.4 The names of at least 10 petitioners

This can include the petition organiser. Where the petition is in paper form, this must include the full name, postal address and actual signature from each petitioner. Where the petition is in electronic form, this must include the full name, postal address and e-mail address of each petitioner.

### **3.0 Who should the petition be sent to?**

3.1 Paper petitions should be sent to:

Member Services  
West Lancashire Borough Council  
52 Derby Street  
Ormskirk  
West Lancashire  
L39 2DF

Or alternatively the e-petition facility may be used (see paragraphs 8 and 9 below) or the petition can be scanned and e-mailed to [member.services@westlancs.gov.uk](mailto:member.services@westlancs.gov.uk)

3.2 Member Services will ensure that an acknowledgement is sent to the 'petition organiser' within 5 working days.

#### **4.0 What steps can the Council take to deal with a petition?**

Steps that may be taken to deal with a petition include:

- Take the action requested
- Give a written response setting out the Council's views about the request
- Refer to a meeting of the Council, a Committee, Sub-Committee or Working Group (as appropriate)
- Hold a consultation
- Hold a meeting with petitioners

#### **5.0 What happens to a Petition when it is submitted?**

When a petition is received by Member Services it will be circulated to the Chief Operating Officer and relevant Corporate Director/Head of Service and the relevant Ward Councillors.

The relevant Corporate Director/Head of Service will consider what steps should be taken to deal with the petition request and advise the 'Petition Organiser' and Member Services within 20 working days from the date the petition was acknowledged. Copies of the response will also be sent to the relevant relevant Ward Councillors.

#### **6.0 E-Petition**

6.1 The e-petition facility enables people to create, submit and sign petitions through the Council's website. E-petitions follow the same guidelines as paper petitions as detailed above. The 'Petition Organiser' will need to register on the site before they can create a petition on line and will need to provide their name and contact details. They will also need to decide how long the petition should be open for signatures. Six months would probably be sufficient, but a shorter or longer timeframe can be chosen, up to a maximum of 12 months.

6.2 Once an online petition has been created it can be submitted. It may take up to 5 working days after an e-petition has been submitted before it is published online when other people can sign it. This is because we have to check that the content of the petition is suitable before it is made available for signature. If we feel we cannot publish your petition for some reason, we will contact the Petition Organiser to explain.

6.3 When an e-petition has closed for signature, the Petition Organiser is required to submit to Member Services, either by printing the petition on paper or by submitting electronically via the e-petition facility, and it will be dealt with in the same way as a paper petition as detailed above.

#### **7.0 How do people 'sign' an e-petition?**

7.1 E-petitions available for signature will be available on the website at:

[http://www.westlancs.gov.uk/council\\_democracy/democracy\\_and\\_decision\\_making/petitions.aspx](http://www.westlancs.gov.uk/council_democracy/democracy_and_decision_making/petitions.aspx)

Petitioners will be asked to provide their name, address and a valid email address. Once this step is complete the petitioners 'signature' will be added to the petition. People visiting the e-petition will be able to see the petitioner's name and town/city in the list of those who have signed it but other contact details will not be visible. Once a response is prepared an automated email will be sent to the Petition Organiser and all petitioners who have made a request on line to be informed of the outcome.

## **PART 3.5 ACCESS TO INFORMATION PROCEDURE RULES**

### **1. SCOPE**

These rules apply to all meetings of the Council, Committees and any sub-committees appointed by them (together called meetings).

### **2. ADDITIONAL RIGHTS TO INFORMATION**

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law such as the Freedom of Information Act, the Environmental Information Regulations or Data Subject Access requests under data protection legislation.

### **3. RIGHTS TO ATTEND AND REPORT ON MEETINGS**

3.1 Members of the public may attend all meetings and are permitted to report on the meeting, subject only to the exceptions in these rules and the law.

3.2 Oral reporting or oral commentary on a meeting as it takes place is not permitted if the person reporting or providing commentary is present at the meeting as this could be disruptive to the conduct of the meeting.

3.3 'Reporting' means:

- (a) filming, photographing or making an audio recording of proceedings at a meeting,
- (b) using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later, or
- (c) reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available, as the meeting takes place or later to persons not present.

3.4 Any person who attends the meeting to report the proceedings may use any communication methods, including the internet, to publish, post or otherwise share the results of their reporting activities.

3.5 Publication and dissemination may take place at the time of the meeting or occur after the meeting.

### **4. NOTICES OF MEETING**

The Council will give at least five clear day's notice of any meeting by posting details of the meeting at the Council offices, 52 Derby Street, Ormskirk and on the Council's website .

### **5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING**

The Council will make copies of the agenda and reports open to the public available for inspection at the designated office and where appropriate on the Council's website at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed

and sent to councillors) will be open to inspection from the time the item was added to the agenda.

## **6. SUPPLY OF COPIES**

The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) any other documents supplied to councillors in connection with an item if the Head of Legal and Democratic Services thinks fit.

to any person on payment of a charge for postage, copying and any other costs

## **7. ACCESS TO MINUTES, DECISIONS ETC AFTER THE MEETING**

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

- (a) the minutes of the meeting or records of decisions taken, together with reasons, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

## **8. BACKGROUND PAPERS**

### **8.1 List of background papers**

Every report will set out a list of those documents (called background papers) relating to the subject matter of the report which in the opinion of the author:

- (a) disclose any facts or matters on which the decision / report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report or making the decision

but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) or the advice of a political advisor.

### **8.2 Public inspection of background papers**

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers at the Council offices.

## 9. SUMMARY OF PUBLIC'S RIGHTS

A written summary of the public's rights to attend and report on meetings and to inspect and copy documents is kept at and available to the public at the Council offices, 52 Derby Street, Ormskirk.

## 10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

### 10.1 Confidential information – requirement to exclude public

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed and reporting on the meeting will also not be permitted.

### 10.2 Exempt information – discretion to exclude public

The public may be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that exempt information would be disclosed and reporting on the meeting will also not be permitted.

### 10.3 Meaning of confidential information

“Confidential information” means information given to the Council by a Government Department on terms (however expressed) which forbid its public disclosure, or information which cannot be publicly disclosed by or under any enactment or by a Court Order.

### 10.4 Meaning of exempt information

Information which falls within any of the descriptions 1 - 7 below is exempt information if and so long, as the Proper Officer considers, in all the circumstances of the case, that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Description	Qualification and Interpretation
1. Information relating to any individual	
2. Information which is likely to reveal the identity of an individual.	
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)	Information falling within description 3 is not exempt information by virtue of that description if it is required to be registered under: (a) the Companies Act (as defined in Section 2 of the Companies Act 2006). (b) the Friendly Societies Act 1974 (c) the Friendly Societies Act 1992 (d) the Industrial and Provident Societies Acts 1965 to 1978 (e) the Building Societies Act 1986 (f) the Charities Act 1993

	<p>“financial or business affairs” includes contemplated, as well as past or current, activities.</p> <p>“registered” in relation to information required to be registered under the Building Societies Act 1986 means recorded in the public file at any building society (within the meaning of that Act)</p>
<p>4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.</p>	<p>“labour relations matter” means</p> <p>(a) any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992, (matters which may be the subject of a trade dispute, within the meaning of that Act) or</p> <p>(b) any dispute about a matter falling within paragraph (a) above and for the purposes at this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority.</p> <p>“office-holder” means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority</p> <p>“employee” means a person employed under a contract of service.</p>
<p>5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings</p>	
<p>6. Information which reveals that the authority proposes -</p> <p>(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</p> <p>(b) to make an order or direction under any enactment.</p>	
<p>7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.</p>	



Notes:

- (i) Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.
- (ii) Previous exemptions relating to personal information continue to be protected under the Data Protection Act.
- (iii) The Exemptions relating to commercial interests complement similar provisions in the Freedom of Information Act and Environmental Information Regulations.
- (iv) Information which
  - (a) falls within any paragraphs 1-7 above; and
  - (c) is not prevented from being exempt by virtue of paragraph 3 and (i) above, is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.)

**11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS**

If the Head of Legal and Democratic Services thinks fit, the Council may exclude access by the public to reports which in their opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.