

AUDIT AND GOVERNANCE COMMITTEE

Date: Thursday 17 April 2025
Time: 5.30 pm
Venue: Guildhall, High Street, Exeter

Members are invited to attend the above meeting to consider the items of business.

If you have an enquiry regarding any items on this agenda, please contact Liz Smith, Democratic Services Officer on 01392 265425.

Membership –

Councillors Wardle (Chair), Jobson (Deputy Chair), Atkinson, Begley, Ketchin, Knott, Miller-Boam, Mitchell, M, Moore, Palmer, Patrick and Williams, M

Agenda

Part I: Items suggested for discussion with the press and public present

1 Apologies

To receive apologies for absence from Committee Members.

2 Declaration of Interests

Councillors are reminded of the need to declare any discloseable pecuniary interests that relate to business on the agenda and which have not already been included in the register of interests, before any discussion takes place on the item. Unless the interest is sensitive, you must also disclose the nature of the interest. In accordance with the Council's Code of Conduct, you must then leave the room and must not participate in any further discussion on the item. Councillors requiring clarification should seek the advice of the Monitoring Officer prior to the day of the meeting.

3 Local Government Act 1972 - Exclusion of Press and Public

It is considered that the Committee would be unlikely to exclude the press and public during consideration of any of the items on the agenda, but if it should wish to do so, the following resolution should be passed:-

RECOMMENDED that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the consideration of the particular item(s) on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1, Schedule 12A of the Act.

4 Constitutional Changes

To receive the report of the Monitoring Officer.

5 **Constitutional Changes - City Development Functions and Responsibilities**

To receive the report of the Monitoring Officer.

(Pages
131 - 166)

6 **Amendments to Terms of Reference for the Joint Consultation and
Negotiation Committee**

To receive the report of the Strategic Director People and Communities.

(Pages
167 - 176)

Date of Next Meeting

The next **Audit and Governance Committee** will be held on Thursday 24 July 2025 at 5.30 pm

Find out more about Exeter City Council by looking at our website <http://www.exeter.gov.uk> This will give you the dates of all future Committee meetings. Alternatively, contact the Democratic Services Officer on 01392 265425 for further information.

Individual reports on this agenda can be produced in other formats on request to Democratic Services (Committees) on 01392 265425

REPORT TO AUDIT & GOVERNANCE

Date of Meeting: 17 April 2025

REPORT TO COUNCIL

Date of Meeting: 10 June 2025

Report of: Simon Copper, Monitoring Officer

Title: Constitutional Changes

Is this an Executive or Council Function?

Council

1. What is the report about?

1.1 This report outlines the proposed changes to the rules that govern how full Council meetings are run. This report explains these proposed changes, their benefits, explains other changes to constitutional documents to accommodate those adjustments.

1.2 New Council Procedure Rules have been drafted to replace those parts of the existing Standing Orders which govern how full Council meetings are run. The proposed changes are informed by recent reviews of existing practices and Standing Orders as well as feedback from councillors and officers. The proposed changes to the way Council meetings are run should reduce the time spent in meetings and burdens on officers. The old Standing Orders have also otherwise been updated to address procedural gaps, modernise the rules and align them with best practices and statutory requirements.

1.3 A new protocol for the award of civic honours is also proposed. The Constitution is currently silent on the protocols for awarding these honours. The protocol also introduces the ability to revoke such honours when appropriate. This is important as the Constitution must make provision for this as the governing legislation is silent on procedures for how such awards can be revoked.

1.4 At the Audit and Governance Committee's last meeting of 19 March 2025, it resolved to form a Governance Sounding Board to consider these draft proposals in detail in advance of a report being prepared for this meeting. The Governance Sounding Board has subsequently met to consider the details contained herein. The Governance Sounding Board was supportive of these proposals and its feedback has helped shape its contents.

1.5 These proposed changes are the first part of a review of the Constitution which will ultimately improve the governance framework and streamline decision-making processes at the Council. The next phase of work will cover amongst other things the procedure rules relating to Executive and Scrutiny Committees.

2. Recommendations:

2.1 That the Audit and Governance Committee recommends to Council to give delegated authority to the Monitoring Officer in consultation with the Lord Mayor to agree a date for the Council to adopt the following changes to the Constitution:

2.1.1 the newly drafted Council Procedure Rules

2.1.2 a revision to the existing Standing Orders (as amended)

2.1.3 the revised Articles:

- Article 1 - The Constitution - Summary and Explanation;
- Article 2 - Members of the Council;
- Article 3 - Citizens and the Council;
- Article 4 - The Full Council;
- Article 5 – Lord Mayor and Chairing the Council;
- Article 14 – Changes to the Constitution.

2.1.4 the Protocol for the Award of Civic Honours.

3. Reasons for the recommendation:

Issue	Solution
Standing Orders Feedback suggested that Council meetings were not being run efficiently and were often too long. The Standing Orders governing Council meetings are also inaccessible and difficult to follow. Changes were required to the Standing Orders to streamline the meetings and be well understood.	Standing Orders are to be replaced with easier to follow Council Procedure Rules. The rules have been updated and refreshed. Several key changes have been proposed to introduce a time limit to Council meetings and to remove the formal presentation of committee and executive minutes and widen the scope of member questions.
Article 1 - The Constitution - Summary and Explanation This was slightly dated and required revision.	A new draft has been prepared which has been expanded upon. No significant alterations have been proposed.
Article 2 – Members of the Council The original Article 2 lacked clarity in outlining Councillors' roles, responsibilities, and expectations, including gaps in procedures for resignations and attendance.	The revised Article 2 provides clearer procedures. Some standing orders that are more appropriate in the articles have been included here.

<p>Article 3 – Citizens and The Council</p> <p>Whilst adequate, it could be updated to be more comprehensive.</p>	<p>A new draft has been prepared which has been expanded upon slightly. No significant rights powers or authority are governed by this document.</p>
<p>Article 4 – Full Council Meetings</p> <p>This article had no real substance and needed an overhaul.</p>	<p>A revision has been proposed which more clearly sets out what a full council meeting is, its role and functions.</p>
<p>Article 5 - The Lord Mayor and Chairing of the Council</p> <p>This article was sparse on details.</p>	<p>This article has been updated and fleshed out. It now includes a more detailed explanation of the role of the Lord and Deputy Lord Mayor.</p>
<p>Article 14 – Changes to the Constitution</p> <p>This lacks specific details, timeframes and mechanisms for reviewing and updating the Constitution, creating ambiguity and inefficiency, particularly in distinguishing minor from significant amendments.</p>	<p>Its proposed revision introduces formalised annual reviews, clearer processes for stakeholder engagement, explicit criteria for amendments, a defined role for the Chief Finance Officer and the removal of the Executive's ability to propose changes to the Constitution.</p>
<p>Protocol for the Award of Civic Honours</p> <p>The constitution lacks provisions regarding the award of civic honours, including criteria for granting them, creating ambiguity and inconsistency in the process. The Local Government Act 1972 provides no mechanism for the revocation of honours, leaving councils without guidance in cases where revocation may be necessary.</p>	<p>The constitution can be updated to include clear criteria and procedures for awarding civic honours, ensuring fairness and transparency.</p> <p>Provisions for revocation are also proposed which establishes a structured process to uphold the integrity of the honours system.</p>

4. What are the resource implications including non-financial resources

4.1 There are no significant direct financial implications arising from the proposed constitutional changes. However, there are resource implications in terms of officer time required to implement the changes, including updating documentation, communicating changes to members and staff as well as ensuring any relevant training and support is provided.

5. Section 151 Officer comments:

5.1 Whilst there are no financial implications for Council to consider in adopting the recommendations, the proposed changes will underpin financial decision making by Council.

6. What are the legal aspects?

6.1 The changes proposed relate to the Council's Constitution and are within the powers of the authority to amend in accordance with the Local Government Act 2000 and associated guidance. The amendments aim to enhance governance, transparency and the clarity of constitutional procedures. Legal Services have been involved in drafting the changes to ensure they comply with relevant legislation, statutory guidance and best practice. Full Council approval will be required to formally adopt the revised constitutional provisions.

7. Monitoring Officer's comments:

7.1 The Monitoring Officer supports the proposed changes. These changes are intended to clarify current practices, address procedural inefficiencies and ensure compliance with statutory obligations. They reflect recommendations made through both officer review and member feedback.

8. Report details:

Council Procedure Rules - Presentational Change

The Standing Orders have been redrafted to be new 'Council Procedure Rules' to make them more accessible and user friendly. This has provided an opportunity to review its contents, reorganise into a more logical order and remove duplication as well as redundant Standing Orders.

The new Council Procedure Rules is available at **Appendix 1**.

The new Council Procedure Rules with some comments is available at **Appendix 2**.

A side-by-side comparison comparing the text of the existing standing orders with the new Council Procedure Rules is available at **Appendix 3**.

Key Substantive Change - Removal of Presentation of Executive and Committee Minutes at Full Council Meetings and Members Questions

It is proposed to remove the formal requirement to present minutes of each Executive and Committee meeting at full Council meetings. This is achieved by not reproducing Standing Orders 11 and 12 in the new Council Procedure Rules. This will save significant time in the meeting as the minutes will no longer need to be presented and then the associated ad hoc questions will no longer need to be answered. We cannot see a basis as to why this should remain, and other local authorities have long since abolished this practice.

Members' ability to ask questions is not curtailed as questions can be of course raised under the part of the meeting reserved for members' questions. The new Council Procedure Rule 10 relating to members' questions has been expanded in anticipation the change to the removal of the formal presentation of minutes.

It is proposed that members questions:

1. Councillors may ask questions at Ordinary Council meetings only (as before).

2. Questions may however be directed to **any** of the following the Leader of the Council, any Executive member, the Chair of any Council Committee, the Chair of a Scrutiny Committee or a Leader of a political group (where previously it was limited to Chair of a Committee or the Leader of the Council).
3. Each councillor may ask up to **two questions**, excluding supplementary questions (there was no limit previously).
4. There is **no requirement to give notice** to Democratic Services of the question (previously this had to be on the working day before Council).
5. Questions must concern matters within the Council's powers, duties, or issues affecting the area, falling under the recipient's responsibility (as before).
6. Each question is limited to a **single part** and will be asked and answered without discussion (and thereby clarifying that multi-part questions cannot be posed).
7. The councillor asking the question may follow up with one supplementary question, **provided that** it relates directly to the original question and does not introduce new topics (whereas previously the standing orders did not specify that it must relate to the original question).
8. Individual questions must not exceed **one minute** (there was no limit).
9. Answers must not exceed **two minutes** (again there was no limit).
10. Supplementary questions are answered orally, but the recipient may decline to respond.
11. Answers can be given either: (i) Orally at the meeting, (ii) by delegating the response to another member with relevant responsibility, (iii) by referencing readily available published Council material or (iv) in writing after the meeting with the answer circulated to all councillors (as before).
12. All questions, supplementary questions and their answers (whether oral or written) will be recorded in the Minutes.
13. If an answer is provided in writing after the meeting, it will be annexed to the Minutes if possible.
14. A maximum of **30 minutes** is allocated for councillors' questions during a meeting (whereas previously there was no time limit).

By allowing questions to be directed not only to the Leader of the Council and Committee Chairs but also to Executive members, Scrutiny Chairs and political group leaders, members are provided with more opportunities to hold key decision-makers to account and enhance the democratic process. The focus on single-part questions eliminates ambiguity, ensuring that responses are clear and concise. This fosters more effective debate.

For officers, these changes reduce the pressure of preparing answers under tight deadlines by allowing written responses to be provided after meetings if needed. The removal of the requirement for advance notice of questions also decreases administrative burdens, enabling officers to allocate their time more efficiently while still ensuring comprehensive responses. This approach improves the quality and accuracy of answers, supports better resource management and allows officers to focus on other critical functions while still supporting Council proceedings.

Overall, these changes aim to streamline Council meetings by focusing on key decisions, strategic matters and healthy debate rather than routine updates already available through other channels.

Key Substantive Change - Limits to the Duration of the Meeting

Limits are proposed to the duration of meetings in new Council Procedure Rule 15. This rule proposes a time limit for meetings by implementing a closure procedure after three hours, preceded by a short break after two hours.

During the closure procedure, remaining business is quickly voted upon with minimal debate, although brief introductory speeches may be permitted. The Council has the option to suspend this rule if needed (for example if members consider that the meeting should be extended to debate the remaining items on the agenda), but otherwise, it takes precedence over other procedures to ensure timely completion of meeting business.

Key Change – Motions

Members have the ability to propose motions for debate at Council. A few proposals have been included to streamline this process. The proposed changes include allowing more time for proposed motions to be considered by officers, introducing a new power to combine similar motions and further clarifying the scope motions which can be debated.

The time for the submission of motions has been brought forward from 5 clear working days before the meeting to 8 clear working days to allow officers to review the proposed motions. Officer capacity is limited on the day of publication, the day on which the previous deadline fell.

A new power is also proposed (at 11.5 and 11.6) to permit the Monitoring Officer an opportunity to seek to combine two motions which are of the same intent. This introduces the possibility of only one motion being debated rather than two similar motions and thus saving time. The proposal above, of increasing the amount of time for which a motion must be submitted in advance of the meeting, will ensure that there is time for the Monitoring Officer to have those conversations.

It is also proposed to narrow the scope of motions that can be debated. Currently, motions which did not relate to a Council responsibility or a matter which affects the City as well as matters concerning employment/staffing or the disclosure of confidential or exempt information can all be refused. It is now proposed to narrow the scope further by having the power to rule out amongst other things a motion which is substantially the same as a motion or petition which has been put at a meeting of the City Council in the past six months. This should cut down on an item being repeatedly heard across multiple meetings, which has happened in the past.

Overall, these changes will streamline the process for proposing and debating motions at Council meetings by improving efficiency and ensuring effective use of officer time. By extending submission deadlines, consolidating similar motions and narrowing the scope of permissible motions, the proposals aim to reduce repetition and save time while maintaining transparency.

Administrative Changes to existing Standing Orders

Most of the existing Standing Orders have been reorganised into the new Council Procedure Rules. Standing Orders have been deleted/amended as follows:

1. Deletion of Standing Order 34 (Inspection of Documents) as this was already referenced in the Access to Information Procedure Rules (Part 4);
2. Deletion of Standing Order 38: Proceedings of Committees & Executive To Be Confidential as its contents is better suited in the proposed new Article 2;
3. Standing Order 19A and 44 will remain to reflect City Development's proposed changes;
4. Deletion of Standing Order 46: Members' Absence from Meetings as this was better suited in the proposed Article 2;
5. Deletion of Standing Order 50: Standing Orders to be given to Members as this was a dated provision and is of course now freely available to the website;
6. Deletion of Standing Orders 50(A) to 54 (Appointment of Head of Paid Service, Appointment of Chief Officers, Appointment/Dismissal of Chief Officers and Some Second Tier Officers, Other Appointments and Dismissal of Statutory Officers) as these were already included in the Officer Employment Procedure Rules (Part 4);
7. Deletion of Standing Orders 56 to 58 (Register of Interests, Pecuniary Interests, Other Interests) as this is already contained in the members' code of conduct; and
8. Deletion of Standing Orders 59-60 (Canvassing of and Recommendations by Members and Relatives of Members or Officers) as these were already included in the Officer Employment Procedure Rules and/or the Officer/Member Protocol (Part 4).

The remaining Standing Orders will remain until the second phase of amendments to the Constitution. The detail of the changes to the text of the existing standing orders and showing the balance of the remaining Standing Orders is available at **Appendix 4**.

Article 1 - The Constitution - Summary and Explanation

This contains only minor alterations to general explanations about the following areas:

- The Council's Constitution - Overview of the Constitution's purpose and how it governs the Council's operations.
- Powers of the Council - Describes how the Council exercises its powers and duties under the law and the Constitution.
- Purpose of the Constitution - Sets out the goals of the Constitution and how it supports the Council's aims and objectives.
- How the Council Operates - Explains the composition of the Council, Councillors' responsibilities, and adherence to the Members' Code of Conduct.
- How Decisions Are Made - Includes information about Full Council meetings, the Lord Mayor's role, the Executive Committee, and scrutiny processes.
- Delegated Powers - Details how certain powers are delegated to Officers for efficient decision-making.
- The Council's Staff - Covers the role of Officers in implementing decisions and delivering services.
- The Chief Executive - Describes the Chief Executive's responsibilities as Head of Paid Service.
- Monitoring Officer - Outlines the duties of the Monitoring Officer, including maintaining and advising on the Constitution.
- Chief Finance Officer - Explains the financial oversight responsibilities of the Chief Finance Officer.

- Chief Officers - Lists the Council's Strategic Management Board and their respective functions.
- Interpretation and Review of the Constitution - Sets out how the Constitution will be monitored, reviewed, and interpreted.

Article 2 – Members of the Council

The original Article 2 provided a broad outline of the roles, responsibilities and functions of Councillors but lacked specific clarity and detail in key areas. The article lacked clear provisions about resignation procedures, attendance expectations and the conduct of Councillors.

Key enhancements to the revised Article 2 include:

- Greater clarity on how a member is elected, resigns and the trigger of a byelection.
- Inclusion of standing order 38 which states that all agenda, reports and other documents shall be treated as confidential unless and until they become public. This is better suited in the articles.
- Inclusion of standing order 46 relating to the Councillor's term ending when they have not attended any meetings over a period of 6 months. This again is better suited in the articles.

Article 3 – Citizens and The Council

Whilst adequate, it could be updated to be more comprehensive. A new draft has been prepared which has been expanded upon slightly. No significant rights powers or authority are governed by this article.

Article 4 – Full Council Meetings

This article had no real substance and needed an overhaul. A revision has been proposed which more clearly sets out what a full council meeting is, its role and functions. This may need to be reviewed again when the terms of reference are reviewed.

Article 5 - The Lord Mayor and Chairing of the Council

This article was sparse on details. This article has been updated and fleshed out. It now includes a more detailed explanation of the role of the Lord and Deputy Lord Mayor.

Article 14 – Changes to the Constitution

Article 14 provides a framework for reviewing and revising the constitution but lacks specific details and mechanisms outlining how the constitution should be updated and reviewed. There is an absence of clear timeframes, processes as well as criteria for distinguishing minor from significant amendments creating potential ambiguities.

The revised Article 14 addresses these shortcomings. Key enhancements include:

- Formalising an annual review process to ensure periodic evaluation.
- Specifying the Monitoring Officer's methods of engagement with stakeholders.
- Establishing a clearer distinction between minor and significant changes.
- Introduction of the role of the Chief Finance Officer in updating the Financial Regulations.

- Removal of the ability of Executive to propose changes to the constitution. This strengthens democratic oversight and eliminates duplication/confusion in the review process as two bodies had the ability to propose changes.

New Articles 1-5 and 14 are available at **Appendix 5**.

New Articles 1-5 and 14 with a markup compared to the previous versions is available at **Appendix 6**.

Protocol for the Award of Civic Honours

The City Council's current constitution is silent on the award of civic honours, including the criteria for granting such honours. This absence of formal provisions creates a lack of clarity and consistency in the decision-making process. Civic honours, such as the title of Honorary Alderman or Freedom of the City, are granted under the powers conferred by the Local Government Act 1972. While the Act provides a general legal framework for conferring these honours, it does not specify detailed procedures or criteria, leaving significant discretion to individual councils.

By incorporating provisions into the Council's constitution, we can establish clear and transparent criteria for awarding civic honours. This will ensure that the process is consistent and aligned with the Council's values.

While the Local Government Act 1972 outlines the ability to confer civic honours, it does not include any statutory provisions for their revocation. This silence leaves councils without a formal mechanism to address situations where the conduct of a recipient brings the honour into disrepute or undermines the values of the Council. However, councils can include revocation provisions within their constitutions to fill this gap.

Including revocation criteria in the constitution would provide a fair and structured approach to dealing with potential concerns about subsequent behaviour or reputation of honourees.

The Protocol for the Award of Civic Honours is found at **Appendix 7**.

9. How does the decision contribute to the Council's Corporate Plan?

9.1 The proposed constitutional changes directly support the delivery of the Council's Corporate Plan 2025–2028, particularly the priority of maintaining a well-run Council. By modernising decision-making procedures, the changes will contribute to a more open, transparent and accountable local authority. The changes also reflect a commitment to good governance which is a key element outlined in the Corporate Plan.

10. What risks are there and how can they be reduced?

10.1 There is a risk of confusion or inconsistent application of the new procedures. This will be mitigated through clear communication, updated guidance and support from Democratic Services and the Monitoring Officer to ensure smooth implementation.

11. Equality Act 2010 (The Act)

11.1 Under the Act's Public Sector Equalities Duty, decision makers are required to consider the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

11.2 In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

11.3 In making decisions the authority must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage and civil partnership status in coming to a decision.

11.4 In recommending this proposal, no potential impact has been identified on people with protected characteristics as determined by the Act because:

11.4.1 The report relates to internal governance and procedural changes to the Council's Constitution and does not affect service delivery or public access to services.

11.4.2 The changes support principles of transparency, accountability, and inclusion and are designed to improve overall governance without disadvantaging any protected groups.

12. Carbon Footprint (Environmental) Implications:

12.1 No direct carbon/environmental impacts arising from the recommendations.

13. Are there any other options?

13.1 The Audit and Governance Committee could choose to retain the existing constitutional provisions; however, this would miss the opportunity to improve clarity, transparency and efficiency in the Council's decision-making processes. The proposed changes reflect best practice and ensure the Constitution remains fit for purpose.

Monitoring Officer: Simon Copper, Head of Legal & Democratic Services

Author: Simon Curran, Planning Solicitor

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report: -

None

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Appendix 1 – Council Procedure Rules (clean version)
Appendix 2 – Council Procedure Rules (with comments)
Appendix 3 – Side-by-side comparison comparing the text of the existing standing orders with the new Council Procedure Rules
Appendix 4 – Remaining Standing Orders
Appendix 5 – Articles 1-5 and 14 (clean version)
Appendix 6 – Articles 1-5 and 14 (markup)
Appendix 7 – Protocol for the Award of Civic Honours

Council Procedure Rules

Contents

1.	Annual Meeting of the Council	1
2.	Ordinary Meetings.....	2
3.	Extraordinary Meetings	3
4.	Time and Place of Meetings.....	3
5.	Notice and Summons to Meetings.....	3
6.	Chair of Meeting.....	3
7.	Quorum.....	3
8.	Record of Attendance	3
9.	Public Questions and Participation.....	3
10.	Councillors' Questions	4
11.	Notice of Motions	5
12.	Motions without Notice	6
13.	Rules of Debate	7
14.	Previous Decisions and Motions (or "Six Month Rule").....	9
15.	Duration of the Meeting.....	9
16.	Voting.....	10
17.	Conflict Resolution – Draft Plans & Strategies.....	10
18.	Conflict Resolution – Budget Estimates.....	11
19.	Special Cases – Appointment of the Head of Paid Service	11
20.	Special Cases – Dismissal of Statutory Officers.....	11
21.	Minutes	12
22.	Exclusion of Public and Press	12
23.	Disturbance by Councillors.....	12
24.	Disturbance by Members of the Public.....	12
25.	Suspension and Amendment of Council Procedure Rules	13
26.	Interpretation of the Council Procedure Rules.....	13
27.	Standing Orders & Council Procedure Rules.....	13
	Appendix 1 – Council Debate Flowchart.....	14

1. Annual Meeting of the Council

The Annual Meeting of the Council will take place at any venue considered suitable on such dates and times as may be determined by the Proper Officer in consultation with the Leader of the Council.

The Meeting will:

- a) elect a person to preside if the Lord Mayor or Deputy Lord Mayor is not present;
- b) elect the Lord Mayor;
- c) consider a vote of thanks to the outgoing Lord Mayor;
- d) appoint the Deputy Lord Mayor;
- e) receive declarations of interest by councillors and officers;
- f) elect the Leader in any year in which the Leader's term of office expires, or if the office of Leader becomes vacant;
- g) note the appointments to the role of Deputy Leader and to the Executive;
- h) appoint such executive portfolios and portfolio holders as the Leader shall consider appropriate on the nomination of the Leader;
- i) appoint the committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions PROVIDED THAT the Council has the authority to dissolve any committee or change its membership at any time, subject to applicable legal provisions;
- j) elect the Chairs and Deputy Chairs of each of the Council's committees PROVIDED THAT no member of the Council shall be eligible to be appointed Chair to more than one standing committee.
- k) appoint Councillors to the Council's standing committees of the Council (Executive, Planning, Licensing, Audit and Governance and its Scrutiny committees)
- l) appoint such voting co-opted members as recommended by the various committees.

2. Ordinary Meetings

2.1 The order of business at every ordinary meeting of the Council shall, except as otherwise provided by Council Procedure Rule 2.2, be the following:-

- a) To choose a person to preside if the Lord Mayor and Deputy are absent.
- b) To deal with any business required by statute to be done before any other business.
- c) To approve as a correct record and sign the minutes of the last meeting of the Council
- d) To deal with any business expressly required by statute to be done.
- e) Lord Mayor's Communications and to receive any announcements from the Leader of the Council, or the Head of Paid Service.
- f) To dispose of business (if any) remaining from the last meeting.
- g) To consider any reports from the Leader (if any) of the Executive decisions taken under the Special Urgency Procedure (in Executive Procedure Rule 8.5) in the preceding quarter.
- h) To receive and consider reports and recommendations of Committees and officers.
- i) To consider motions in the order in which notice has been received.
- j) Other business, if any, specified in the summons.

2.2 Business falling under items (a), (b) or (c) of Council Procedure Rule 2.1 shall not be displaced, but the order of business may be varied by:

- a) the Lord Mayor at their discretion; or
- b) a resolution passed on a motion (which need not be in writing) duly moved and seconded, which shall be moved and put without discussion.

3. Extraordinary Meetings

The following individuals or groups may request that the Proper Officer arrange for a Council meeting in addition to ordinary meetings:

- a) the Council, through a formal resolution;
- b) the Lord Mayor;
- c) any five councillors, provided they have submitted a signed requisition to the Mayor, and the Mayor has either refused to call the meeting or has not called a meeting within seven days of the requisition's submission;
- d) the Monitoring Officer, if they determine it is necessary for the Council to meet in order to comply with legal or procedural requirements.

4. Time and Place of Meetings

Meetings of the Council shall be held at any venue considered suitable, on such dates and times as may be determined by the Proper Officer in consultation with the Leader of the Council.

5. Notice and Summons to Meetings

The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the Proper Officer will send a summons signed by them to every councillor 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.

6. Chair of Meeting

Any power or duty of the Lord Mayor in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

7. Quorum

If during any meeting of the Council the Chair, after counting the numbers of Councillors present, declares that there is not a quorum present (i.e. one-third of total membership being less than 13 Councillors), the meeting shall stand adjourned. The consideration of any business not transacted shall be adjourned to the next ordinary meeting of the Council.

8. Record of Attendance

Every Councillor attending a meeting of the Council shall sign their name on the attendance list provided for that purpose.

9. Public Questions and Participation

9.1 Eligibility to Ask Questions

- a) Members of the public may ask questions at Ordinary Council, but not in the Annual Council Meeting or Extraordinary Council meetings.
- b) Questions may be addressed to the Leader of the Council or Executive members.

9.2 Giving Notice of Questions

- a) Questions must be submitted to the Democratic Services at least three clear working days before the meeting
 - b) Questions must include the name and address of the questioner and the intended recipient of the question.
 - c) Questions shall be no more than 50 words.
 - d) The Monitoring Officer may refuse to include a question if it:
 - (i) is not about a matter for which the local authority has a responsibility or which affects the City;
 - (ii) is defamatory, derogatory, frivolous, offensive or vexatious;
 - (iii) is substantially the same as a question which is due to be asked at the same Council meeting;
 - (iv) is substantially the same as a question which has been asked at a meeting of the Council in the past six months;
 - (v) relates to a Council employment or staffing matter; or
 - (vi) requires the disclosure of confidential or exempt information.
- (c) The Monitoring Officer may redirect any question to another Council body or Council Officer if they are better suited to address or deal with the matter.

9.3 Asking the Question

- (a) The Lord Mayor will ask the questioner to ask their question. A response to the question will be given at the meeting and will also be put in writing and circulated at the meeting.
- (b) If the questioner is not present or an answer cannot be given on the day of the meeting, then the question and response will be published on the website within 5 working days of the meeting.

9.4 **Total length of questions** - The Council will allocate a maximum of 15 minutes for addressing questions. If time does not allow for all questions to be answered, they will be addressed in the order received, with priority given to members of the public who have not asked a question at previous Council meetings, until the time limit is reached.

9.5 **Petitions** – Petitions containing more than 2,000 signatures submitted in accordance with the Petitions Scheme (Part 5) will be debated by the full Council, unless it requests a Portfolio Holder or senior officer to provide evidence at a public meeting or can otherwise be dealt with by another appropriate Council body. The petition organizer will be allotted five minutes to present the petition, followed by a maximum 15-minute discussion among Councillors. The Council will decide how to respond to the petition during this meeting, with confirmation sent to the petition organizer and published on the website.

9.6 Further information on public speaking can be found on the [Council's Website](#)

10. Councillors' Questions

10.1 At a meeting of the Council, other than the Annual Meeting or Extraordinary meetings, a councillor may ask the Leader of the Council, any Executive member, the Chair of any of the Council's Committees, the Chair of a Scrutiny Committee or a Leader of a political group on the Council questions on matters which the Council has

powers or duties or which affects the area of the Council and which fall within their responsibility.

- 10.2 Every question, which will be limited to one part, will be asked and answered without discussion. Upon receiving the answer, the councillor who put the question shall be allowed one supplementary question, provided that it is relevant to the original question and does not introduce any new subject matter. The supplementary question will be asked and answered orally, but the person to whom the supplementary question has been asked may decline to answer.
- 10.3 The answer to a councillor's question may be given orally and directly, or by way of delegation to another member with the relevant portfolio or chair, or by reference to published material of the Council which is readily available to councillors, or in writing after the meeting (when the answer will be circulated to all councillors).
- 10.4 Questions, including supplementary questions and the replies to them, whether given orally or in writing, will be recorded in the Minutes of the meeting. Where a written answer is to be supplied after the meeting at which the question is asked, if possible the written answer be included as an Annex to the minutes.
- 10.5 The total time allocated for councillors' questions shall be limited to 30 minutes. Each councillor may ask no more than two questions, not including supplementary questions.
- 10.6 No Question will exceed one minute and no answer will exceed two minutes.

11. Notice of Motions

- 11.1 A motion shall not be proposed at a meeting of the Council save as unless notice is:
- (i) made in writing and signed by a Councillor(s); and
 - (ii) given to Democratic Services not later than 10:00 am 8 clear working days before the meeting of the Council.
- 11.2 The Democratic Services Manager shall record all such motions received and shall be available to every Councillor upon request.
- 11.3 In the meeting summons, the Democratic Services Manager shall include all motions that meet the requirements in Council Procedure Rule 11.1, in the order they were received, unless the proposing Councillor has requested in writing to defer the motion to a later meeting or has withdrawn it.
- 11.4 The Monitoring Officer or the Lord Mayor will rule out of order any motion which:
- (i) is not about a matter for which the local authority has a responsibility or which affects the City;
 - (ii) relates to a planning application or a specific licence currently being determined by the City Council;
 - (iii) is defamatory, derogatory, frivolous, offensive or vexatious;
 - (iv) is substantially the same as a motion or petition which has been put at a meeting of the City Council in the past six months;
 - (v) relates to a City Council employment or staffing matter; or
 - (vi) requires the disclosure of confidential or exempt information.
- 11.5 Where two or more motions, submitted in accordance with this Procedure Rule are, in the opinion of the Monitoring Officer, of the same, or similar intent, they will either:

- (a) seek agreement to the withdrawal of one or more of the motions to leave one remaining motion; or
- (b) combine the motions, with the agreement of the councillors submitting the motions,

The combined motion shall be notified to all councillors no later than 12 noon two clear working days before the meeting at which the motion is to be considered. The combined motion will take the place of the first of the motions submitted in the order on the Agenda and will be in the joint names of the councillor submitting the original motions. The councillor submitting the combined motion will be expected to agree who will move and second the motion.

- 11.6 In the event that councillor decline to withdraw their motions, or do not agree to the motions being composited, the Council will (subject to any ruling of the Lord Mayor) deal with the motions in the order in which notice was received.
- 11.7 If a motion listed in the summons is not moved by the proposing Councillor or, in their absence, by another Councillor on their behalf, it shall be considered withdrawn unless the Council consents to postpone it. Once withdrawn, it cannot be moved again without fresh notice.
- 11.8 A notice of motion shall generally be debated at the Council meeting where it is introduced. However, the Council may decide to refer it to a Committee due to legal, financial or other relevant considerations. The Committee shall then review the motion and report back to the Council in due course.

12. Motions without Notice

The following motions and amendments may be moved without notice:

- (a) Appointment of a Chair of the meeting at which the motion is made.
- (b) Motions relating to the accuracy of the minutes.
- (c) That an item of business specified in the summons have precedence.
- (d) Reference back to a Committee.
- (e) Appointment of a Committee or members thereof, occasioned by an item mentioned in the summons to the meeting.
- (f) To adopt reports and recommendations of the Executive, Committees or officers and consequent resolutions.
- (g) That leave be given to withdraw a motion.
- (h) Amendments to motions, other than those specified in Council Procedure Rule 13.7
- (i) That the Council proceed to the next business.
- (j) That the question be now put.
- (k) That the debate be now adjourned.
- (l) That the Council do now adjourn.
- (m) To suspend the Council Procedure Rules, in accordance with Council Procedure Rule 25.
- (n) Motion under Section 100A of the Local Government Act 1972 to exclude the public.
- (o) That a Councillor named under Council Procedure Rule 24 be not further heard or do leave the meeting.
- (p) Giving consent of the Council where the consent of the Council is required by these Council Procedure Rules.

13. Rules of Debate

- 13.1 A Council debate flowchart has been prepared to assist with the rules of debate. This is available at Appendix 1 – Council Debate Flowchart.
- 13.2 **Speaker to Address the Lord Mayor** - A Councillor when speaking shall stand and address the Lord Mayor. If two or more Councillors rise, the Lord Mayor shall call on one to speak; the other/others shall then sit. While a Councillor is speaking the other Councillors shall remain seated, unless rising to a point of order or in personal explanation.
- 13.3 **Respect of Chair** - Whenever the Chair rises during a debate a Councillor then standing shall resume their seat and the Council shall be silent.
- 13.4 **Motions and Amendments** - A motion or amendment shall not be discussed unless it has been proposed and seconded and unless notice has already been given in accordance with Council Procedure Rule 11 it shall, if required by the Lord Mayor, be put into writing and handed to the Lord Mayor before it is further discussed or put to the meeting.
- 13.5 **Seconder's Speech** - A Councillor when seconding a motion or amendment may, if they then declare their intention to do so, reserve their speech until a later period of the debate. Only one Councillor shall stand at one time.
- 13.6 **Content of Speeches** - A Councillor shall direct their speech to the question under discussion or to a personal explanation or to a point of order.
- 13.7 **When a Councillor May Speak Again** - A Councillor who has spoken on any motion shall not speak again whilst it is the subject of debate, except:
- (a) to speak once on an amendment moved by another Councillor;
 - (b) if the motion has been amended since they last spoke, to move a further amendment;
 - (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) in exercise of a right of reply given under Council Procedure Rule 13.12;
 - (e) on a point of order;
 - (f) by way of personal explanation.
- 13.6 **Amendments to Motions** - An amendment shall be relevant to the motion and shall be:-
- (a) to refer a subject of debate to a Committee or elsewhere for consideration or reconsideration;
 - (b) to leave out words;
 - (c) to leave out words and insert or add words;
 - (d) to insert or add words;
- as long as the effect is not to negate the motion.
such omission, insertion or addition of words shall not have the effect of introducing a new proposal into the motion before the Council.
- 13.7 Any amendment which would, if adopted, have an effect on the Council's revenue or capital finance shall not be considered at the meeting of the Council at which the level of the Council Tax is set for the ensuing financial year unless prior written notice has been given to the Democratic Services Manager, 3 clear working days in

advance of such meeting, to enable the Chief Executive and/or the Chief Finance Officer to report to the Council on the financial implications of such amendment.

- 13.8 Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of.
- 13.9 If an amendment is lost, other amendments may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.
- 13.10 **Alteration to Motion** - A Councillor may, with the consent of the Council, signified without discussion:-
- (a) alter a motion of which they have given notice, or
 - (b) with the further consent of their seconder, alter a motion which they have moved (except a motion of which they have given notice under Council Procedure Rule 11) if (in either case) the alteration is one which could be accepted as an amendment.
- 13.11 **Withdrawal of Motion** - A motion or amendment, including a Notice of Motion under Council Procedure Rule 11, may be withdrawn by the mover with the consent of their seconder and of the Council, which shall be signified without discussion, and no Councillor may speak upon it after the mover has asked permission for its withdrawal, unless such permission shall have been refused.
- 13.12 **Right of Reply** - The mover of a motion has a right to reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the amendment shall have the right of reply at the close of the debate on their amendment prior to the mover of the original motion. The mover of the original motion shall have a right of reply at the close of the debate on the amendment, but shall not otherwise speak on the amendment.

Where an amendment is moved in respect of a minute of the Executive falling within the remit of a portfolio holder, that portfolio holder may at the request of the Leader exercise the right to reply.

- 13.13 **Motions Which May Be Moved During The Debate** - When a motion is under debate no other motion shall be moved except the following:-
- (a) to amend the motion;
 - (b) to adjourn the meeting;
 - (c) to adjourn the debate;
 - (d) to proceed to the next business;
 - (e) that the question be now put;
 - (f) that a Councillor be not further heard;
 - (g) by the Lord Mayor under Council Procedure Rule 23 that a Councillor do leave the meeting;
 - (h) a motion under Section 100A of the Local Government Act 1972 to exclude the public.
- 13.14 **Closure Motions** - A Councillor may move without comment at the conclusion of a speech of another Councillor that:
- (i) "the Council proceed to the next business",

- (ii) “the question be now put”,
- (iii) “the debate be now adjourned”
- (iv) “the Council do now adjourn”

Following the seconding of which (also without comment), the Chair shall proceed as follows on a motion:-

- (a) **to proceed to the next business:** If the Chair believes the matter has been sufficiently discussed, the motion shall be put to a vote. The original motion’s mover shall not have a right of reply under paragraph 13.12 before the vote.
- (b) **that the question be now put:** If the Chair believes the matter has been sufficiently discussed, the motion shall be put to a vote. If the motion passes, the Chair shall allow the original motion’s mover a right of reply under paragraph (12) before the final vote.
- (c) **to adjourn the debate or the meeting:** If the Chair believes the matter has not been sufficiently discussed and cannot reasonably be concluded on this occasion, the adjournment motion shall be put to a vote immediately, without a right of reply for the original motion’s mover. If passed, the debate and/or meeting will be adjourned immediately.

13.15 **Points of Order** - A Councillor may rise on a point of order or in personal explanation and shall be entitled to be heard immediately. A point of order shall relate only to an alleged breach of a Council Procedure Rule or statutory provision and the Councillor shall specify the Council Procedure Rule or statutory provision and the way in which they consider it has been broken. A personal explanation shall be confined to some material part of a former speech by them which may appear to have been misunderstood in the present debate.

13.16 The ruling of the Chair on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

14. Previous Decisions and Motions (or “Six Month Rule”)

14.1 No motion to rescind any Council resolution passed within the last six months, and no motion or amendment to the same effect as one which has been rejected within the last six months, shall be proposed, unless notice in accordance with Council Procedure Rule 11 bears the names of at least one-third of the Councillors of the Council. When any such motion or amendment has been disposed of by the Council, it shall not be open to any Councillor to propose a similar motion within a further period of six months.

14.2 The Council Procedure Rule in 14.1 shall not apply to any motion on a recommendation of a Committee or the Executive.

15. Duration of the Meeting

15.1 The Lord Mayor will adjourn the meeting for a period of ten minutes at a convenient time after two hours.

15.2 At a convenient time after a meeting has been in progress for three hours from its start time, the Lord Mayor will announce the start of the closure procedure.

- 15.3 The Lord Mayor will allow a maximum of thirty minutes for the completion of the closure procedure.
- 15.4 Once the Lord Mayor has announced the start of the closure procedure, all remaining business shall be formally moved, formally seconded and voted upon without discussion.
- 15.5 At the discretion of the Lord Mayor, short introductory speeches by the mover of a motion or amendment, to a maximum of one minute, will be allowed on each item of business raised during the closure procedure.
- 15.6 Before any matters are considered under the closure procedure, a motion may be moved and seconded, in accordance with Council Procedure Rule 25 (Suspension of Council Procedure Rules), to suspend this Procedure Rule in relation to all, or specified, business remaining.
- 15.7 This Procedure Rule will have precedence over all other relevant Procedure Rules.

Note: Convenient time is at the discretion of the Lord Mayor, but will usually mean at the end of the item under consideration.

16. Voting

- 16.1 The mode of voting at meetings of the Council shall be by show of hands.
- 16.2 The voting on any question shall be by roll call on the requisition of any Councillor which is proposed before the vote is taken and supported by five other Councillors. The vote shall be recorded so as to show how each Councillor present and voting gave their vote. The name of any Councillor present and not voting shall also be recorded.
- 16.2 In the event of an equality of votes the Lord Mayor shall have a second or casting vote.
- 16.3 If any Councillor so requires immediately after a vote is taken by a show of hands, there shall be recorded in the minutes of the proceedings of that meeting how that Councillor gave their vote or whether that Councillor abstained from voting.
- 16.4 **Voting on Budget Settings** - Immediately after a vote is taken at a budget meeting which includes setting of the Council Tax and Precepts, there must be recorded in the minutes the names of the Councillors present to show how each Councillor voting gave their vote. The name of any Councillors who abstained shall also be recorded.
- 16.5 **Voting on Appointments** - Where more than two persons are nominated for any position to be filled by the Council, and of the votes given there is not a majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken, and so on until a majority of votes is given in favour of one person.

17. Conflict Resolution – Draft Plans & Strategies

- 17.1 If the Executive submits a draft plan or strategy for approval and full Council raises objections after reviewing it, full Council must notify the Leader of these objections before adopting, amending the draft plan or strategy or otherwise approving any plan or strategy that requires submission to the Secretary of State or any Minister of the Crown.

- 17.2 The Leader will be instructed to direct the Executive to reconsider the draft plan or strategy in light of the objections.
- 17.3 The Council must specify a period of at least five working days (starting the day after the Leader receives notice of the objections) during which the Leader may either:
- (a) Submit a revised plan or strategy, along with the Executive's rationale for any changes made; or
 - (b) Inform the Council of any disagreements the Executive has with the objections, providing reasons for such disagreements.
- 17.4 After the time period outlined in Procedure Rule 17.3 has expired, the Council must consider the Leader's response when adopting, amending the draft plan or strategy.

18. Conflict Resolution – Budget Estimates

- 18.1 If, before the 15th of February in any financial year, the Executive submits estimates of amounts for approval and the Council raises objections after considering the estimates, the Council must notify the Leader of these objections before approving the amounts.
- 18.2 The Leader will be instructed to direct the Executive to reconsider the estimates in light of the objections.
- 18.3 The Council must specify a period of at least five working days (starting the day after the Leader receives notice of the objections) during which the Leader may either:
- (a) Submit a revised estimate or amounts, along with the Executive's rationale for any amendments made; or
 - (b) Inform the Council of any disagreements the Executive has with the objections, providing reasons for such disagreements.
- 18.4 Once the time limit outlined in Procedure Rule 16.3 has expired, the Council must consider the Leader's response when amending, approving, or adopting the estimates or amounts.
- 18.5 For the avoidance of doubt, the provisions of this Procedure Rule 18 shall not apply to amounts stated in a precept.

19. Special Cases – Appointment of the Head of Paid Service

Council must approve the appointment of the Head of Paid Service based on a recommendation from a Committee or Sub-Committee of the Council, which must include at least one Executive member and otherwise be in accordance with the Officer Employment Procedure Rules.

20. Special Cases – Dismissal of Statutory Officers

A decision to dismiss the Head Paid of Service, Monitoring Officer and/or Section 151 Officer may only be taken by Council in accordance with the procedure set out in the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015) as may be amended from time to time and otherwise be in accordance with the Officer Employment Procedure Rules.

21. Minutes

- 21.1 The Chair shall put the question that the minutes of the meeting of the Council, held on the.....day of.....be approved as a correct record.
- 21.2 No discussion shall take place upon the minutes, except upon their accuracy, and any question of their accuracy shall be raised by motion. If no such question is raised, or if it is raised then as soon as it has been disposed of, the Lord Mayor shall sign the minutes.
- 21.4 The minutes of the preceding Council meeting shall be put to the next ordinary meeting of the Council.
- 21.5 The minutes of an Extraordinary meeting of the Council shall be approved and signed by the Chair of the next ordinary meeting of the Council in accordance with paragraph [41\(1\) and \(2\) of Schedule 12 of the Local Government Act 1972](#).

22. Exclusion of Public and Press

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution (at rule 10 referencing [Schedule 12A to the Local Government Act 1972](#)) or Council Procedure Rule 24 (Disturbance by Public).

23. Disturbance by Councillors

- 23.1 If in the opinion of the Chair, at a meeting of the Council, a Councillor misconducts themselves by:
- (a) persistently disregarding the ruling of the Chair;
 - (b) behaving irregularly, improperly or offensively; and/or
 - (c) wilfully obstructing the business of the Council.
- the Chair or any other Councillor may move that “*the member named be not further heard*” and the motion if seconded shall be put and determined without discussion.
- 23.2 If the Councillor named continues their misconduct after a motion under Procedure Rule 23.1 has been carried the Chair shall either:
- (a) Move “*that the member named do leave the meeting*” (in which case the motion shall be put and determined without seconding or discussion); or
 - (b) Adjourn the meeting for such period as they in their discretion shall consider appropriate.
- 23.3 In the event of general disturbance, which in the opinion of the Chair renders the due and orderly dispatch of business impossible, the Chair may without discussion adjourn the meeting of the Council for such period as they in their discretion shall consider expedient.

24. Disturbance by Members of the Public

- 24.1 If a member of the public interrupts the proceedings at any Council meeting, the Chair shall warn them. If they continue the interruption, the Chair shall order their removal from the Council chamber or other meeting room.

- 24.2 In case of general disturbance in any part of the chamber open to the public the Chair shall order that part to be cleared.

25. Suspension and Amendment of Council Procedure Rules

- 25.1 **Suspension** - The Council Procedure Rules may be suspended either:

- i. by notice of motion; or
- ii. without notice if there shall be present at least one-half of the whole number of Councillors.

This is however subject to:

(a) No suspension of the Council Procedure Rules shall be permitted so as to negate the requirements for notice to be given under Council Procedure Rule 13.7 (Council Tax), Standing Order 39(1) (Removal of the Leader) and Council Procedure Rule 25.2 (Amendment of Council Procedure Rules).

(b) There will be no discussion on a motion to suspend a Council Procedure Rule.

(c) Suspension can only be for the duration of the meeting.

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

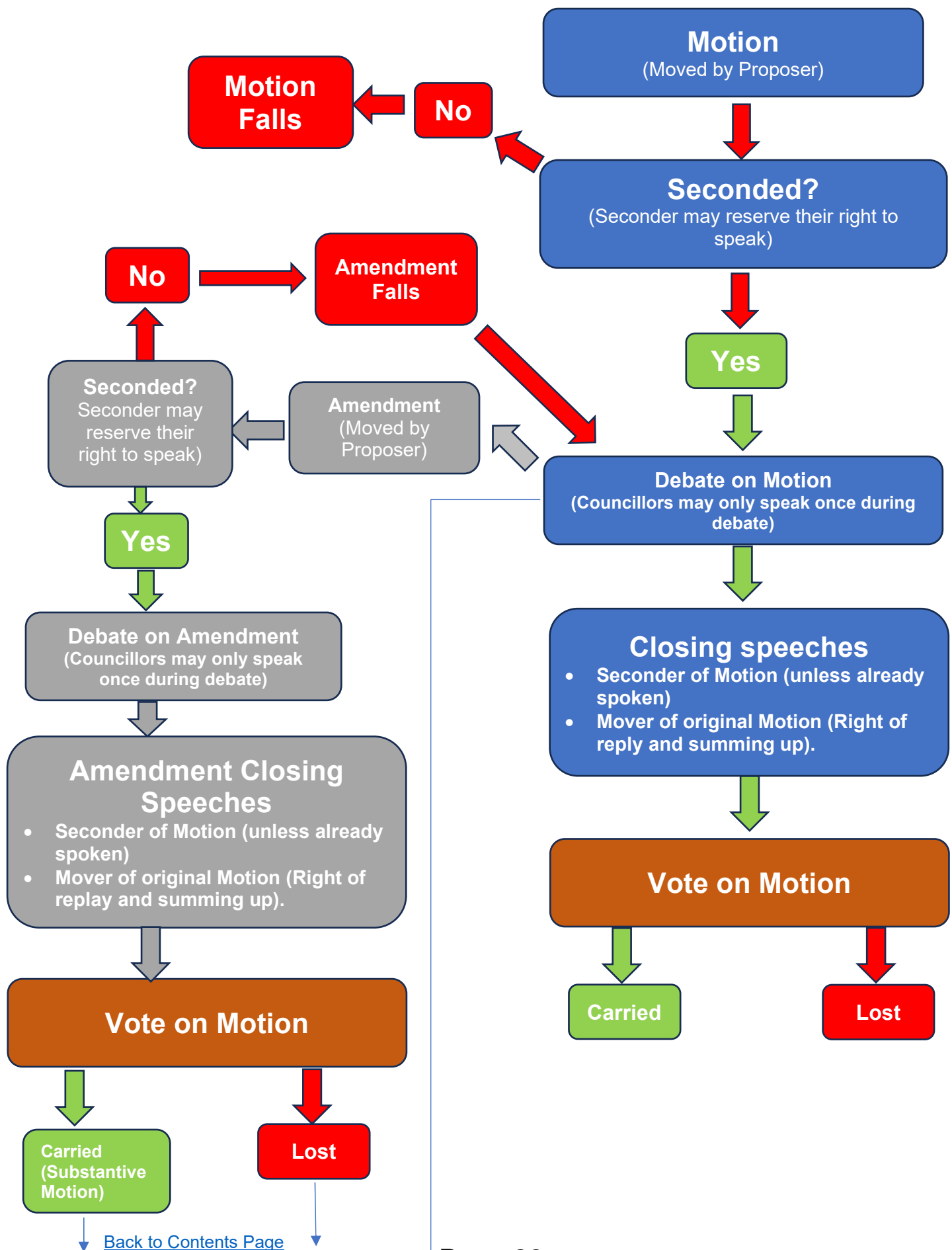
26. Interpretation of the Council Procedure Rules

The ruling of the Lord Mayor as to the construction or application of any of these Council Procedure Rules, or as to any proceedings of the Council, shall not be challenged at any meeting of the Council.

27. Standing Orders & Council Procedure Rules

These Council Procedure Rules take precedence in respect of full Council meetings over the remaining Standing Orders contained in Part 4.

Appendix 1 – Council Debate Flowchart



Council Procedure Rules

Contents

1.	Annual Meeting of the Council	1
2.	Ordinary Meetings.....	2
3.	Extraordinary Meetings	3
4.	Time and Place of Meetings.....	3
5.	Notice and Summons to Meetings.....	3
6.	Chair of Meeting.....	3
7.	Quorum	3
8.	Record of Attendance	3
9.	Public Questions and Participation.....	3
10.	Councillors' Questions	4
11.	Notice of Motions	5
12.	Motions without Notice	6
13.	Rules of Debate	7
14.	Previous Decisions and Motions (or "Six Month Rule").....	9
15.	Duration of the Meeting.....	9
16.	Voting.....	10
17.	Conflict Resolution – Draft Plans & Strategies.....	10
18.	Conflict Resolution – Budget Estimates.....	11
19.	Special Cases – Appointment of the Head of Paid Service	11
20.	Special Cases – Dismissal of Statutory Officers.....	11
21.	Minutes	12
22.	Exclusion of Public and Press	12
23.	Disturbance by Councillors.....	12
24.	Disturbance by Members of the Public.....	12
25.	Suspension and Amendment of Council Procedure Rules	13
26.	Interpretation of the Council Procedure Rules	13
27.	Standing Orders & Council Procedure Rules.....	13
	Appendix 1 – Council Debate Flowchart.....	14

1. Annual Meeting of the Council

The Annual Meeting of the Council will take place at any venue considered suitable on such dates and times as may be determined by the Proper Officer in consultation with the Leader of the Council.

Commented [SC1]: Old Standing Order 1

[Back to Contents Page](#)

The Meeting will:

- a) elect a person to preside if the Lord Mayor or Deputy Lord Mayor is not present;
- b) elect the Lord Mayor;
- c) consider a vote of thanks to the outgoing Lord Mayor;
- d) appoint the Deputy Lord Mayor;
- e) receive declarations of interest by councillors and officers;
- f) elect the Leader in any year in which the Leader's term of office expires, or if the office of Leader becomes vacant;
- g) note the appointments to the role of Deputy Leader and to the Executive;
- h) appoint such executive portfolios and portfolio holders as the Leader shall consider appropriate on the nomination of the Leader;
- i) appoint the committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions PROVIDED THAT the Council has the authority to dissolve any committee or change its membership at any time, subject to applicable legal provisions;
- j) elect the Chairs and Deputy Chairs of each of the Council's committees PROVIDED THAT no member of the Council shall be eligible to be appointed Chair to more than one standing committee.
- k) appoint Councillors to the Council's standing committees of the Council (Executive, Planning, Licensing, Audit and Governance and its Scrutiny committees)
- l) appoint such voting co-opted members as recommended by the various committees.

Commented [SC2]: Old Standing Order 2(1)

Commented [SC3]: Old Standing Order 2(2)

Commented [SC4]: Old Standing Order 37(1)

Commented [SC5]: Old Standing Order 37(3)

Commented [SC6]: Old Standing Order 36(1)

Commented [SC7]: Old Standing Order 39(2)

Commented [SC8]: Old Standing Order 36(3)

Commented [SC9]: Old Standing Order 5

2. Ordinary Meetings

2.1 The order of business at every ordinary meeting of the Council shall, except as otherwise provided by Council Procedure Rule 2.2, be the following:-

- a) To choose a person to preside if the Lord Mayor and Deputy are absent.
- b) To deal with any business required by statute to be done before any other business.
- c) To approve as a correct record and sign the minutes of the last meeting of the Council
- d) To deal with any business expressly required by statute to be done.
- e) Lord Mayor's Communications and to receive any announcements from the Leader of the Council, or the Head of Paid Service.
- f) To dispose of business (if any) remaining from the last meeting.
- g) To consider any reports from the Leader (if any) of the Executive decisions taken under the Special Urgency Procedure (in Executive Procedure Rule 8.5) in the preceding quarter.
- h) To receive and consider reports and recommendations of Committees and officers.
- i) To consider motions in the order in which notice has been received.
- j) Other business, if any, specified in the summons.

2.2 Business falling under items (a), (b) or (c) of Council Procedure Rule 2.1 shall not be displaced, but the order of business may be varied by:

- a) the Lord Mayor at their discretion; or
- b) a resolution passed on a motion (which need not be in writing) duly moved and seconded, which shall be moved and put without discussion.

[Back to Contents Page](#)

3. Extraordinary Meetings

The following individuals or groups may request that the Proper Officer arrange for a Council meeting in addition to ordinary meetings:

- a) the Council, through a formal resolution;
- b) the Lord Mayor;
- c) any five councillors, provided they have submitted a signed requisition to the Mayor, and the Mayor has either refused to call the meeting or has not called a meeting within seven days of the requisition's submission;
- d) the Monitoring Officer, if they determine it is necessary for the Council to meet in order to comply with legal or procedural requirements.

4. Time and Place of Meetings

Meetings of the Council shall be held at any venue considered suitable, on such dates and times as may be determined by the Proper Officer in consultation with the Leader of the Council.

Commented [SC10]: New, but with language borrowed from Standing Order 1

5. Notice and Summons to Meetings

The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the Proper Officer will send a summons signed by them to every councillor 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.

Commented [SC11]: New

6. Chair of Meeting

Any power or duty of the Lord Mayor in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

Commented [SC12]: Old Standing Order 3

7. Quorum

If during any meeting of the Council the Chair, after counting the numbers of Councillors present, declares that there is not a quorum present (i.e. one-third of total membership being less than 13 Councillors), the meeting shall stand adjourned. The consideration of any business not transacted shall be adjourned to the next ordinary meeting of the Council.

Commented [SC13]: Old Standing Order 4

8. Record of Attendance

Every Councillor attending a meeting of the Council shall sign their name on the attendance list provided for that purpose.

Commented [SC14]: Old Standing Order 29

9. Public Questions and Participation

9.1 Eligibility to Ask Questions

- a) Members of the public may ask questions at Ordinary Council, but not in the Annual Council Meeting or Extraordinary Council meetings.
- b) Questions may be addressed to the Leader of the Council or Executive members.

9.2 Giving Notice of Questions

[Back to Contents Page](#)

- a) Questions must be submitted to the Democratic Services at least three clear working days before the meeting
- b) Questions must include the name and address of the questioner and the intended recipient of the question.
- c) Questions shall be no more than 50 words.
- d) The Monitoring Officer may refuse to include a question if it:
 - (i) is not about a matter for which the local authority has a responsibility or which affects the City;
 - (ii) is defamatory, derogatory, frivolous, offensive or vexatious;
 - (iii) is substantially the same as a question which is due to be asked at the same Council meeting;
 - (iv) is substantially the same as a question which has been asked at a meeting of the Council in the past six months;
 - (v) relates to a Council employment or staffing matter; or
 - (vi) requires the disclosure of confidential or exempt information.

(c) The Monitoring Officer may redirect any question to another Council body or Council Officer if they are better suited to address or deal with the matter.

Commented [SC15]: More expansive than the existing SO19

9.3 Asking the Question

- (a) The Lord Mayor will ask the questioner to ask their question. A response to the question will be given at the meeting and will also be put in writing and circulated at the meeting.
- (b) If the questioner is not present or an answer cannot be given on the day of the meeting, then the question and response will be published on the website within 5 working days of the meeting.

9.4 **Total length of questions** - The Council will allocate a maximum of 15 minutes for addressing questions. If time does not allow for all questions to be answered, they will be addressed in the order received, with priority given to members of the public who have not asked a question at previous Council meetings, until the time limit is reached.

Commented [SC16]: SO19 with references to non-Council meetings removed and minor amendments for the purposes of clarity

9.5 **Petitions** – Petitions containing more than 2,000 signatures submitted in accordance with the Petitions Scheme (Part 5) will be debated by the full Council, unless it requests a Portfolio Holder or senior officer to provide evidence at a public meeting or can otherwise be dealt with by another appropriate Council body. The petition organizer will be allotted five minutes to present the petition, followed by a maximum 15-minute discussion among Councillors. The Council will decide how to respond to the petition during this meeting, with confirmation sent to the petition organizer and published on the website.

Commented [SC17]: New addition here, extracted from the petition scheme in part 5

9.6 Further information on public speaking can be found on the [Council's Website](#)

10. Councillors' Questions

10.1 At a meeting of the Council, other than the Annual Meeting or Extraordinary meetings, a councillor may ask the Leader of the Council, any Executive member, the Chair of any of the Council's Committees, the Chair of a Scrutiny Committee or a Leader of a political group on the Council questions on matters which the Council has

Commented [SC18]: Standing Order 8 - expanded scope due to change to remove the formal presentation of minutes

[Back to Contents Page](#)

powers or duties or which affects the area of the Council and which fall within their responsibility.

- 10.2 Every question, which will be limited to one part, will be asked and answered without discussion. Upon receiving the answer, the councillor who put the question shall be allowed one supplementary question, provided that it is relevant to the original question and does not introduce any new subject matter. The supplementary question will be asked and answered orally, but the person to whom the supplementary question has been asked may decline to answer.
- 10.3 The answer to a councillor's question may be given orally and directly, or by way of delegation to another member with the relevant portfolio or chair, or by reference to published material of the Council which is readily available to councillors, or in writing after the meeting (when the answer will be circulated to all councillors).
- 10.4 Questions, including supplementary questions and the replies to them, whether given orally or in writing, will be recorded in the Minutes of the meeting. Where a written answer is to be supplied after the meeting at which the question is asked, if possible the written answer be included as an Annex to the minutes.
- 10.5 The total time allocated for councillors' questions shall be limited to 30 minutes. Each councillor may ask no more than two questions, not including supplementary questions.
- 10.6 No Question will exceed one minute and no answer will exceed two minutes.

11. Notice of Motions

11.1 A motion shall not be proposed at a meeting of the Council save as unless notice is:

- (i) made in writing and signed by a Councillor(s); and
- (ii) given to Democratic Services not later than 10:00 am 8 clear working days before the meeting of the Council.

11.2 The Democratic Services Manager shall record all such motions received and shall be available to every Councillor upon request.

11.3 In the meeting summons, the Democratic Services Manager shall include all motions that meet the requirements in Council Procedure Rule 11.1, in the order they were received, unless the proposing Councillor has requested in writing to defer the motion to a later meeting or has withdrawn it.

11.4 The Monitoring Officer or the Lord Mayor will rule out of order any motion which:

- (i) is not about a matter for which the local authority has a responsibility or which affects the City;
- (ii) relates to a planning application or a specific licence currently being determined by the City Council;
- (iii) is defamatory, derogatory, frivolous, offensive or vexatious;
- (iv) is substantially the same as a motion or petition which has been put at a meeting of the City Council in the past six months;
- (v) relates to a City Council employment or staffing matter; or
- (vi) requires the disclosure of confidential or exempt information.

11.5 Where two or more motions, submitted in accordance with this Procedure Rule are, in the opinion of the Monitoring Officer, of the same, or similar intent, they will either:

[Back to Contents Page](#)

- (a) seek agreement to the withdrawal of one or more of the motions to leave one remaining motion; or
- (b) combine the motions, with the agreement of the councillors submitting the motions.

The combined motion shall be notified to all councillors no later than 12 noon two clear working days before the meeting at which the motion is to be considered. The combined motion will take the place of the first of the motions submitted in the order on the Agenda and will be in the joint names of the councillor submitting the original motions. The councillor submitting the combined motion will be expected to agree who will move and second the motion.

- 11.6 In the event that councillor decline to withdraw their motions, or do not agree to the motions being composited, the Council will (subject to any ruling of the Lord Mayor) deal with the motions in the order in which notice was received.
- 11.7 If a motion listed in the summons is not moved by the proposing Councillor or, in their absence, by another Councillor on their behalf, it shall be considered withdrawn unless the Council consents to postpone it. Once withdrawn, it cannot be moved again without fresh notice.
- 11.8 A notice of motion shall generally be debated at the Council meeting where it is introduced. However, the Council may decide to refer it to a Committee due to legal, financial or other relevant considerations. The Committee shall then review the motion and report back to the Council in due course.

12. Motions without Notice

The following motions and amendments may be moved without notice:

- (a) Appointment of a Chair of the meeting at which the motion is made.
- (b) Motions relating to the accuracy of the minutes.
- (c) That an item of business specified in the summons have precedence.
- (d) Reference back to a Committee.
- (e) Appointment of a Committee or members thereof, occasioned by an item mentioned in the summons to the meeting.
- (f) To adopt reports and recommendations of the Executive, Committees or officers and consequent resolutions.
- (g) That leave be given to withdraw a motion.
- (h) Amendments to motions, other than those specified in Council Procedure Rule 13.7
- (i) That the Council proceed to the next business.
- (j) That the question be now put.
- (k) That the debate be now adjourned.
- (l) That the Council do now adjourn.
- (m) To suspend the Council Procedure Rules, in accordance with Council Procedure Rule 25.
- (n) Motion under Section 100A of the Local Government Act 1972 to exclude the public.
- (o) That a Councillor named under Council Procedure Rule 24 be not further heard or do leave the meeting.
- (p) Giving consent of the Council where the consent of the Council is required by these Council Procedure Rules.

Commented [SC19]: Several changes have been proposed here:

A new power at 11.5 and 11.6 to seek to combine two motions which are of the same intent. This introduces the possible of only one motion being debated rather than two similar ones.

The time for the submission of motions has been brought forward from 5 clear working days before the meeting to 8 clear working days to allow officers to review the proposed motions. Officer capacity is limited on the day of publication, the day on which the previous deadline fell. This also gives more time for discussions to take place about whether motions could be combined (i.e. new proposed 11.5 and 11.6).

The scope for refusing motions has also been widened. There are now 6 heads under which a motion could be refused (at 11.4) including substantially the same motion already having been debated at a City Council meeting in the past 6 months. This should cut down on an item being repeatedly heard across multiple meetings.

Commented [SC20]: Old Standing Order 7

[Back to Contents Page](#)

13. Rules of Debate

- 13.1 A Council debate flowchart has been prepared to assist with the rules of debate. This is available at Appendix 1 – Council Debate Flowchart.
- 13.2 **Speaker to Address the Lord Mayor** - A Councillor when speaking shall stand and address the Lord Mayor. If two or more Councillors rise, the Lord Mayor shall call on one to speak; the other/others shall then sit. While a Councillor is speaking the other Councillors shall remain seated, unless rising to a point of order or in personal explanation.
- 13.3 **Respect of Chair** - Whenever the Chair rises during a debate a Councillor then standing shall resume their seat and the Council shall be silent.
- 13.4 **Motions and Amendments** - A motion or amendment shall not be discussed unless it has been proposed and seconded and unless notice has already been given in accordance with Council Procedure Rule 11 it shall, if required by the Lord Mayor, be put into writing and handed to the Lord Mayor before it is further discussed or put to the meeting.
- 13.5 **Seconders' Speech** - A Councillor when seconding a motion or amendment may, if they then declare their intention to do so, reserve their speech until a later period of the debate. Only one Councillor shall stand at one time.
- 13.6 **Content of Speeches** - A Councillor shall direct their speech to the question under discussion or to a personal explanation or to a point of order.
- 13.7 **When a Councillor May Speak Again** - A Councillor who has spoken on any motion shall not speak again whilst it is the subject of debate, except:
- (a) to speak once on an amendment moved by another Councillor;
 - (b) if the motion has been amended since they last spoke, to move a further amendment;
 - (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) in exercise of a right of reply given under Council Procedure Rule 13.12;
 - (e) on a point of order;
 - (f) by way of personal explanation.
- 13.6 **Amendments to Motions** - An amendment shall be relevant to the motion and shall be:-
- (a) to refer a subject of debate to a Committee or elsewhere for consideration or reconsideration;
 - (b) to leave out words;
 - (c) to leave out words and insert or add words;
 - (d) to insert or add words;
- as long as the effect is not to negate the motion.
such omission, insertion or addition of words shall not have the effect of introducing a new proposal into the motion before the Council.
- 13.7 Any amendment which would, if adopted, have an effect on the Council's revenue or capital finance shall not be considered at the meeting of the Council at which the level of the Council Tax is set for the ensuing financial year unless prior written notice has been given to the Democratic Services Manager, 3 clear working days in

Commented [SC21]: No change to the old Standing Order 10 save for the addition of a council debate flowchart and moving Speaker to Address the Lord Mayor and Respect of the chair to the top of procedure rule

[Back to Contents Page](#)

advance of such meeting, to enable the Chief Executive and/or the Chief Finance Officer to report to the Council on the financial implications of such amendment.

- 13.8 Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of.
- 13.9 If an amendment is lost, other amendments may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.
- 13.10 **Alteration to Motion** - A Councillor may, with the consent of the Council, signified without discussion:-
- (a) alter a motion of which they have given notice, or
 - (b) with the further consent of their seconder, alter a motion which they have moved (except a motion of which they have given notice under Council Procedure Rule 11) if (in either case) the alteration is one which could be accepted as an amendment.
- 13.11 **Withdrawal of Motion** - A motion or amendment, including a Notice of Motion under Council Procedure Rule 11, may be withdrawn by the mover with the consent of their seconder and of the Council, which shall be signified without discussion, and no Councillor may speak upon it after the mover has asked permission for its withdrawal, unless such permission shall have been refused.
- 13.12 **Right of Reply** - The mover of a motion has a right to reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the amendment shall have the right of reply at the close of the debate on their amendment prior to the mover of the original motion. The mover of the original motion shall have a right of reply at the close of the debate on the amendment, but shall not otherwise speak on the amendment.
- Where an amendment is moved in respect of a minute of the Executive falling within the remit of a portfolio holder, that portfolio holder may at the request of the Leader exercise the right to reply.
- 13.13 **Motions Which May Be Moved During The Debate** - When a motion is under debate no other motion shall be moved except the following:-
- (a) to amend the motion;
 - (b) to adjourn the meeting;
 - (c) to adjourn the debate;
 - (d) to proceed to the next business;
 - (e) that the question be now put;
 - (f) that a Councillor be not further heard;
 - (g) by the Lord Mayor under Council Procedure Rule 23 that a Councillor do leave the meeting;
 - (h) a motion under Section 100A of the Local Government Act 1972 to exclude the public.
- 13.14 **Closure Motions** - A Councillor may move without comment at the conclusion of a speech of another Councillor that:
- (i) "the Council proceed to the next business",

[Back to Contents Page](#)

- (ii) "the question be now put",
- (iii) "the debate be now adjourned"
- (iv) "the Council do now adjourn"

Following the seconding of which (also without comment), the Chair shall proceed as follows on a motion:-

- (a) **to proceed to the next business:** If the Chair believes the matter has been sufficiently discussed, the motion shall be put to a vote. The original motion's mover shall not have a right of reply under paragraph 13.12 before the vote.
- (b) **that the question be now put:** If the Chair believes the matter has been sufficiently discussed, the motion shall be put to a vote. If the motion passes, the Chair shall allow the original motion's mover a right of reply under paragraph (12) before the final vote.
- (c) **to adjourn the debate or the meeting:** If the Chair believes the matter has not been sufficiently discussed and cannot reasonably be concluded on this occasion, the adjournment motion shall be put to a vote immediately, without a right of reply for the original motion's mover. If passed, the debate and/or meeting will be adjourned immediately.

13.15 **Points of Order** - A Councillor may rise on a point of order or in personal explanation and shall be entitled to be heard immediately. A point of order shall relate only to an alleged breach of a Council Procedure Rule or statutory provision and the Councillor shall specify the Council Procedure Rule or statutory provision and the way in which they consider it has been broken. A personal explanation shall be confined to some material part of a former speech by them which may appear to have been misunderstood in the present debate.

13.16 The ruling of the Chair on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

14. Previous Decisions and Motions (or "Six Month Rule")

14.1 No motion to rescind any Council resolution passed within the last six months, and no motion or amendment to the same effect as one which has been rejected within the last six months, shall be proposed, unless notice in accordance with Council Procedure Rule 11 bears the names of at least one-third of the Councillors of the Council. When any such motion or amendment has been disposed of by the Council, it shall not be open to any Councillor to propose a similar motion within a further period of six months.

14.2 The Council Procedure Rule in 14.1 shall not apply to any motion on a recommendation of a Committee or the Executive.

15. Duration of the Meeting

15.1 The Lord Mayor will adjourn the meeting for a period of ten minutes at a convenient time after two hours.

15.2 At a convenient time after a meeting has been in progress for three hours from its start time, the Lord Mayor will announce the start of the closure procedure.

Commented [SC22]: Standing order 26

[Back to Contents Page](#)

- 15.3 The Lord Mayor will allow a maximum of thirty minutes for the completion of the closure procedure.
- 15.4 Once the Lord Mayor has announced the start of the closure procedure, all remaining business shall be formally moved, formally seconded and voted upon without discussion.
- 15.5 At the discretion of the Lord Mayor, short introductory speeches by the mover of a motion or amendment, to a maximum of one minute, will be allowed on each item of business raised during the closure procedure.
- 15.6 Before any matters are considered under the closure procedure, a motion may be moved and seconded, in accordance with Council Procedure Rule 25 (Suspension of Council Procedure Rules), to suspend this Procedure Rule in relation to all, or specified, business remaining.
- 15.7 This Procedure Rule will have precedence over all other relevant Procedure Rules.

Note: Convenient time is at the discretion of the Lord Mayor, but will usually mean at the end of the item under consideration.

16. Voting

- 16.1 The mode of voting at meetings of the Council shall be by show of hands.
- 16.2 The voting on any question shall be by roll call on the requisition of any Councillor which is proposed before the vote is taken and supported by five other Councillors. The vote shall be recorded so as to show how each Councillor present and voting gave their vote. The name of any Councillor present and not voting shall also be recorded.
- 16.2 In the event of an equality of votes the Lord Mayor shall have a second or casting vote.
- 16.3 If any Councillor so requires immediately after a vote is taken by a show of hands, there shall be recorded in the minutes of the proceedings of that meeting how that Councillor gave their vote or whether that Councillor abstained from voting.
- 16.4 **Voting on Budget Settings** - Immediately after a vote is taken at a budget meeting which includes setting of the Council Tax and Precepts, there must be recorded in the minutes the names of the Councillors present to show how each Councillor voting gave their vote. The name of any Councillors who abstained shall also be recorded.
- 16.5 **Voting on Appointments** - Where more than two persons are nominated for any position to be filled by the Council, and of the votes given there is not a majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken, and so on until a majority of votes is given in favour of one person.

Commented [SC23]: Standing Order 27

Commented [SC24]: Standing Order 28

17. Conflict Resolution – Draft Plans & Strategies

- 17.1 If the Executive submits a draft plan or strategy for approval and full Council raises objections after reviewing it, full Council must notify the Leader of these objections before adopting, amending the draft plan or strategy or otherwise approving any plan or strategy that requires submission to the Secretary of State or any Minister of the Crown.

[Back to Contents Page](#)

17.2 The Leader will be instructed to direct the Executive to reconsider the draft plan or strategy in light of the objections.

17.3 The Council must specify a period of at least five working days (starting the day after the Leader receives notice of the objections) during which the Leader may either:

(a) Submit a revised plan or strategy, along with the Executive's rationale for any changes made; or

(b) Inform the Council of any disagreements the Executive has with the objections, providing reasons for such disagreements.

17.4 After the time period outlined in Procedure Rule 17.3 has expired, the Council must consider the Leader's response when adopting, amending the draft plan or strategy.

Commented [SC25]: Standing Order 12(A) reworded slightly for clarity

18. Conflict Resolution – Budget Estimates

18.1 If, before the 15th of February in any financial year, the Executive submits estimates of amounts for approval and the Council raises objections after considering the estimates, the Council must notify the Leader of these objections before approving the amounts.

18.2 The Leader will be instructed to direct the Executive to reconsider the estimates in light of the objections.

18.3 The Council must specify a period of at least five working days (starting the day after the Leader receives notice of the objections) during which the Leader may either:

(a) Submit a revised estimate or amounts, along with the Executive's rationale for any amendments made; or

(b) Inform the Council of any disagreements the Executive has with the objections, providing reasons for such disagreements.

18.4 Once the time limit outlined in Procedure Rule 16.3 has expired, the Council must consider the Leader's response when amending, approving, or adopting the estimates or amounts.

18.5 For the avoidance of doubt, the provisions of this Procedure Rule 18 shall not apply to amounts stated in a precept.

Commented [SC26]: Standing Order 12(B) reworded slightly for clarity

19. Special Cases – Appointment of the Head of Paid Service

Council must approve the appointment of the Head of Paid Service based on a recommendation from a Committee or Sub-Committee of the Council, which must include at least one Executive member and otherwise be in accordance with the Officer Employment Procedure Rules.

20. Special Cases – Dismissal of Statutory Officers

A decision to dismiss the Head Paid of Service, Monitoring Officer and/or Section 151 Officer may only be taken by Council in accordance with the procedure set out in the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015) as may be amended from time to time and otherwise be in accordance with the Officer Employment Procedure Rules.

[Back to Contents Page](#)

21. Minutes

- 21.1 The Chair shall put the question that the minutes of the meeting of the Council, held on the.....day of.....be approved as a correct record.
- 21.2 No discussion shall take place upon the minutes, except upon their accuracy, and any question of their accuracy shall be raised by motion. If no such question is raised, or if it is raised then as soon as it has been disposed of, the Lord Mayor shall sign the minutes.
- 21.4 The minutes of the preceding Council meeting shall be put to the next ordinary meeting of the Council.
- 21.5 The minutes of an Extraordinary meeting of the Council shall be approved and signed by the Chair of the next ordinary meeting of the Council in accordance with paragraph [41\(1\) and \(2\) of Schedule 12 of the Local Government Act 1972](#).

22. Exclusion of Public and Press

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution (at rule 10 referencing [Schedule 12A to the Local Government Act 1972](#)) or Council Procedure Rule 24 (Disturbance by Public).

23. Disturbance by Councillors

- 23.1 If in the opinion of the Chair, at a meeting of the Council, a Councillor misconducts themselves by:
- (a) persistently disregarding the ruling of the Chair;
 - (b) behaving irregularly, improperly or offensively; and/or
 - (c) wilfully obstructing the business of the Council.
- the Chair or any other Councillor may move that "*the member named be not further heard*" and the motion if seconded shall be put and determined without discussion.
- 23.2 If the Councillor named continues their misconduct after a motion under Procedure Rule 23.1 has been carried the Chair shall either:
- (a) Move "*that the member named do leave the meeting*" (in which case the motion shall be put and determined without seconding or discussion); or
 - (b) Adjourn the meeting for such period as they in their discretion shall consider appropriate.
- 23.3 In the event of general disturbance, which in the opinion of the Chair renders the due and orderly dispatch of business impossible, the Chair may without discussion adjourn the meeting of the Council for such period as they in their discretion shall consider expedient.

24. Disturbance by Members of the Public

- 24.1 If a member of the public interrupts the proceedings at any Council meeting, the Chair shall warn them. If they continue the interruption, the Chair shall order their removal from the Council chamber or other meeting room.

[Back to Contents Page](#)

24.2 In case of general disturbance in any part of the chamber open to the public the Chair shall order that part to be cleared.

Commented [SC27]: Standing Order 25

25. Suspension and Amendment of Council Procedure Rules

25.1 **Suspension** - The Council Procedure Rules may be suspended either:

- i. by notice of motion; or
- ii. without notice if there shall be present at least one-half of the whole number of Councillors.

This is however subject to:

(a) No suspension of the Council Procedure Rules shall be permitted so as to negate the requirements for notice to be given under Council Procedure Rule 13.7 (Council Tax), Standing Order 39(1) (Removal of the Leader) and Council Procedure Rule 25.2 (Amendment of Council Procedure Rules).

(b) There will be no discussion on a motion to suspend a Council Procedure Rule.

(c) Suspension can only be for the duration of the meeting.

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

26. Interpretation of the Council Procedure Rules

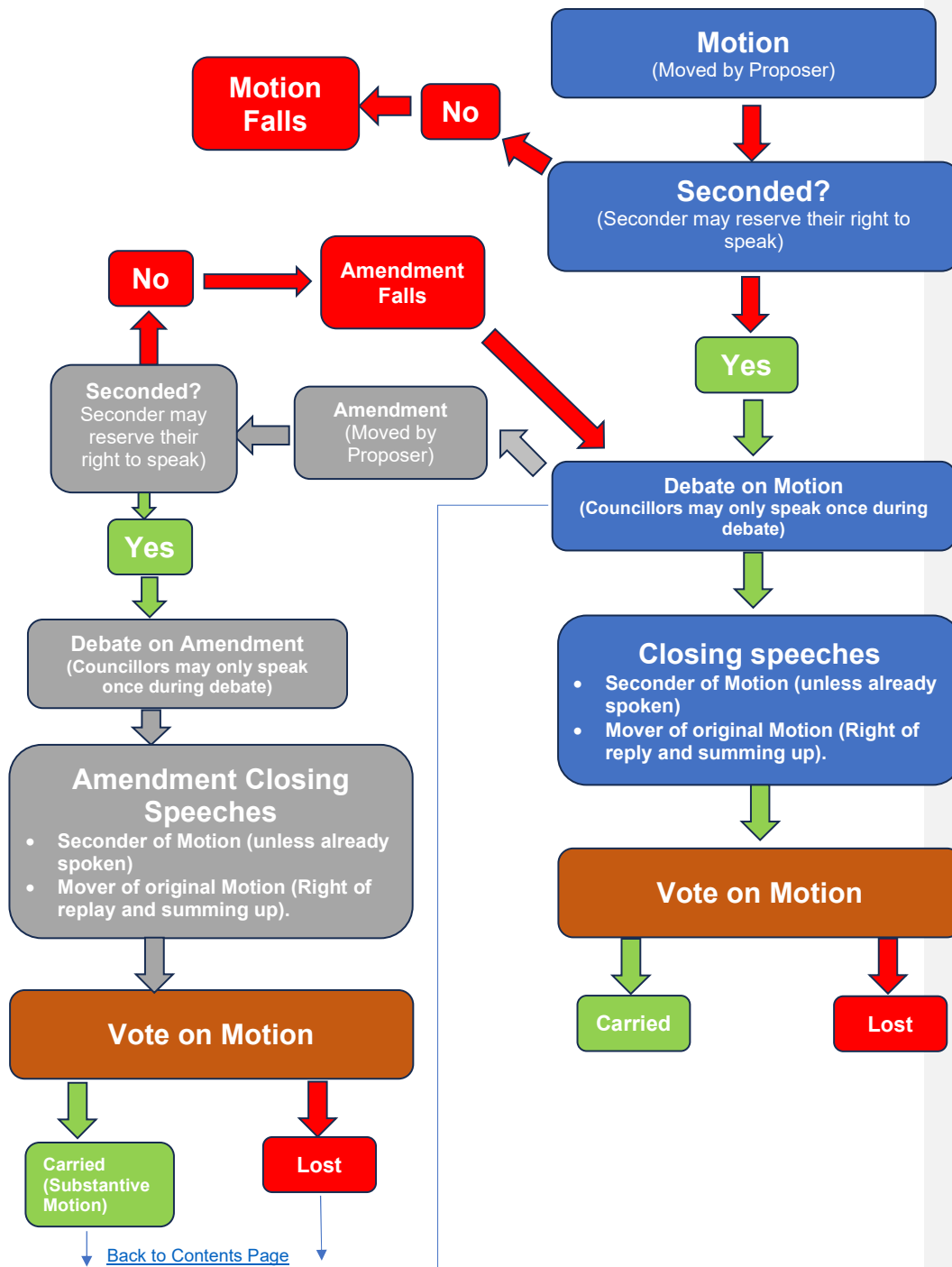
The ruling of the Lord Mayor as to the construction or application of any of these Council Procedure Rules, or as to any proceedings of the Council, shall not be challenged at any meeting of the Council.

27. Standing Orders & Council Procedure Rules

These Council Procedure Rules take precedence in respect of full Council meetings over the remaining Standing Orders contained in Part 4.

[Back to Contents Page](#)

Appendix 1 – Council Debate Flowchart



Side by Side Comparison

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
<p>Standing Order 1: Meetings of the Council</p> <p>1. The Annual Meeting and other meetings of the Council shall be held at any venue considered suitable, on such dates and times as may be determined by the Director Corporate Services in consultation with the Leader of the Council.</p> <p>2. In addition to ordinary meetings, those listed below may request the proper officer to call Extraordinary Council meetings:</p> <ul style="list-style-type: none"> - the Council by resolution; - the Lord Mayor; - any five members of the Council if they have signed a requisition presented to the Leader of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition; - the Monitoring Officer. <p>Standing Order 2: Election of Lord Mayor and Deputy Lord Mayor</p> <p>1. The Lord Mayor shall be elected at the Annual Meeting of the Council.</p> <p>2. The Deputy Lord Mayor shall then be appointed at the Annual Meeting of the Council.</p> <p>Standing Order 36: Appointment Of Committees</p> <p>(1) The Council shall at the Annual Meeting appoint such Committees as it is required to appoint by or under any statute or as is necessary for the conduct of the Council's business, and may at any time appoint such other Committees as are necessary to carry out the work of the Council but, subject to any statutory</p>	<p>Rule 1: Annual Meeting of the Council</p> <p>The Annual Meeting of the Council will take place at any venue considered suitable on such dates and times as may be determined by the Proper Officer in consultation with the Leader of the Council.</p> <p>The Meeting will:</p> <ul style="list-style-type: none"> - elect a person to preside if the Lord Mayor or Deputy Lord Mayor is not present; - elect the Lord Mayor; - consider a vote of thanks to the outgoing Lord Mayor; - appoint the Deputy Lord Mayor; - receive declarations of interest by councillors and officers; - elect the Leader in any year in which the Leader's term of office expires, or if the office of Leader becomes vacant; - note the appointments to the role of Deputy Leader and to the Executive; - appoint such executive portfolios and portfolio holders as the Leader shall consider appropriate on the nomination of the Leader; - appoint the committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions PROVIDED THAT the Council has the authority to dissolve any committee or change its membership at any time, subject to applicable legal provisions; - elect the Chairs and Deputy Chairs of each of the Council's committees PROVIDED THAT no Councillor shall be eligible to be appointed Chair to more than one standing committee. - appoint Councillors to the Council's standing committees of the Council (being Executive, Planning, Licensing, Audit and Governance and Scrutiny) in accordance with the Local 	<p>No change to Standing Order 1</p> <p>Standing Order 1 now included in an itemised list of matters that take place at the annual meeting. This list of items to take place at the annual meeting also incorporates Standing Orders 2, 36(1) & (3), 37(1) & (3), 39(2)</p>

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
<p>provision:- (a) shall not appoint any member of a Committee so as to hold office later than the next Annual Meeting of the Council; (b) may at any time dissolve a Committee or alter its membership. [...]</p> <p>(3) Unless otherwise altered by the Council, the following shall be the Council's standing Committees:- (a) Executive, (b) Planning Committee, (c) Licensing, (d) Audit and Governance Committee (On which Executive members may not serve), (e) Scrutiny (on which Executive members may not serve).</p> <p>Standing Order 37: Appointment Of Executive</p> <p>(1) The Council shall, at its Annual Meeting, appoint an Executive nominated by the Leader of the Council. [...]</p> <p>(3) The Council shall, at the Annual Meeting, on the nomination of the Leader, appoint such Executive Portfolios and portfolio holders as the Leader shall consider appropriate.</p> <p>Standing Order 39: Election/Removal of Leader and Chair and Deputy Chair of Committees</p> <p>[...] (2) The Chairs and Deputy Chairs of each Committee shall be elected by Council at the Annual Meeting. In the absence from a meeting of the Chair and Deputy Chair, a Chair for that meeting will be appointed. No member of the Council shall be eligible to be appointed Chair or more than one Standing Committee.</p>	<p>Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990.</p> <p>- appoint such voting co-opted members as recommended by the various committees.</p>	
<p>Standing Order 3: Chair of Meeting</p> <p>Any power or duty of the Lord Mayor in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.</p>	<p>Rule 6: Chair of Meeting</p> <p>Any power or duty of the Lord Mayor in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.</p>	<p>No change</p>

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
<p>Standing Order 4: Quorum of Council</p> <p>If during any meeting of the Council the Chair, after counting the numbers of members present, declares that there is not a quorum present (i.e. one-third of total membership), the meeting shall stand adjourned. The consideration of any business not transacted shall be adjourned to the next ordinary meeting of the Council.</p>	<p>Rule 7: Quorum</p> <p>If during any meeting of the full Council the Chair, after counting the numbers of Councillors present, declares that there is not a quorum present (i.e. one-third of total membership being less than 13 Councillors), the meeting shall stand adjourned. The consideration of any business not transacted shall be adjourned to the next ordinary meeting of the Council.</p>	<p>Precise number included here for clarity.</p>
<p>Standing Order 5: Order of Business at Ordinary Meetings</p> <p>1. Except as otherwise provided by paragraph (2) of this Standing Order, the order of business at every ordinary meeting of the Council shall be:</p> <p>(a) To choose a person to preside if the Lord Mayor and Deputy are absent.</p> <p>(b) To deal with any business required by statute to be done before any other business.</p> <p>(c) To approve as a correct record and sign the minutes of the last meeting of the Council.</p> <p>(d) To deal with any business expressly required by statute to be done.</p> <p>(e) Lord Mayor's Communications and to receive any announcements from the Leader of the Council, or the Head of Paid Service.</p> <p>(f) To dispose of business (if any) remaining from the last meeting.</p> <p>(g) To receive and consider reports, minutes, and recommendations of Committees.</p> <p>(h) To consider motions in the order in which notice has been received.</p> <p>(i) Other business, if any, specified in the summons.</p>	<p>Rule 2: Ordinary Meetings</p> <p>2.1 The order of business at every ordinary meeting of the Council shall, except as otherwise provided by Council Procedure Rule 2.2, be the following:</p> <p>(a) To choose a person to preside if the Lord Mayor and Deputy are absent.</p> <p>(b) To deal with any business required by statute to be done before any other business.</p> <p>(c) To approve as a correct record and sign the minutes of the last meeting of the Council.</p> <p>(d) To deal with any business expressly required by statute to be done.</p> <p>(e) Lord Mayor's Communications and to receive any announcements from the Leader of the Council, or the Head of Paid Service.</p> <p>(f) To dispose of business (if any) remaining from the last meeting.</p> <p>(g) To consider any reports from the Leader (if any) of the Executive decisions taken under the Special Urgency Procedure (in Executive Procedure Rule 8.5) in the preceding quarter.</p> <p>(h) To receive and consider reports and recommendations of Committees.</p> <p>(i) receive questions from, and provide answers to, the public;</p>	<p>(g) in the existing SO and (h) in the new procedure rule has been amended. Minutes will not formally be heard. Matters arising will now be dealt with under Councillor questions.</p> <p>(g) To consider any reports from the Leader (if any) of the Executive decisions taken under the Special Urgency Procedure (in Executive Procedure Rule 8.5) in the preceding quarter.</p> <p>Explicit reference to questions from the public now included at (i).</p>

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
<p>(2) Business falling under items (a), (b) or (c) of paragraph (1) shall not be displaced, but the order of business may be varied:- (a) by the Lord Mayor at his/her discretion; (b) by a resolution passed on a motion (which need not be in writing) duly moved and seconded, which shall be moved and put without discussion.</p>	<p>(j) receive questions from members under Council Procedure Rule 10. (j) To consider motions in the order in which notice has been received. (k) Other business, if any, specified in the summons.</p> <p>2.2 Business falling under items (a), (b) or (c) of Council Procedure Rule 2.1 shall not be displaced, but the order of business may be varied by: a) the Lord Mayor at their discretion; or b) a resolution passed on a motion (which need not be in writing) duly moved and seconded, which shall be moved and put without discussion.</p>	<p>Explicit reference to questions from members now included at (j).</p> <p>Gender neutral language throughout.</p>
<p>Standing Order 6: Notices of Motion</p> <p>1. Except as provided by Standing Order 7, a motion shall not be proposed at a meeting of the Council unless notice in writing, signed by the member/members of the Council, is given to the Democratic Services Manager not later than 10:00 am 5 clear working days before the meeting of the Council.</p> <p>2. The Democratic Services Manager shall date and number all such motions received and enter them in a book which shall be open to inspection by every member of the Council.</p> <p>3. The Democratic Services Manager shall in the summons for a meeting of the Council, include all such notices of motion duly given to him/her, in the order in which he/she receives them, unless the member giving such notice has, when giving it, intimated in writing that he/she proposes to move it at some later meeting or has since withdrawn it in writing.</p> <p>4. If a motion, notice of which has been set out in the summons, is not moved by the Member who has given it, or in his/her absence by some other member on his/her behalf, it shall unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.</p>	<p>11. Notice of Motions</p> <p>11.1 A motion shall not be proposed at a meeting of the Council save as unless notice is:</p> <ul style="list-style-type: none"> (i) made in writing and signed by a Councillor(s); and (ii) given to Democratic Services not later than 10:00 am 8 clear working days before the meeting of the Council. <p>11.2 The Democratic Services Manager shall record all such motions received and shall be available to every Councillor upon request.</p> <p>11.3 In the meeting summons, the Democratic Services Manager shall include all motions that meet the requirements in Council Procedure Rule 11.1, in the order they were received, unless the proposing Councillor has requested in writing to defer the motion to a later meeting or has withdrawn it.</p> <p>11.4 The Monitoring Officer or the Lord Mayor will rule out of order any motion which:</p>	<p>Several changes have been proposed here:</p> <p>A new power at 11.5 and 11.6 to seek to combine two motions which are of the same intent. This introduces the possible of only one motion being debated rather than two similar ones.</p> <p>The time for the submission of motions has been brought forward from 5 clear working days before the meeting to 8 clear working days to allow officers to review the proposed motions.</p>

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
<p>(5) A Notice of Motion shall be debated at the Council meeting at which it is brought forward, unless the Council decides that it shall stand referred to a Committee, by reason of legal, financial or other relevant considerations. That Committee shall consider the Notice of Motion and report back to Council in due course.</p> <p>(6) Every motion shall be relevant to some matter in relation to which the Council has powers or duties or which affects the City.</p>	<p>(i) is not about a matter for which the local authority has a responsibility or which affects the City;</p> <p>(ii) relates to a planning application or a specific licence currently being determined by the City Council;</p> <p>(iii) is defamatory, derogatory, frivolous, offensive or vexatious;</p> <p>(iv) is substantially the same as a motion or petition which has been put at a meeting of the City Council in the past six months;</p> <p>(v) relates to a City Council employment or staffing matter; or</p> <p>(vi) requires the disclosure of confidential or exempt information.</p> <p>11.5 Where two or more motions, submitted in accordance with this Procedure Rule are, in the opinion of the Monitoring Officer, of the same, or similar intent, they will either:</p> <p>(a) seek agreement to the withdrawal of one or more of the motions to leave one remaining motion; or</p> <p>(b) combine the motions, with the agreement of the councillors submitting the motions,</p> <p>The combined motion shall be notified to all councillors no later than 12 noon two clear working days before the meeting at which the motion is to be considered.</p> <p>The combined motion will take the place of the first of the motions submitted in the order on the Agenda and will be in the joint names of the councillor submitting the original motions. The councillor submitting the combined motion will be expected to agree who will move and second the motion.</p> <p>11.6 In the event that councillor decline to withdraw their motions, or do not agree to the motions being composited, the Council will (subject to any ruling of the Lord Mayor) deal with the motions in the order in which notice was received.</p>	<p>Officer capacity is limited on the day of publication, the day on which the previous deadline fell. This also gives more time for discussions to take place about whether motions could be combined (i.e. new proposed 11.5 and 11.6).</p> <p>The scope for refusing motions has also been widened. There are now 6 heads under which a motion could be refused (at 11.4) including substantially the same motion already having been debated at a City Council meeting in the past 6 months. This should cut down on an item being repeatedly heard across multiple meetings.</p>

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
	<p>11.7 If a motion listed in the summons is not moved by the proposing Councillor or, in their absence, by another Councillor on their behalf, it shall be considered withdrawn unless the Council consents to postpone it. Once withdrawn, it cannot be moved again without fresh notice.</p> <p>11.8 A notice of motion shall generally be debated at the Council meeting where it is introduced. However, the Council may decide to refer it to a Committee due to legal, financial or other relevant considerations. The Committee shall then review the motion and report back to the Council in due course.</p>	
<p>Standing Order 7: Motions and Amendments Without Notice</p> <p>The following motions and amendments may be moved without notice:</p> <p>(1) Appointment of a Chair of the meeting at which the motion is made.</p> <p>(2) Motions relating to the accuracy of the minutes.</p> <p>(3) That an item of business specified in the summons have precedence.</p> <p>(4) Reference back to a Committee.</p> <p>(5) Appointment of a Committee or members thereof, occasioned by an item mentioned in the summons to the meeting.</p> <p>(6) To adopt reports and recommendations of the Executive, Committees, or officers and consequent resolutions.</p> <p>(7) That leave be given to withdraw a motion.</p> <p>(8) Amendments to motions, other than those specified in Standing Order 10(7).</p> <p>(9) That the Council proceed to the next business.</p> <p>(10) That the question be now put.</p> <p>(11) That the debate be now adjourned.</p> <p>(12) That the Council do now adjourn.</p>	<p>Rule 12: Motions Without Notice</p> <p>The following motions and amendments may be moved without notice:</p> <p>(a) Appointment of a Chair of the meeting at which the motion is made.</p> <p>(b) Motions relating to the accuracy of the minutes.</p> <p>(c) That an item of business specified in the summons have precedence.</p> <p>(d) Reference back to a Committee.</p> <p>(e) Appointment of a Committee or members thereof, occasioned by an item mentioned in the summons to the meeting.</p> <p>(f) To adopt reports and recommendations of the Executive, Committees or officers and consequent resolutions.</p> <p>(g) That leave be given to withdraw a motion.</p> <p>(h) Amendments to motions, other than those specified in Standing Order 10(7)</p> <p>(i) That the Council proceed to the next business.</p> <p>(j) That the question be now put.</p>	<p>No change other than title</p>

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
<p>(13) To suspend Standing Orders, in accordance with Standing Order 48.</p> <p>(14) Motion under Section 100A of the Local Government Act 1972 to exclude the public.</p> <p>(15) That a Councillor named under Standing Order 24 be not further heard or do leave the meeting.</p> <p>(16) Giving consent of the Council where the consent of the Council is required by these standing orders.</p>	<p>(k) That the debate be now adjourned.</p> <p>(l) That the Council do now adjourn.</p> <p>(m) To suspend Standing Orders, in accordance with Standing Order 48.</p> <p>(n) Motion under Section 100A of the Local Government Act 1972 to exclude the public.</p> <p>(o) That a Councillor named under Standing Order 24 be not further heard or do leave the meeting.</p> <p>(p) Giving consent of the Council where the consent of the Council is required by these standing orders.</p>	
<p>Standing Order 8: Questions at Council</p> <p>(1) (a) a member of the Council may ask the Chair of a Committee or the Leader of the Council, any question on an item under consideration by the Council. Provided always that the Leader may ask an Executive member with relevant portfolio to respond on his/her behalf.</p> <p>(b) the Chair of any Scrutiny Committee shall respond to any question relating to an issue considered by that Committee, save where the issue falls to be dealt with through the Executive minutes at a later stage in the meeting of Council. In such circumstances, the Leader (or such other Executive member with relevant portfolio he/she may appoint) will respond in accordance with Standing Order 12(3).</p> <p>(2) Every question shall be put and answered without discussion.</p> <p>(3) A member of the Council may:-</p> <p>(a) Ask the Chair of the Committee, or the Leader of the Council any question on any matter for which the Council has powers, duties or which affects the City, provided that he/she has submitted to the Democratic Services Manager a written copy of such question(s) by not later than 10:00 am the working day preceding the Council meeting. Provided always that the Leader</p>	<p>Rule 10: Councillors' Questions</p> <p>10.1 At a meeting of the Council, other than the Annual Meeting or Extraordinary meetings, a councillor may ask the Leader of the Council, any Executive member, the Chair of any of the Council's Committees, the Chair of a Scrutiny Committee or a Leader of a political group on the Council questions on matters which the Council has powers or duties or which affects the area of the Council and which fall within their responsibility.</p> <p>10.2 Every question, which will be limited to one part, will be asked and answered without discussion. Upon receiving the answer, the councillor who put the question shall be allowed one supplementary question, provided that it is relevant to the original question and does not introduce any new subject matter. The supplementary question will be asked and answered orally, but the person to whom the supplementary question has been asked may decline to answer.</p> <p>10.3 The answer to a councillor's question may be given orally and directly, or by way of delegation to another member with the relevant portfolio or chair, or by reference to published material of the Council which is readily available to councillors, or in writing after the meeting (when the answer will be circulated to all councillors).</p>	<p>This has changed in that the persons who can receive questions has been expanded. This is due to the proposed change to remove the formal presentation of the minutes to Council.</p> <p>The types of response and how they may be given remains in 10.4.</p> <p>The timing for submission of questions remains in 10.5.</p> <p>Limited to questions with one part so that multiple questions disguised as one multi-</p>

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
<p>may ask any Executive member with relevant portfolio to respond to the question.</p> <p>(b) Where a reply cannot conveniently be given orally to the questioner or where insufficient notice has prevented a complete enquiry from being made, a written reply shall be given to all Councillors as soon as practicable after the Council meeting.</p> <p>(c) One supplementary question shall be permitted in respect of each question.</p> <p>(d) A copy of the question(s) will be made available to Councillors at the beginning of the Council Meeting.</p> <p>(4) An answer may take the form of:- (a) a direct oral answer; or (b) where the desired information is contained in a published document, a reference to that publication.</p>	<p>10.4 Questions, including supplementary questions and the replies to them, whether given orally or in writing, will be recorded in the Minutes of the meeting. Where a written answer is to be supplied after the meeting at which the question is asked, if possible the written answer be included as an Annex to the minutes.</p> <p>10.5 The total time allocated for councillors' questions shall be limited to 30 minutes. Each councillor may ask no more than two questions, not including supplementary questions.</p> <p>10.6 No Question will exceed one minute and no answer will exceed two minutes.</p>	<p>part question cannot be asked.</p> <p>The removal of the requirement to give notice to the questions has been removed. This will reduce a lot of pressure on officers to field, process and get answers to questions in advance of the meetings. If a response cannot be given during the Council meeting a response can be given by officers after the meeting with more headspace and clarity.</p>
Standing Order 9: Council Minutes	21. Minutes	No change
<p>Standing Order 10: Rules of Debate for Council Meetings</p> <p>Motions and Amendments</p> <p>(1) A motion or amendment shall not be discussed unless it has been proposed and seconded and unless notice has already been given in accordance with Standing Order 6 it shall, if required by the Lord Mayor, be put into writing and handed to the Lord Mayor before it is further discussed or put to the meeting.</p>	<p>13. Rules of Debate</p> <p>13.1 A Council debate flowchart has been prepared to assist with the rules of debate. This is available at Appendix 1.</p> <p>13.2 Speaker to Address the Lord Mayor - A Councillor when speaking shall stand and address the Lord Mayor. If two or more Councillors rise, the Lord Mayor shall call on one to speak; the other/others shall then sit. While a Councillor is speaking the other Councillors shall remain seated, unless rising to a point of order or in personal explanation.</p>	<p>No substantive change.</p> <p>Inclusion of reference to a new rules of debate flowchart.</p> <p>Respect for the chair moved from final to first item.</p>

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
<p>Seconders's Speech</p> <p>(2) A member when seconding a motion or amendment may, if he/she then declares his /her intention to do so, reserve his/her speech until a later period of the debate. Only one member shall stand at one time.</p> <p>Speaker to address the lord mayor</p> <p>(3) A member when speaking shall stand and address the Lord Mayor. If two or more members rise, the Lord Mayor shall call on one to speak; the other/others shall then sit. While a member is speaking the other members shall remain seated, unless rising to a point of order or in personal explanation.</p> <p>Content of speeches</p> <p>(4) A member shall direct his/her speech to the question under discussion or to a personal explanation or to a point of order.</p> <p>When a member may speak again</p> <p>(5) A member who has spoken on any motion shall not speak again whilst it is the subject of debate, except:- (a) to speak once on an amendment moved by another member; (b) if the motion has been amended since he/she last spoke, to move a further amendment; (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 he/she spoke was carried; (d) in exercise of a right of reply given by paragraph (12a) or (12b) of this Standing Order; (e) on a point of order; (f) by way of personal explanation.</p> <p>Amendments to motions</p>	<p>13.3 Respect of Chair - Whenever the Chair rises during a debate a Councillor then standing shall resume their seat and the Council shall be silent.</p> <p>13.4 Motions and Amendments - A motion or amendment shall not be discussed unless it has been proposed and seconded and unless notice has already been given in accordance with Council Procedure Rule 11 it shall, if required by the Lord Mayor, be put into writing and handed to the Lord Mayor before it is further discussed or put to the meeting.</p> <p>13.5 Seconders's Speech - A Councillor when seconding a motion or amendment may, if they then declare their intention to do so, reserve their speech until a later period of the debate. Only one Councillor shall stand at one time.</p> <p>13.6 Content of Speeches - A Councillor shall direct their speech to the question under discussion or to a personal explanation or to a point of order.</p> <p>13.7 When a Councillor May Speak Again - A Councillor who has spoken on any motion shall not speak again whilst it is the subject of debate, except:</p> <p>(a) to speak once on an amendment moved by another Councillor;</p> <p>(b) if the motion has been amended since they last spoke, to move a further amendment;</p> <p>(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;</p> <p>(d) in exercise of a right of reply given under Council Procedure Rule 13.12;</p> <p>(e) on a point of order;</p> <p>(f) by way of personal explanation.</p>	

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
<p>(6) An amendment shall be relevant to the motion and shall be:- (a) to refer a subject of debate to a Committee or elsewhere for consideration or reconsideration; (b) to leave out words; (c) to leave out words and insert or add words; (d) to insert or add words; (e) as long as the effect is not to negate the motion.</p> <p>but such omission, insertion or addition of words shall not have the effect of introducing a new proposal into the motion before the Council.</p> <p>(7) Any amendment which would, if adopted, have an effect on the Council's revenue or capital finance shall not be considered at the meeting of the Council at which the level of the Council Tax is set for the ensuing financial year unless prior written notice has been given to the Democratic Services Manager, 3 clear working days in advance of such meeting, to enable the Chief Executive and/or the Chief Finance Officer to report to the Council on the financial implications of such amendment.</p> <p>(8) Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of.</p> <p>(9) If an amendment is lost, other amendments may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.</p> <p>Alteration to motion</p> <p>(10) A member may, with the consent of the Council, signified without discussion:- (a) alter a motion of which he/she has given notice, or (b) with the further consent of his/her seconder, alter a motion which he/she has moved (except a motion of which he/she</p>	<p>13.6 Amendments to Motions - An amendment shall be relevant to the motion and shall be:- (a) to refer a subject of debate to a Committee or elsewhere for consideration or reconsideration; (b) to leave out words; (c) to leave out words and insert or add words; (d) to insert or add words; as long as the effect is not to negate the motion. such omission, insertion or addition of words shall not have the effect of introducing a new proposal into the motion before the Council.</p> <p>13.7 Any amendment which would, if adopted, have an effect on the Council's revenue or capital finance shall not be considered at the meeting of the Council at which the level of the Council Tax is set for the ensuing financial year unless prior written notice has been given to the Democratic Services Manager, 3 clear working days in advance of such meeting, to enable the Chief Executive and/or the Chief Finance Officer to report to the Council on the financial implications of such amendment.</p> <p>13.8 Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of.</p> <p>13.9 If an amendment is lost, other amendments may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.</p> <p>13.10 Alteration to Motion - A Councillor may, with the consent of the Council, signified without discussion:- (a) alter a motion of which they have given notice, or (b) with the further consent of their seconder, alter a motion which they have moved (except a motion of</p>	

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
<p>has given notice under Standing Order 6) if (in either case) the alteration is one which could be accepted as an amendment.</p> <p>Withdrawal of Motion</p> <p>(11) A motion or amendment, including a Notice of Motion under Standing Order 6, may be withdrawn by the mover with the consent of his/her seconder and of the Council, which shall be signified without discussion, and no member may speak upon it after the mover has asked permission for its withdrawal, unless such permission shall have been refused.</p> <p>Right of Reply</p> <p>(12a) Except as set out in (12b) below, the mover of a motion has a right to reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the amendment shall have the right of reply at the close of the debate on his/her amendment prior to the mover of the original motion. The mover of the original motion shall have a right of reply at the close of the debate on the amendment, but shall not otherwise speak on the amendment.</p> <p>(12b) Where an amendment is moved in respect of a minute of the Executive falling within the remit of a portfolio holder, that portfolio holder may at the request of the Leader exercise the right to reply.</p> <p>Motions which may be moved during the debate</p> <p>(13) When a motion is under debate no other motion shall be moved except the following:- (a) to amend the motion; (b) to adjourn the meeting; (c) to adjourn the debate; (d) to proceed to the next business; (e) that the question be now put; (f) that a member be not further heard; (g) by the Lord Mayor under Standing Order 24 that a member do leave the meeting; (h) a</p>	<p>which they have given notice under Council Procedure Rule 11)</p> <p>if (in either case) the alteration is one which could be accepted as an amendment.</p> <p>13.11 Withdrawal of Motion - A motion or amendment, including a Notice of Motion under Standing Order 11, may be withdrawn by the mover with the consent of their seconder and of the Council, which shall be signified without discussion, and no Councillor may speak upon it after the mover has asked permission for its withdrawal, unless such permission shall have been refused.</p> <p>13.12 Right of Reply - The mover of a motion has a right to reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the amendment shall have the right of reply at the close of the debate on their amendment prior to the mover of the original motion. The mover of the original motion shall have a right of reply at the close of the debate on the amendment, but shall not otherwise speak on the amendment.</p> <p>Where an amendment is moved in respect of a minute of the Executive falling within the remit of a portfolio holder, that portfolio holder may at the request of the Leader exercise the right to reply.</p> <p>13.13 Motions Which May Be Moved During The Debate - When a motion is under debate no other motion shall be moved except the following:-</p> <ul style="list-style-type: none"> (a) to amend the motion; (b) to adjourn the meeting; (c) to adjourn the debate; (d) to proceed to the next business; (e) that the question be now put; 	

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
<p>motion under Section 100A of the Local Government Act 1972 to exclude the public.</p> <p>Closure Motions</p> <p>(14) A member may move without comment at the conclusion of a speech of another member that:- (i) “the Council proceed to the next business”, (ii) “the question be now put”, (iii) “the debate be now adjourned” (iv) “the Council do now adjourn”</p> <p>Following the seconding of which (also without comment), the Chair shall proceed as follows:- (a) On a motion to proceed to the next business: Unless in his/her opinion the matter before the meeting has been insufficiently discussed, (in which case the proposal shall be refused) it shall be put to the vote. The mover of the original motion shall not have a right of reply under paragraph (12) before putting the motion to the vote; (b) On a motion that the question be now put: Unless in his/her opinion the matter before the meeting has been insufficiently discussed, (in which case the proposal shall be refused) it shall be put to the vote and if it is passed, the Chair shall give the mover of the original motion his/her right of reply under paragraph (12) of this Standing Order before putting the motion to the vote;</p> <p>(c) On a motion to adjourn the debate or the meeting: If in his/her opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion he/she shall put the adjournment motion to the vote without giving the mover of the original motion his right of reply and if it is passed, adjourn the debate and/or the meeting forthwith.</p> <p>Points of Order</p> <p>(15) A member may rise on a point of order or in personal explanation, and shall be entitled to be heard immediately. A</p>	<p>(f) that a Councillor be not further heard;</p> <p>(g) by the Lord Mayor under Standing Order 24 that a Councillor do leave the meeting;</p> <p>(h) a motion under Section 100A of the Local Government Act 1972 to exclude the public.</p> <p>13.14 Closure Motions - A Councillor may move without comment at the conclusion of a speech of another Councillor that:</p> <p>(i) “the Council proceed to the next business”,</p> <p>(ii) “the question be now put”,</p> <p>(iii) “the debate be now adjourned”</p> <p>(iv) “the Council do now adjourn”</p> <p>Following the seconding of which (also without comment), the Chair shall proceed as follows on a motion:-</p> <p>(a) to proceed to the next business: If the Chair believes the matter has been sufficiently discussed, the motion shall be put to a vote. The original motion’s mover shall not have a right of reply under paragraph 13.12 before the vote.</p> <p>(b) that the question be now put: If the Chair believes the matter has been sufficiently discussed, the motion shall be put to a vote. If the motion passes, the Chair shall allow the original motion’s mover a right of reply under paragraph (12) before the final vote.</p> <p>(c) to adjourn the debate or the meeting: If the Chair believes the matter has not been sufficiently discussed and cannot reasonably be concluded on this occasion, the adjournment</p>	

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
<p>point of order shall relate only to an alleged breach of a Standing Order or statutory provision and the member shall specify the standing order or statutory provision and the way in which he/she considers it has been broken. A personal explanation shall be confined to some material part of a former speech by him/her which may appear to have been misunderstood in the present debate.</p> <p>(16) The ruling of the Chair on a point of order or on the admissibility of a personal explanation shall not be open to discussion.</p> <p>Respect of Chair</p> <p>(17) Whenever the Chair rises during a debate a member then standing shall resume his/her seat and the Council shall be silent.</p>	<p style="text-align: center;">motion shall be put to a vote immediately, without a right of reply for the original motion's mover. If passed, the debate and/or meeting will be adjourned immediately.</p> <p>13.15 Points of Order - A Councillor may rise on a point of order or in personal explanation and shall be entitled to be heard immediately. A point of order shall relate only to an alleged breach of a Standing Order or statutory provision and the Councillor shall specify the standing order or statutory provision and the way in which they consider it has been broken. A personal explanation shall be confined to some material part of a former speech by them which may appear to have been misunderstood in the present debate.</p> <p>13.16 The ruling of the Chair on a point of order or on the admissibility of a personal explanation shall not be open to discussion.</p>	
<p>Standing Order 11 Committee Minutes</p> <p>(1) The minutes of a Committee shall be presented, formally and without comment (except with the permission of the Lord Mayor), by the Committee Chair or such other person acting on his/her behalf and then put to the Council. Once moved a member can ask a question of clarification on any item that the committee has considered.</p> <p>(2) Notwithstanding anything in this Standing Order, the Committee Chair or such person acting on his/her behalf, shall have the right of reply to any amendment under Standing Order 10(6) and he/she shall reply to questions on any item on the minute when the debate on that item has been concluded.</p>	n/a	<p>Standing Order deleted</p> <p>This has been done as there is no requirement to receive resolved committee minutes at full Council. Committee minutes are agreed at their following committee meeting.</p> <p>Questions will be permitted under the</p>

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
(3) The minutes of the preceding committee meeting shall be put to the next ordinary meeting of the committee for signature by the Chair as an accurate record of the proceedings.		new Council Procedure Rule 10.
<p>Standing Order 12 Executive Minutes</p> <p>(1) The minutes of the Executive shall be presented formally by the Leader, or such other person acting on his/her behalf, and then put to the Council. Recommendations to Council will be proposed and seconded.</p> <p>(2) Notwithstanding anything in this Standing Order, the Leader (or such other Executive member with relevant portfolio as he/she appoints) shall answer questions put by members and have the right to reply to any amendment under Standing Order 10(12).</p> <p>Replies to questions on any item on the minutes on which an amendment has been moved shall be dealt with when the debate on the amendment has been concluded.</p> <p>(3) The Leader (or such other Executive member with relevant portfolios he/she may appoint) shall deal with any questions asked of the Chair of a Scrutiny Committee when the relevant minute of the Executive is presented to Council.</p> <p>(4) The minutes of the preceding Executive meeting shall be put to the next ordinary meeting of the Executive for signature by the Chair as an accurate record of the proceedings.</p>	n/a	Standing Order deleted. As above.
STANDING ORDER 12(a): Conflict Resolution - Draft plans and strategies	17. Conflict Resolution – Draft Plans & Strategies	Simplified

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
<p>(1) (a) This Standing Order only applies where a dispute arises between full Council and the Executive when setting the policy framework for the ensuing year. (b) This Standing Order may not be invoked in respect of a function that is the sole responsibility of the Executive.</p> <p>(2) Where the Executive has submitted a draft plan or strategy for approval and following consideration of the draft plan or strategy, the Council has objections to it, then before the Council:- (a) Amends the draft plan or strategy (b) Approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval any plan or strategy of which any part is required to be so submitted OR (c) Adopts the plan or strategy (with or without modification) it must inform the Leader of those objections and instruct him/her to require the Executive to reconsider, in the light of those objections, the draft plan or strategy.</p> <p>(3) The Council must specify a period of at least 5 working days (beginning the day after the date on which the Leader receives notice of the objection) during which period the Leader may:- (a) Submit a revised plan or strategy, together with the Executive's reasons for any amendments so made. (b) Inform the Council of any disagreement the Executive has with the Council's objections giving its reasons for any such objections.</p> <p>(4) Once the time limit set out in Standing Order 12(A)(3) above has expired, the Council must when amending, approving or adopting the revised plan or strategy, take account of the Leader's response.</p>	<p>17.1 If the Executive submits a draft plan or strategy for approval and full Council raises objections after reviewing it, full Council must notify the Leader of these objections before adopting, amending the draft plan or strategy or otherwise approving any plan or strategy that requires submission to the Secretary of State or any Minister of the Crown.</p> <p>17.2 The Leader will be instructed to direct the Executive to reconsider the draft plan or strategy in light of the objections.</p> <p>17.3 The Council must specify a period of at least five working days (starting the day after the Leader receives notice of the objections) during which the Leader may either: (a) Submit a revised plan or strategy, along with the Executive's rationale for any changes made; or (b) Inform the Council of any disagreements the Executive has with the objections, providing reasons for such disagreements.</p> <p>17.4 After the time period outlined in Procedure Rule 17.3 has expired, the Council must consider the Leader's response when adopting, amending the draft plan or strategy.</p>	

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
<p>Standing Order 12(b) Conflict Resolution – Budget estimates</p> <p>(1) (a) This Standing Order only applies where a dispute arises between full Council and the Executive when setting the budget for the ensuing year.</p> <p>(b) This Standing Order may not be invoked in respect of a function that is the sole responsibility of the Executive.</p> <p>(2) Where before the 15th February in any financial year, the Executive has submitted estimates of amounts for approval and following consideration of the estimate of amount, the Council has objections to it, then before the Council approves the amount, it must inform the Leader of those objections and instruct him/her to require the Executive to reconsider, in the light of those objections, the estimate of amount put forward for approval.</p> <p>(3) The Council must specify to the Leader a period of at least 5 working days (beginning the day after the date on which the Leader receives notice of the objection) during which period, the Leader may:- (a) Submit a revision of the estimates or amounts, together with the Executive's reasons for any amendments so made OR (b) Inform the Council of any disagreement the Executive has with the Council's objections giving its reasons for any such objections.</p> <p>(4) Once the time limit set out in Standing Order 12(B)(3) has expired, the Council must when amending, approving or adopting the estimate or amount, take account of the Leader's response.</p> <p>(5) For the avoidance of doubt, the provisions of Standing Order 12(B) shall not apply in relation to amounts stated in a precept.</p>	<p>18. Conflict Resolution – Budget Estimates</p> <p>18.1 If, before the 15th of February in any financial year, the Executive submits estimates of amounts for approval and the Council raises objections after considering the estimates, the Council must notify the Leader of these objections before approving the amounts.</p> <p>18.2 The Leader will be instructed to direct the Executive to reconsider the estimates in light of the objections.</p> <p>18.3 The Council must specify a period of at least five working days (starting the day after the Leader receives notice of the objections) during which the Leader may either: (a) Submit a revised estimate or amounts, along with the Executive's rationale for any amendments made; or (b) Inform the Council of any disagreements the Executive has with the objections, providing reasons for such disagreements.</p> <p>18.4 Once the time limit outlined in Procedure Rule 16.3 has expired, the Council must consider the Leader's response when amending, approving, or adopting the estimates or amounts.</p> <p>18.5 For the avoidance of doubt, the provisions of this Procedure Rule 18 shall not apply to amounts stated in a precept.</p>	<p>Simplified</p>

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
<p>Standing Order 19: Speaking at Council, Executive and Scrutiny Committees</p> <p>(1) Questions by the public</p> <p>(a) A member of the public may ask questions at all meetings of the Council, the Executive and Scrutiny Committees except the Annual Council and special meetings. These questions may be addressed to the Leader of the Council, Executive members or Chairs of the Scrutiny Committees.</p> <p>(b) Questions submitted for meetings of the Council or Scrutiny Committees, must be about something the Council is responsible for.</p> <p>(c) Questions submitted for meetings of the Executive, must relate to an item on the agenda for that meeting.</p> <p>(d) Questions at a specially convened meeting of a Scrutiny Committee in accordance with Standing Order 17 (Call In) shall be restricted to questions about the subject matter of the decision being called in.</p> <p>(e) The same question cannot be asked at more than one meeting.</p> <p>(2) Giving Notice of questions</p> <p>(a) Questions must be submitted to the Proper Officer at least three clear working days before the meeting. Each question must include the name and address of the person asking it showing clearly who it is addressed to.</p>	<p>9. Public Questions and Participation</p> <p>9.1 Eligibility to Ask Questions</p> <p>a) Members of the public may ask questions at Ordinary Council, but not in the Annual Council Meeting or Extraordinary Council meetings.</p> <p>b) Questions may be addressed to the Leader of the Council or Executive members.</p> <p>9.2 Giving Notice of Questions</p> <p>a) Questions must be submitted to the Democratic Services at least three clear working days before the meeting and</p> <p>b) Questions must include the name and address of the questioner and the intended recipient of the question.</p> <p>c) Questions shall be no more than 50 words.</p> <p>d) The Monitoring Officer may refuse to include a question if it:</p> <p>(i) is not about a matter for which the local authority has a responsibility or which affects the City;</p> <p>(ii) is defamatory, derogatory, frivolous, offensive or vexatious;</p> <p>(iii) is substantially the same as a question which is due to be asked at the same Council meeting;</p> <p>(iv) is substantially the same as a question which has been asked at a meeting of the Council in the past six months;</p> <p>(v) relates to a Council employment or staffing matter; or</p> <p>(vi) requires the disclosure of confidential or exempt information.</p>	<p>9.2 (d) and the limit on the relevancy of the question is more expansive than the existing Standing Order 19.</p> <p>Otherwise redrafted for clarity.</p>

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
<p>(b) The proper officer may wish refuse to include a question when it is:-</p> <ul style="list-style-type: none"> i. Defamatory, frivolous or offensive ii. Requires disclosure of confidential or exempt information. <p>(3) Number of questions</p> <p>(A) Members of the public cannot ask more than one question per meeting. If more than one question is received or a single question contains a number of component questions then only the first question will be accepted.</p> <p>(B) One supplementary question is permitted provided it is based on the response given to the original question.</p> <p>(4) Asking and answering the question</p> <p>(A) The Lord Mayor, Leader of the Council or Chair of Scrutiny meeting will ask the questioner to ask their question. A response to the question will be given at the meeting and will also be put in writing and circulated at the meeting.</p> <p>(B) If the questioner is not present or an answer cannot be given on the day of the meeting, then the question and response will be published on the website 5 working days of the meeting.</p> <p>(5) Length of questions</p>	<p>(c) The Monitoring Officer may redirect any question to another Council body or Council Officer if they are better suited to address or deal with the matter.</p> <p>9.3 Asking the Question</p> <p>(a) The Lord Mayor will ask the questioner to ask their question. A response to the question will be given at the meeting and will also be put in writing and circulated at the meeting.</p> <p>(b) If the questioner is not present or an answer cannot be given on the day of the meeting, then the question and response will be published on the website 5 working days of the meeting.</p> <p>9.4 Total length of questions - The Council will allocate a maximum of 15 minutes for addressing questions. If time does not allow for all questions to be answered, they will be addressed in the order received, with priority given to members of the public who have not asked a question at previous Council meetings, until the time limit is reached.</p> <p>9.5 Petitions – Petitions containing more than 2,000 signatures submitted in accordance with the Petitions Scheme (Part 5) will be debated by the full Council, unless it requests a Portfolio Holder or senior officer to provide evidence at a public meeting or can otherwise be dealt with by another appropriate Council body. The petition organizer will be allotted five minutes to present the petition, followed by a maximum 15-minute discussion among Councillors. The Council will decide how to respond to the petition during this meeting, with</p>	

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
<p>(A) 50 words are normally sufficient to frame a clear and direct question. Therefore questions will be no more than 50 words.</p> <p>(6) Total length of questions</p> <p>(a) The Council, Executive or Scrutiny Committee will spend no longer than 15 minutes dealing with questions. If it cannot take all the questions, it will take them in the order that notice was given of them (except that those members of the public who have not already asked a question at previous Council, Executive or Scrutiny Committee meetings will be heard first) until there is no time left.</p> <p>Standing Order 21: Petitions</p> <p>(1) Every petition addressed to the Council or the Lord Mayor shall be presented to the Council as a Lord Mayor's communication and thereafter dealt with in accordance with the Council's Petitions Scheme set out in Part 5 of the Constitution.</p>	<p>confirmation sent to the petition organizer and published on the website.</p> <p>9.6 Further information on public speaking can be found on the Council's Website</p>	
<p>Standing Order 19A: Public speaking at Planning Committee</p> <p>1. A member of the public may address the Planning Committee on any application or tree preservation order being considered by that Committee, provided that:- (a) the person has indicated a wish to speak, by contacting the Democratic Services Manager Support not later than 10:00 am two clear working days in advance of the meeting of the Committee; (b) only one person may speak in support of the application or order and one person against, and unless the persons concerned nominate a spokesperson, priority will be given to the first person to have indicated a wish to speak, or otherwise at the discretion of the</p>	<p>Standing Order 19A: Public speaking at Planning Committee</p> <p>A member of the public may address the Planning Committee on any application being considered by that Committee, provided that:-</p> <p>(a) the person has indicated a wish to speak, by contacting the Democratic Services Manager not later than 10:00am two clear working days in advance of the meeting of the Committee;</p> <p>(b) only one person may speak in support of the application and one person against, and unless the persons concerned</p>	<p>Changes to include time limit on both public speakers and members to five minutes. No supplementary questions are to be asked.</p>

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
<p>Chair; (c) each speaker may speak for a maximum of three minutes; (d) a speaker's address should be limited to planning matters, and must not be offensive or defamatory.</p> <p>2. Persons speaking under this Standing Order will be heard after the presentation by an officer, and after any member of the Council speaking under Standing Order 44, but before members of the Committee debate the application or order. A speaker against the application or order will be heard before a speaker in support of it. Members of the Committee may ask questions of a speaker, and the speaker may answer, by way of clarification only.</p>	<p>nominate a spokesperson, priority will be given to the first person to have indicated a wish to speak, or otherwise at the discretion of the Chair;</p> <p>(c) each speaker may speak for a maximum of five minutes; and</p> <p>(d) a speaker's address should be limited to planning matters and must not be offensive or defamatory.</p> <p>2. Persons speaking under this Standing Order will be heard after any member of the Council speaking under Standing Order 44, but before the presentation by an officer and the members of the Committee debate the application. A speaker against the application will be heard before a speaker in support of it.</p> <p>3. A speaker may not during the committee distribute any additional documentation, photos or any other materials that were not provided to Democratic Services Manager when registering to speak.</p>	
<p>Standing Order 22: Motions Affecting Persons Employed By The Council</p> <p>(1) No discussion shall take place at any meeting of the Council, its Committees or the Executive to which the provisions of Section 100 of the Local Government Act 1972 applies, as to the appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct of any person employed by the Council, until the Council, Committee or Sub-Committee has resolved in accordance with the provisions of Section 100A(4) of the Local Government Act 1972 whether or not to exclude the press and public from the meeting.</p>	<p>22. Exclusion of Public and Press</p> <p>Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution (at rule 10 referencing Schedule 12A to the Local Government Act 1972) or Council Procedure Rule 24 (Disturbance by Public).</p>	<p>Simplified as these provisions are enshrined in Schedule 12A of the Local Government Act 1972</p>

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
<p>Standing order 23: Exclusion of the Public</p> <p>(1) Members of the public may attend all meetings of the Council, Executive, Committees and Sub-Committees, unless in view of the nature of the business to be transacted or nature of the proceedings, confidential information or exempt information would be disclosed.</p> <p>(2) Confidential information means information given to the Council by a government department on terms which forbids its public disclosure or information which cannot be publicly disclosed by court order.</p> <p>(3) Exempt information means information defined as such in Schedule 12A to the Local Government Act 1972 which is reproduced below: [...]</p>		
<p>Standing Order 24: DISORDERLY CONDUCT</p> <p>(1) If in the opinion of the Chair, at a meeting of the Council, (which shall include Committee, Sub-Committee and Executive) a member misconducts him/herself by:-</p> <p>(a) Persistently disregarding the ruling of the Chair,</p> <p>(b) Behaving irregularly, improperly or offensively,</p> <p>(c) Wilfully obstructing the business of the Council.</p> <p>the Chair or any other member may move “That the member named be not further heard”, and the motion if seconded shall be put and determined without discussion.</p> <p>(2) If the member named continues his/her misconduct after a motion under Standing Order 24(1) has been carried the Chair shall either:- (a) Move “that the member named do leave the</p>	<p>23. Disturbance by Councillors</p> <p>23.1 If in the opinion of the Chair, at a meeting of the Council, a Councillor misconducts themselves by:</p> <p>(a) persistently disregarding the ruling of the Chair;</p> <p>(b) behaving irregularly, improperly or offensively; and/or</p> <p>(c) wilfully obstructing the business of the Council.</p> <p>the Chair or any other Councillor may move that “<i>the member named be not further heard</i>” and the motion if seconded shall be put and determined without discussion.</p> <p>23.2 If the Councillor named continues their misconduct after a motion under Procedure Rule 23.1 has been carried the Chair shall either:</p>	<p>No change</p>

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
<p>meeting” (in which case the motion shall be put and determined without seconding or discussion); (b) Adjourn the meeting for such period as he/she in his/her discretion shall consider appropriate.</p> <p>(3) In the event of general disturbance, which in the opinion of the Chair renders the due and orderly dispatch of business impossible, the Chair may without discussion adjourn the meeting of the Council for such period as he/she in his/her discretion shall consider expedient.</p>	<p>(a) Move “<i>that the member named do leave the meeting</i>” (in which case the motion shall be put and determined without seconding or discussion); or</p> <p>(b) Adjourn the meeting for such period as they in their discretion shall consider appropriate.</p> <p>23.3 In the event of general disturbance, which in the opinion of the Chair renders the due and orderly dispatch of business impossible, the Chair may without discussion adjourn the meeting of the Council for such period as they in their discretion shall consider expedient.</p>	
<p>Standing Order 25: Disturbance By Members of The Public</p> <p>(1) If a member of the public interrupts the proceedings at any meeting (which shall include Committee, Sub-Committee and Executive meetings), the Chair shall warn him/her. If he/she continues the interruption, the Chair shall order his/her removal from the Council chamber or other meeting room. In case of general disturbance in any part of the chamber open to the public the Chair shall order that part to be cleared.</p>	<p>24. Disturbance by Members of the Public</p> <p>24.1 If a member of the public interrupts the proceedings at any Council meeting, the Chair shall warn them. If they continue the interruption, the Chair shall order their removal from the Council chamber or other meeting room.</p> <p>24.2 In case of general disturbance in any part of the chamber open to the public the Chair shall order that part to be cleared.</p>	No substantive change
<p>Standing Order 26: RESCISSION OF PRECEDING Council RESOLUTION (Six Month Rule)</p> <p>(1) No motion to rescind any Council resolution passed within the last six months, and no motion or amendment to the same effect as one which has been rejected within the last six months, shall be proposed, unless notice in accordance with Standing Order 6 bears the names of at least one-third of the members of the Council. When any such motion or amendment has been</p>	<p>Previous Decisions and Motions (or “Six Month Rule”)</p> <p>14.1 No motion to rescind any Council resolution passed within the last six months, and no motion or amendment to the same effect as one which has been rejected within the last six months, shall be proposed, unless notice in accordance with Council Procedure Rule 11 bears the names of at least one-third of the Councillors of the Council. When any such motion or amendment has been disposed of by the Council, it shall not be</p>	No substantive change

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
<p>disposed of by the Council, it shall not be open to any member to propose a similar motion within a further period of six months.</p> <p>(2) This Standing Order shall not apply to any motion moved on a recommendation of a Committee, or the Executive.</p>	<p>open to any Councillor to propose a similar motion within a further period of six months.</p> <p>14.2 The Council Procedure Rule in 14.1 shall not apply to any motion on a recommendation of a Committee or the Executive.</p>	
<p>Standing Order 27: Voting At Council</p> <p>(1) The mode of voting at meetings of the Council shall be by show of hands: providing that on the requisition of any member of the Council made before the vote is taken and supported by five other members, the voting on any question shall be by roll call and shall be recorded so as to show how each member present and voting gave his/her vote. The name of any member present and not voting shall also be recorded. In the event of an equality of votes the Lord Mayor shall have a second or casting vote.</p> <p>(2) If any member of the Council so requires immediately after a vote is taken by a show of hands, there shall be recorded in the minutes of the proceedings of that meeting how that member gave his/her vote or whether that member abstained from voting.</p> <p>Standing Order 28: Voting On Appointments</p> <p>(1) Where there are more than two persons nominated for any position to be filled by the Council, and of the votes given there is not a majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken, and so on until a majority of votes is given in favour of one person.</p>	<p>16. Voting</p> <p>16.1 The mode of voting at meetings of the Council shall be by show of hands.</p> <p>16.2 The voting on any question shall be by roll call on the requisition of any Councillor which is proposed before the vote is taken and supported by five other Councillors. The vote shall be recorded so as to show how each Councillor present and voting gave their vote. The name of any Councillor present and not voting shall also be recorded.</p> <p>16.2 In the event of an equality of votes the Lord Mayor shall have a second or casting vote.</p> <p>16.3 If any Councillor so requires immediately after a vote is taken by a show of hands, there shall be recorded in the minutes of the proceedings of that meeting how that Councillor gave their vote or whether that Councillor abstained from voting.</p> <p>16.4 Voting on Budget Settings - Immediately after a vote is taken at a budget meeting which includes setting of the Council Tax and Precepts, there must be recorded in the minutes the names of the Councillors present to show how each Councillor voting gave their vote. The name of any Councillors who abstained shall also be recorded.</p>	<p>Simplification, but also inclusion of two other standing orders relevant to voting.</p>

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
<p>Standing Order 30: Voting On Budget Settings</p> <p>(1) Immediately after a vote is taken at a budget meeting this includes setting of the Council Tax and Precepts. There must be recorded in the minutes the names of the members present to show how each member voting gave his/her vote. The name of any members who abstained shall also be recorded.</p>	<p>16.5 Voting on Appointments - Where more than two persons are nominated for any position to be filled by the Council, and of the votes given there is not a majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken, and so on until a majority of votes is given in favour of one person.</p>	
<p>Standing Order 29: Record of Attendance</p> <p>(1) Every member of the Council attending a meeting of the Council, any of its Committees, Sub-Committees or Executive, of which he/she is a member, shall sign his/her name on the attendance list provided for that purpose.</p>	<p>8. Record of Attendance</p> <p>Every Councillor attending a meeting of the Council shall sign their name on the attendance list provided for that purpose.</p>	
<p>Standing Order 34: Inspection of Documents</p> <p>(1) A member of the Council, for purposes of his/her duty as such (but not for any other purpose) may on application to the Democratic Services Manager, inspect any document which has been considered by the Council, Committee, Sub-Committee or the Executive, and may on request be supplied with copies of any such document.</p> <p>(2) A member shall not knowingly inspect and shall not call for a copy of any document relating to a matter in which he/she is professionally interested or in which he/she has directly or indirectly any pecuniary interest within the meaning of Section 95 of the Local Government Act, 1972. This Standing Order shall not preclude the Service Lead – Legal Services from declining to allow inspection of any document which is (or in the event of legal proceedings would be) protected by privilege arising from the relationship of solicitor and client.</p>	n/a	<p>See Access to Information Procedure Rules (Part 4)</p>

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
(3) All reports made or minutes kept by any Committee, Sub-Committee or Executive shall be open for inspection by any member of the Council.		
<p>Standing Order 44: Attendance at Committees, Sub-Committees & Executive</p> <p>(1) A member of the Council shall have the right to attend the meeting of any Committee, Sub-Committee or Executive of which he/she is not a member and may remain during consideration of both the public and private parts of the agenda. He/she may not vote at that meeting and may only speak or ask a question if he/she has given notice in writing (by electronic mail wherever possible) by 10.00 am on the day of the meeting to the Democratic Services Manager and has specified in the notice the particular agenda item or items on which he/she wishes to speak or ask a question.</p> <p>(2) Opposition group leaders shall not be required to give notice under Standing Order No. 44 to speak or ask a question on any items on the Executive agenda.</p>	<p>Standing Order 44: Attendance at Committees, Sub-Committees & Executive</p> <p>(1) A member of the Council shall have the right to attend the meeting of any Committee, Sub-Committee or Executive of which he/she is not a member and may remain during consideration of both the public and private parts of the agenda. He/she may not vote at that meeting and may only speak or ask a question if he/she has given notice in writing (by electronic mail wherever possible) by 10.00 am on the day of the meeting to the Democratic Services Manager and has specified in the notice the particular agenda item or items on which he/she wishes to speak or ask a question SAVE in respect of a matter being heard by the Planning Committee in which case a member may give notice to speak by 10.00 am on the two clear working days before the meeting and only speak on that item for five minutes.</p> <p>(2) Opposition group leaders shall not be required to give notice under Standing Order No. 44 to speak or ask a question on any items on the Executive agenda.</p>	<p>Limit speakers to 5 minutes.</p> <p>Members must register to speak by the same deadline as members of the public.</p>
<p>Standing Order 46: Members' Absence From Meetings</p> <p>(1) If any member fails throughout a period of six consecutive months to attend any meeting of the Authority he/she, unless the failure was due to some good reason approved by Council before the expiry of that period, shall cease to be a member of the</p>	n/a	See New Article 2(3)

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
Council. Attendance can be at any committee or sub-committee or any joint committee, joint board or body where the functions of the Authority are discharged.		
<p>Standing Order 47 Variation and Revocation Of Standing Orders By Council</p> <p>(1) Except on the recommendation of the Executive, a motion to add, vary or revoke these standing orders shall (when proposed and seconded) stand adjourned without discussion to the next ordinary meeting of the Council and that motion shall not be carried except by a majority of two-thirds of the members of the Council present and voting.</p> <p>Standing Order 48 Suspension Of Standing Orders By Council</p> <p>(1) Subject to paragraphs (2) and (3) of this Standing Order, any of the preceding Standing Orders may be suspended so far as regards any business at the meeting of Council, where its suspension is moved.</p> <p>(2) No suspension of standing orders shall be permitted so as to negate the requirements for notice to be given under Standing Orders 10(7) (Council tax), 39(1) (Removal of the Leader) and 47 (Variation/revocation of Standing Orders).</p> <p>(3) A motion to suspend Standing Orders shall not be moved without notice (i.e. under Standing Order 7) unless there shall be present at least one-half of the whole number of the members of the Council.</p>	<p>25. Suspension and Amendment of Council Procedure Rules</p> <p>25.1 Suspension - The Council Procedure Rules may be suspended either:</p> <p>i. by notice of motion; or</p> <p>ii. without notice if there shall be present at least one-half of the whole number of Councillors.</p> <p>This is however subject to:</p> <p>(a) No suspension of the Council Procedure Rules shall be permitted so as to negate the requirements for notice to be given under Council Procedure Rule 13.7 (Council Tax), Standing Order 39(1) (Removal of the Leader) and Council Procedure Rule 25.2 (Amendment of Council Procedure Rules).</p> <p>(b) There will be no discussion on a motion to suspend a Council Procedure Rule.</p> <p>(c) Suspension can only be for the duration of the meeting.</p> <p>25.2 Amendment - Any motion to add to, vary or revoke these Council Procedure Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.</p>	<p>No substantive change save reference to Executive's ability to vary or revoke the Council Procedure Rules as constitutional changes will be coming through Audit and Governance.</p>

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
<p>Standing Order 49: Interpretation of Standing Orders</p> <p>The ruling of the Lord Mayor, Chair of Committee, Sub-Committee or Executive as to the construction or application of any of these Standing Orders, or as to any proceedings of the Council, shall not be challenged at any meeting of the Council, Committee, Sub-Committee or Executive.</p>	<p>26. Interpretation of the Council Procedure Rules</p> <p>The ruling of the Lord Mayor as to the construction or application of any of these Council Procedure Rules, or as to any proceedings of the Council, shall not be challenged at any meeting of the Council.</p>	Reference to Council
<p>Standing Order 50: Standing Orders to be given to Members</p> <p>1) An electronic copy of the Council's constitution, which shall include a copy of these Standing Orders and of such statutory provisions as regulate the proceedings and business of the Council, shall be made available in electronic format to each member by the Democratic Services Manager on the making of their declaration of acceptance of office on being first elected to the Council. A hard copy will be provided by the Democratic Services Manager on receipt of a written request by a member.</p>	n/a	Deleted
<p>Standing Order 50(A): Appointment Of Head Of Paid Service</p> <p>(1) Council shall approve the appointment of the Head of Paid Service following the recommendation of such appointment by a Committee or Sub-Committee of the Council.</p> <p>(2) The Committee or Sub-Committee referred to in Standing Order 50(A)(1) above shall include at least one member of the Executive.</p> <p>(3) In the case of the appointment of the Head of Paid Service, the provisions of Standing Order 52(2) shall apply. In the case of dismissal, the provisions of Standing Order 54 shall apply.</p>	<p>19. Special Cases – Appointment of the Head of Paid Service</p> <p>Council must approve the appointment of the Head of Paid Service based on a recommendation from a Committee or Sub-Committee of the Council, which must include at least one Executive member and otherwise be in accordance with the Officer Employment Procedure Rules.</p> <p>20. Special Cases – Dismissal of Statutory Officers</p> <p>A decision to dismiss the Head Paid of Service, Monitoring Officer and/or Section 151 Officer may only be taken by Council in accordance with the procedure set out in the Local Authorities</p>	<p>See also the content included in the Officer Employment Procedure Rules</p>

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
<p>Standing Order 51: Appointment Of Chief Officers</p> <p>(1) Where the authority proposes to appoint a chief officer, and it is not proposed that the appointments be made exclusively from among their existing officers, they shall:- (a) draw up a statement specifying - (i) the duties of the officer concerned, and (ii) any qualifications or qualities to be sought in the person to be appointed; (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and (c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.</p> <p>(2) (a) Where a post has been advertised as provided in standing order 51(1)(b), the authority shall - (i) interview all qualified applicants for the post; or (ii) select a short list of such qualified applicants and interview those included on the short list. (b) Where no qualified person has applied, the authority shall make further arrangements for advertisement in accordance with standing order 51(1)(b). The steps to be taken under paragraphs 1 and 2 above of this standing order shall be discharged by the Chief Executive or such other officer as may be appointed for the purpose by Council.</p> <p>Standing Order 52: Appointment/Dismissal Of Chief Officers And Some Second Tier Officers</p> <p>(1) (a) The Head of Paid Service shall appoint/dismiss Chief Officers on JNC conditions of service.</p>	<p>(Standing Orders) (England) Regulations 2001 (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015) as may be amended from time to time and otherwise be in accordance with the Officer Employment Procedure Rules.</p>	

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
<p>(b) Appointment of Chief Officers and Directors/Corporate Managers shall follow a selection process involving the relevant portfolio holder and any other member(s) considered appropriate.</p> <p>(2) Before making an offer of employment or the dismissal, the Head of Paid Service or Strategic Director (as appropriate) shall provide all the members of the Executive, with the following: - (a) The name of the person to be appointed/dismissed (b) Any other information relevant to the appointment/dismissal. (c) A reasonable period within which any objection to the making of the offer of appointment/dismissal is to be made by the Leader on behalf of the Executive.</p> <p>(3) An offer of employment or the dismissal of a chief or second tier officer employed under Joint National Council Conditions of Service shall only be made once the appointor/dismissor has considered any objections made and is satisfied that any such objections are not material or well founded. In the case of the Head of Paid Service, Monitoring Officer or Chief Finance Officer the procedure set out in Standing Order 54 shall apply.</p> <p>(4) Whilst any action to suspend the Head of Paid Service, or any Chief Officer, for the purpose of investigation is being undertaken, they shall be on full pay for as long as it takes from the date that suspension takes place.</p> <p>(5) Members will not be involved in any disciplinary action against any officer below chief officer except where such involvement is necessary for an investigation or inquiry into alleged misconduct through the Council's disciplinary procedures.</p> <p>Standing Order 53: Other Appointments</p>		

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
<p>(1) The Head of Paid Service, Directors, Director Fiance, Director Corporate Services and Corporate Managers (or such other officer to whom this function has been delegated) shall be responsible for appointment of staff within their area of responsibility other than those who are on Joint National Council Conditions of Service.</p> <p>Standing Order 54: Dismissal Of Statutory Officers</p> <p>(1) A decision to dismiss the Head Paid of Service, Monitoring Officer and Section 151 Finance Officer may only be taken by Full Council in accordance with the procedure set out in the Local Authorities (Standing Orders) (England) Regulations 2001/3384, as may be amended from time to time.</p>		
<p>Standing Order 55: Administration</p> <p>(1) The Chief Executive shall be the Head of Paid Service responsible for the review of the organisation and administration of the Council.</p> <p>(2) The Director Corporate Services shall be the Council's Monitoring Officer in accordance with section 4 of the Local Government and Housing Act 1989. In his/her absence, the Service Lead – Legal Services and/or Team Leader, ECL, Contracts, Procurement and Licensing shall deputise in accordance with the scheme of delegation.</p> <p>(3) The Director Finance shall be the Chief Finance Officer responsible for securing the proper administration of the Council's financial affairs and arrangements for the purposes of Section 151 of the Local Government Act 1972 as supplemented by Section 114 of the Local Government and Finance Act 1988.</p>	<p>Standing Order 55: Administration</p> <p>(1) The Chief Executive shall be the Head of Paid Service responsible for the review of the organisation and administration of the Council.</p> <p>(2) The Head of Legal and Democratic Services shall be the Council's Monitoring Officer in accordance with section 4 of the Local Government and Housing Act 1989. In their absence, the Team Leader, ECL, Contracts, Procurement and Licensing shall deputise in accordance with the scheme of delegation.</p> <p>(3) The Strategic Director of Corporate Resources shall be the Chief Finance Officer responsible for securing the proper administration of the Council's financial affairs and arrangements for the purposes of Section 151 of the Local Government Act 1972 as supplemented by Section 114 of the Local Government and Finance Act 1988.</p>	<p>Updated to reflect new titles. This will be further amended in the next tranche of changes and incorporated into the articles.</p>

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
<p>(4) Every Committee, Sub-Committee, Executive and officers of the Council shall conform with the financial arrangements so made.</p> <p>(5) The Director, Corporate Services, shall be the Electoral Registration Officer, and In accordance with Section 52 and 54 of the Representation of the Peoples' Act 1983, the Council will provide the Electoral Registration Officer with such officers, accommodation and other resources as are in their opinion sufficient to discharge their statutory function.</p> <p>(6) The Chief Executive, to be designated as the Council's Returning Officer.</p>	<p>(4) Every Committee, Sub-Committee, Executive and officers of the Council shall conform with the financial arrangements so made.</p> <p>(5) The Chief Executive shall be the Electoral Registration Officer, and In accordance with Section 52 and 54 of the Representation of the Peoples' Act 1983, the Council will provide the Electoral Registration Officer with such officers, accommodation and other resources as are in their opinion sufficient to discharge their statutory function.</p> <p>(6) The Chief Executive, to be designated as the Council's Returning Officer.</p>	
<p>STANDING ORDER 56: REGISTER OF INTERESTS</p> <p>Within 28 days of a member's election or re-election or a co-opted members' appointment or re-appointment, he/she shall register all disclosable pecuniary interests as defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 in the register maintained for that purpose by the Monitoring Officer. Similarly amendment/additions/deletions to a Member's Register of Interest, need to be made within 28 days of the change happening.</p> <p>STANDING ORDER 57: PECUNIARY INTERESTS</p> <p>Where a matter arises at a meeting which relates to a Disclosable Pecuniary Interest, the member shall not participate in a discussion or vote on the matter. The member shall withdraw from the room at the commencement of the consideration of that business. He/she only has to declare what his/her interest is if it is</p>	n/a	<p>Removed due to duplication with members code of conduct</p>

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
<p>not already entered in the Member's Register of Interests or if he/she has not notified the Monitoring Officer of it.</p> <p>Where a matter arises at a meeting which relates to a Disclosable Pecuniary Interest, which is a sensitive interest, the member shall not participate in a discussion or vote on the matter. The member shall withdraw from the room at the commencement of the consideration of that business. If it is a sensitive interest which has not already been disclosed to the Monitoring Officer, the member shall disclose he/she has an interest but not the nature of it.</p> <p>STANDING ORDER 58: OTHER INTERESTS</p> <p>Where a matter arises at a meeting which relates to "other interests" as defined in the Members' Code of Conduct, the member shall disclose the nature of the interest and withdraw from the meeting. He/she may speak on the matter before withdrawing only if members of the public are also allowed to speak at the meeting. If it is a sensitive interest the member shall declare the interest but not the nature of the interest.</p>		
<p>Standing Order 59: Canvassing Of And Recommendations By Members</p> <p>(1) Canvassing members of the Council, Committees, Sub-Committees or the Executive, directly or indirectly, for any paid work shall disqualify that candidate concerned for the appointment. The content of this Standing Order shall be included in any form of application.</p> <p>(2) A member of the Council, Committee, Sub-Committee or Executive shall not solicit, for any person, any employment by the</p>	n/a	<p>Deleted.</p> <p>Unnecessary duplication (as SO59 (1) and (2) is already contained in 1(b) of the Officer Employment Procedure Rules and 6.1 of Officer/Member Protocol (Part 4))</p>

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
<p>Council. This shall not preclude a member from giving a written testimonial of a candidate's ability, experience, or character for submission to the Council with an application for appointment.</p> <p>Standing Order 60: Relatives Of Members Or Officers</p> <p>(1) A candidate for paid work for the Council, who knows that he is related to any member or senior officer of the Council shall, when making an application, disclose that relationship to the Chief Officer.</p> <p>A candidate who fails to disclose such a relationship shall be disqualified for the appointment and if appointed shall be liable to dismissal without notice. Every member and senior officer of the Council shall disclose to the Monitoring Officer or relevant Director/Chief Finance Officer/Corporate Manager any relationship known to him/her to exist between himself/herself and any person whom he/she knows is a candidate for employment by the Council. The Monitoring Officer or relevant Director/Chief Finance Officer/Corporate Manager shall report to the Council, appropriate Committee, Sub-Committee or Executive any such disclosure made to him/her.</p> <p>(2) The content of this standing order shall be included in any application for employment. For the purpose of this Standing Order "senior officer" means any officer so designated by the Council and persons shall be deemed to be related if they are husband or wife or if either of them or the spouse of either of them is the son, daughter, grandson or granddaughter, brother, sister, nephew or niece of the other, or of the spouse of the other.</p>		<p>In relation to SO60, this is already contained in 1(a) of the Officer Employment Procedure Rules</p>

Existing Council Standing Orders with Cross-References to New Council Procedure Rules

~~Standing Order 1: Meetings of the Council~~

~~(1) The Annual Meeting and other meetings of the Council shall be held at any venue considered suitable, on such dates and times as may be determined by the Director Corporate Services in consultation with the Leader of the Council.~~

Referenced in New Council Procedure Rules: "Annual Meeting of the Council" (Rule 1)

~~(2) In addition to ordinary meetings, those listed below may request the proper officer to call Extraordinary Council meetings:-~~

~~-the Council by resolution~~

~~-the Lord Mayor~~

~~-any five members of the Council if they have signed a requisition presented to the Leader of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition~~

~~-the Monitoring Officer~~

Referenced in New Council Procedure Rules: "Extraordinary Meetings" (Rule 3)

~~Standing Order 2: Election of Lord Mayor and Deputy Lord Mayor~~

~~(1) The Lord Mayor shall be elected at the Annual Meeting of the Council.~~

~~(2) The Deputy Lord Mayor shall then be appointed at the Annual Meeting of the Council.~~

Referenced in New Council Procedure Rules: "Annual Meeting of the Council" (Rule 1)

~~Standing Order 3: Chair of Meeting~~

~~(1) Any power or duty of the Lord Mayor in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.~~

Referenced in New Council Procedure Rules: "Chair of Meeting" (Rule 6)

~~Standing Order 4: Quorum of Council~~

~~(1) If during any meeting of the Council the Chair, after counting the numbers of members present, declares that there is not a quorum present (i.e. one third of total membership), the meeting shall stand adjourned. The consideration of any business not transacted shall be adjourned to the next ordinary meeting of the Council.~~

Referenced in New Council Procedure Rules: "Quorum" (Rule 7)

~~Standing Order 5: Order of Business at Ordinary Meetings~~

~~(1) Except as otherwise provided by paragraph (2) of this Standing Order, the order of business at every ordinary meeting of the Council shall be:-~~

~~(a) To choose a person to preside if the Lord Mayor and Deputy are absent.~~

~~(b) To deal with any business required by statute to be done before any other business.~~

~~(c) To approve as a correct record and sign the minutes of the last meeting of the Council.~~

~~(d) To deal with any business expressly required by statute to be done.~~

~~(e) Lord Mayor's Communications and to receive any announcements from the Leader of the Council, or the Head of Paid Service.~~

~~(f) To dispose of business (if any) remaining from the last meeting.~~

~~(g) To receive and consider reports, minutes and recommendations of Committees.~~

~~(h) To consider motions in the order in which notice has been received.~~

~~(i) Other business, if any, specified in the summons.~~

Referenced in New Council Procedure Rules: "Ordinary Meetings" (Rule 2.1)

~~Standing Order 6: Notices of Motion~~

~~(1) Except as provided by Standing Order 7, a motion shall not be proposed at a meeting of the Council unless notice in writing, signed by the member/members of the Council, is given to the Democratic Services Manager not later than 10:00 am 5 clear working days before the meeting of the Council.~~

~~(2) The Democratic Services Manager shall date and number all such motions received and enter them in a book which shall be open to inspection to every member of the Council.~~

~~(3) The Democratic Services Manager shall in the summons for a meeting of the Council, include all such notices of motion duly given to him/her, in the order in which he/she receives them...~~

Referenced in New Council Procedure Rules: "Notice of Motions" (Rule 11.1–11.5)

~~Standing Order 7: Motions and Amendments Without Notice~~

~~The following motions and amendments may be moved without notice:-~~

~~(1) Appointment of a Chair of the meeting at which the motion is made.~~

~~(2) Motions relating to the accuracy of the minutes.~~

~~(3) That an item of business specified in the summons have precedence...~~

Referenced in New Council Procedure Rules: "Motions Without Notice" (Rule 12)

~~Standing Order 8: Questions at Council~~

~~(1) A member of the Council may ask the Chair of a Committee or the Leader of the Council, any question on an item under consideration by the Council...~~

Referenced in New Council Procedure Rules: "Councillors' Questions" (Rule 10)

~~Standing Order 9: Council Minutes~~

~~(1) The Chair shall put the question that the minutes of the meeting of the Council, held on the.....day of.....be approved as a correct record.~~

Referenced in New Council Procedure Rules: "Minutes" (Rule 21)

~~Standing Order 10: Rules of Debate~~

~~(1) A motion or amendment shall not be discussed unless it has been proposed and seconded and unless notice has already been given...~~

Referenced in New Council Procedure Rules: "Rules of Debate" (Rule 13)

~~Standing Order 11: Committee Minutes~~

~~(1) The minutes of a Committee shall be presented, formally and without comment (except with the permission of the Lord Mayor), by the Committee Chair or such other person acting on his/her behalf...~~

Not included in Council Procedure Rules (as the procedure is to change to not include executive or committee minutes)

~~Standing Order 12: Executive Minutes~~

~~(1) The minutes of the Executive shall be presented formally by the Leader, or such other person acting on his/her behalf, and then put to the Council.~~

~~Recommendations to Council will be proposed and seconded.~~

Not included in Council Procedure Rules (as per the above)

~~Standing Order 12(A): Conflict Resolution – Draft Plans and Strategies~~

~~(1) (a) This Standing Order only applies where a dispute arises between full Council and the Executive when setting the policy framework for the ensuing year...~~

Standing Order 12(B): Conflict Resolution – Budget Estimates

~~(1) (a) This Standing Order only applies where a dispute arises between full Council and the Executive when setting the budget for the ensuing year...~~

Referenced in New Council Procedure Rules 17 and 18 respectively

Standing Order 13: Decisions of the Executive

(1)(a) A notice setting out all Executive decisions shall be published within two working days of the meeting. A copy of such notice shall be sent to all members electronically.

(b) Where a key decision has been delegated to an Executive member or an officer, then any such decision shall be recorded and published...

Standing Order 14: Key Decisions in Executive Meetings

(1) A key decision may not be taken by the Executive unless:-

(a) Notice in the form of a Forward Plan has been published in connection with the matter in question and circulated to all members electronically...

Standing Order 15: Notice of Executive Meetings

(1) Five clear working days' notice of Executive meetings will be given to the Executive members, unless the meeting is convened at shorter notice as a matter of urgency.

Standing Order 16: Executive Decisions Outside Budget/Policy Framework

(1) Unless Standing Order 16(2) applies, the Executive, individual members of the Executive, and any officers discharging Executive functions may only take decisions which are in line with the Council's budget and policy framework...

Standing Order 17: Scrutiny of Executive Resolutions (Call-In)

(1)(a) A special meeting of a relevant Scrutiny Committee shall be called to consider a decision made by an Executive Committee or Executive member...

Standing Order 18: Scrutiny Committee Agenda

(1) Any member shall be entitled to give written notice to the Democratic Services Manager not later than 10:00 am, 8 clear working days in advance of the meeting...

Standing Order 19: Speaking at ~~Council~~, Executive and Scrutiny Committees

(1) Questions by the public

(a) A member of the public may ask questions at all meetings of ~~the Council~~, the Executive, ~~and~~ Scrutiny Committees and other committees and subcommittees except the Annual ~~and Extraordinary meetings of~~ Council ~~and special meetings~~. A member of the public may ask questions at full Council in accordance with Council Procedure Rule 9. These questions may be addressed to the Leader of the Council, Executive members or Chairs of the Scrutiny Committees.

(b) Questions submitted for meetings of the ~~Council or~~ Scrutiny Committees, must be about something the Council is responsible for...

Council references removed Referenced in New Council Procedure Rules: Rule 9

Standing Order 19A: Public Speaking at Planning Committee

A member of the public may address the Planning Committee on any application ~~or tree preservation order~~ being considered by that Committee, provided that:-

- (a) the person has indicated a wish to speak, by contacting the Democratic Services Manager ~~Support~~ not later than 10:00 am two clear working days in advance of the meeting of the Committee;
- (b) only one person may speak in support of the application ~~or order~~ and one person against, and unless the persons concerned nominate a spokesperson, priority will be given to the first person to have indicated a wish to speak, or otherwise at the discretion of the Chair;
- (c) each speaker may speak for a maximum of ~~five~~three minutes; ~~and~~
- (d) a speaker's address should be limited to planning matters, and must not be offensive or defamatory.

2. Persons speaking under this Standing Order will be heard after any member of the Council speaking under Standing Order 44, but before the presentation by an officer, and ~~after any member of the Council speaking under Standing Order 44, but before the~~ members of the Committee debate the application ~~or order~~. A speaker against the application ~~or order~~ will be heard before a speaker in support of it.

~~3. Members of the Committee may ask questions of a speaker, and the speaker may answer, by way of clarification only.~~

~~3. A speaker may not during the committee distribute any additional documentation, photos or any other materials that were not provided to Democratic Services Manager when registering to speak.~~

As per City Development's proposed amendment

Standing Order 20: Questions to Portfolio Holders at Scrutiny Committee Meetings

(1) A member of the Scrutiny Committee or other Council member may, in the time set aside for such business:-

- (a) Ask an Executive member with relevant portfolio any question. [...]

~~Standing Order 21: Petitions~~

~~(1) Every petition addressed to the Council or the Lord Mayor shall be presented to the Council as a Lord Mayor's communication...~~

Referenced in New Council Procedure Rules: Rule 9.5

~~Standing Order 22: Motions Affecting Persons Employed by the Council~~

~~(1) No discussion shall take place at any meeting of the Council, its Committees, or the Executive to which the provisions of Section 100 of the Local Government Act 1972 applies...~~

Referenced in New Council Procedure Rules: Rule 22

~~Standing Order 23: Exclusion of the Public~~

~~(1) Members of the public may attend all meetings of the Council, Executive, Committees, and Sub-Committees, unless in view of the nature of the business to be transacted...~~

Referenced in New Council Procedure Rules: Rule 22

~~Standing Order 24: Disorderly Conduct~~

~~(1) If, in the opinion of the Chair, at a meeting of the Council, a member misconducts him/herself by:-~~

~~(a) Persistently disregarding the ruling of the Chair...~~

Referenced in New Council Procedure Rules: Rule 23

~~Standing Order 25: Disturbance by Members of the Public~~

~~(1) If a member of the public interrupts the proceedings at any meeting, the Chair shall warn him/her...~~

Referenced in New Council Procedure Rules: Rule 24

~~Standing Order 26: Rescission of Preceding Council Resolution (Six-Month Rule)~~

~~(1) No motion to rescind any Council resolution passed within the last six months shall be proposed unless...~~

Referenced in New Council Procedure Rules: Rule 14

~~Standing Order 27: Voting at Council~~

~~(1) The mode of voting at meetings of the Council shall be by show of hands...~~

Referenced in New Council Procedure Rules: Rule 16

~~Standing Order 28: Voting on Appointments~~

~~(1) Where there are more than two persons nominated for any position to be filled by the Council...~~

Referenced in New Council Procedure Rules: Rule 16.5

~~Standing Order 29: Record of Attendance~~

~~(1) Every member of the Council attending a meeting of the Council, any of its Committees, Sub-Committees or Executive, of which he/she is a member, shall sign his/her name on the attendance list provided for that purpose.~~

Referenced in New Council Procedure Rules: Rule 8

~~Standing Order 30: Voting on Budget Settings~~

~~(1) Immediately after a vote is taken at a budget meeting this includes setting of the Council Tax and Precepts. There must be recorded in the minutes the names of the members present to show how each member voting gave his/her vote. The name of any members who abstained shall also be recorded.~~

Referenced in New Council Procedure Rules: Rule 16.4

~~Standing Order 31: Custody Of Seal~~

(1) The Common Seal of the Council shall be kept in a safe place in the custody of the Service Lead Legal Services and shall be secured by a lock, the key to which shall be kept by the Service Lead Legal Services.

~~Standing Order 32: Sealing of Documents~~

(1) A decision of the Council, or any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal shall be affixed to those documents which in the opinion of the Service Lead Legal Services should be sealed. [...]

Standing Order 33: Authentication of Documents for Legal Proceedings

(1) Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it shall be signed by the Service Lead Legal Services or in his absence by one of the following Deputies: [...]

~~Standing Order 34: Inspection of Documents~~

~~(1) A member of the Council, for purposes of his/her duty as such (but not for any other purpose) may on application to the Democratic Services Manager, inspect any document which has been considered by the Council, Committee, Sub-committee or the Executive, and may on request be supplied with copies of such document. [...]~~

Duplication of Access to Information Procedure Rules (Part 4)

Standing Order 35: Inspection of Lands, Premises Etc

(1) Unless specifically authorised to do so by the Council, Committee, Sub-Committee or the Executive, a member of the Council shall not issue any order in respect of any works which are being carried out by or on behalf of the Council or claim [...]

~~Standing Order 36: Appointment of Committees~~

~~(1) The Council shall at the Annual Meeting appoint such Committees as it is required to appoint by or under any statute or as is necessary for the conduct of the Council's business, and may at any time appoint such other Committees as are necessary to carry out the work of the Council but, subject to any statutory provision:-~~

~~(a) shall not appoint any member of a Committee so as to hold office later than the next Annual Meeting of the Council;~~

~~(b) may at any time dissolve a Committee or alter its membership. (Amended February 2024)~~

~~(2) Except where otherwise provided by statute or a scheme made under statutory authority, the Lord Mayor shall be a member (with the exception of the Executive) without voting powers of every standing committee appointed by the Council.~~

~~(3) Unless otherwise altered by the Council, the following shall be the Council's standing Committees: (a) Executive (b) Planning Committee (c) Licensing (d) Audit and Governance Committee (On which Executive members may not serve) (e) Scrutiny (on which Executive members may not serve)~~

(1) has been included at New Council Procedure Rule 1(m).

(2) has been included in New Article 5 with respect to the Lord Mayor's responsibility.

(3) has been included in New Council Procedure Rule 1(o).

Standing Order 37: Appointment of Executive

~~(1) The Council shall, at its Annual Meeting, appoint an Executive nominated by the Leader of the Council.~~

~~(2) The Executive shall consist of the Leader together with up to nine other members.~~

~~(3) The Council shall, at the Annual Meeting, on the nomination of the Leader, appoint such Executive Portfolios and portfolio holders as the Leader shall consider appropriate.~~

(1) has been included at New Council Procedure Rule 1(k).

(2) is already part of existing article 7(a) Form and Consumption of The Executive and removed due to duplication.

(3) has been included at New Council Procedure Rule 1(l).

~~Standing Order 38: Proceedings Of Committees & Executive To Be Confidential~~

~~(1) All agenda, reports and other documents and all proceedings of Committees, Sub-Committees and the Executive shall be treated as confidential unless and until they become public in the ordinary course of the Council's business.~~

Referenced in revised Article 2.4(b)(iii)

Standing Order 39: Election/Removal of Leader and Chair and Deputy Chair of Committees

(1) The Council shall at its Annual Meeting elect the Leader of the Council whose term of office shall start on the day of his/her election to that office and end on the day when the Council holds its first Annual Meeting after the Leader's normal day of retirement as a Councillor unless: (a) he/she resigns from office; or (b) he/she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or (c) he/she is no longer a councillor; or (d) he/she is removed from office by resolution of the Council by way of majority vote. (Amended February 2024) For the avoidance of any doubt any motion to remove the Leader from office must first comply with the provisions of Standing Order 6.

~~(2) The Chairs and Deputy Chairs of each Committee shall be elected by Council at the Annual Meeting. In the absence from a meeting of the Chair and Deputy Chair, a Chair for that meeting will be appointed. No member of the Council shall be eligible to be appointed Chair or more than one Standing Committee.~~

(2) has been included in New Council Procedure Rule 1(m)

Standing Order 40: Special Meetings of Committees

(1) The Chair of a Committee, Sub-Committee or the Executive may call a special meeting of the Committee at any time. A special meeting shall also be called on the requisition of three members of the Committee, Sub-Committee or Executive (with the exception of Scrutiny call in, where the provisions of Standing Order 17 shall apply) provided this is delivered to the Democratic Services Manager. The summons to the special meeting shall set out the business to be considered. No business other than that set out in the summons shall be considered at that meeting.

Standing Order 41: Sub-Committees

(1) Every Committee, appointed by the Council may appoint Sub-Committees for the purposes specified by the Committee subject to the approval of Council.

(2) The Chair and the Deputy Chair, if any, of the Committee shall be an ex-officio member (but without voting powers) of every Sub-Committee appointed by that Committee, unless they are appointed as a full member of the Sub-Committee or signify to the Committee that they do not wish to serve.

Standing Order 42: Quorum Of Committees, Sub-Committees & Executive

(1) Except where authorised by a statute or ordered by the Council, business shall not be transacted at a meeting of any Committee or the Executive unless at least one quarter of the whole number of the Committee is present. Provided that in no case shall the quorum be less than three members. [...]

Standing Order 43: Voting in Committees, Sub-Committees & Executive

(1) Voting at a meeting of a Committee, Sub-Committee and Executive shall be by show of hands. In the event of an equality of votes the Chair shall have a second or casting vote. [...]

Standing Order 44: Attendance at Committees, Sub-Committees & Executive

(1) A member of the Council shall have the right to attend the meeting of any Committee, Sub-Committee or Executive of which he/she is not a member and may remain during consideration of both the public and private parts of the agenda. He/she may not vote at that meeting and may only speak or ask a question if he/she has given notice in writing (by electronic mail wherever possible) by 10.00 am two working on-the-days in advance of the meeting to the Democratic Services Manager and has specified in the notice the particular agenda item or items on which he/she wishes to speak or ask a question. Members can only speak on that item for five minutes.

(2) Opposition group leaders shall not be required to give notice under Standing Order No. 44 to speak or ask a question on any items on the Executive agenda.

As per City Development's proposed amendment

Standing Order 45: Mover of Motion may attend Committee, Sub-Committee & Executive

(1) A member of the Council who has moved a motion which has been referred to any Committee, Sub-Committee or Executive shall have notice of the meeting of the Committee, Sub-Committee or Executive at which it is proposed to consider the motion. He/she shall have the right to attend the meeting and if he/she attends shall have an opportunity of explaining the motion.

~~**Standing Order 46: Members' Absence From Meetings**~~

~~(1) If any member fails throughout a period of six consecutive months to attend any meeting of the Authority he/she, unless the failure was due to some good reason approved by Council before the expiry of that period, shall cease to be a member of the Council. Attendance can be at any committee or sub-committee or any joint committee, joint board or body where the functions of the Authority are discharged.~~

Referenced in revised Article 2.3(b)

~~**Standing Order 47 Variation and Revocation of Standing Orders By Council**~~

~~(1) Except on the recommendation of the Executive, a motion to add, vary or revoke these standing orders shall (when proposed and seconded) stand adjourned without discussion to~~

~~the next ordinary meeting of the Council and that motion shall not be carried except by a majority of two-thirds of the members of the Council present and voting.~~

~~Standing Order 48: Suspension Of Standing Orders By Council~~

~~(1) Subject to paragraphs (2) and (3) of this Standing Order, any of the preceding Standing Orders may be suspended so far as regards any business at the meeting of Council, where its suspension is moved.~~

~~(2) No suspension of standing orders shall be permitted so as to negate the requirements for notice to be given under Standing Orders 10(7) (Council tax), 39(1) (Removal of the Leader) and 47 (Variation/revocation of Standing Orders).~~

Both Standing Orders referenced in New Council Procedure Rules: Rule 25.1 and 25.2 respectively

Standing Order 49: Interpretation Of Standing Orders

(1) The ruling of the Lord Mayor, Chair of Committee, Sub-Committee or Executive as to the construction or application of any of these Standing Orders, or as to any proceedings of the Council, shall not be challenged at any meeting of the Council, Committee, Sub-Committee or Executive.

Referenced in New Council Procedure Rule 26

~~Standing Order 50: Standing Orders To Be Given To Members~~

~~(1) An electronic copy of the Council's constitution, which shall include a copy of these Standing Orders and of such statutory provisions as regulate the proceedings and business of the Council, shall be made available in electronic format to each member by the Democratic Services Manager on the making of their declaration of acceptance of office on being first elected to the Council. A hard copy will be provided by the Democratic Services Manager on receipt of a written request by a member.~~

No reference in New Council Procedure Rules (as this is a redundant Standing Order)

~~Standing Order 50(A): Appointment of Head of Paid Service~~

~~(1) Council shall approve the appointment of the Head of Paid Service following the recommendation of such appointment by a Committee or Sub-Committee of the Council.~~

~~(2) The Committee or Sub-Committee referred to in Standing Order 50(A)(1) above shall include at least one member of the Executive.~~

~~(3) In the case of the appointment of the Head of Paid Service, the provisions of Standing Order 52(2) shall apply. In the case of dismissal, the provisions of Standing Order 54 shall apply.~~

~~Standing Order 51: Appointment Of Chief Officers~~

~~(1) Where the authority proposes to appoint a chief officer, and it is not proposed that the appointments be made exclusively from among their existing officers, they shall:-~~

~~(a) draw up a statement specifying—~~

~~(i) the duties of the officer concerned, and~~

~~(ii) any qualifications or qualities to be sought in the person to be appointed;~~

~~(b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and~~

~~(c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.~~

~~(2) (a) Where a post has been advertised as provided in standing order 51(1)(b), the authority shall—~~

~~(i) interview all qualified applicants for the post; or~~

~~(ii) select a short list of such qualified applicants and interview those included on the short list.~~

~~(b) Where no qualified person has applied, the authority shall make further arrangements for advertisement in accordance with standing order 51(1)(b). The steps to be taken under paragraphs 1 and 2 above of this standing order shall be discharged by the Chief Executive or such other officer as may be appointed for the purpose by Council.~~

Standing Order 52: Appointment/Dismissal of Chief Officers and Some Second Tier Officers

~~(1) (a) The Head of Paid Service shall appoint/dismiss Chief Officers on JNC conditions of service.~~

~~(b) Appointment of Chief Officers and Directors/Corporate Managers shall follow a selection process involving the relevant portfolio holder and any other member(s) considered appropriate.~~

~~(2) Before making an offer of employment or the dismissal, the Head of Paid Service or Strategic Director (as appropriate) shall provide all the members of the Executive, with the following:—~~

~~(a) The name of the person to be appointed/dismissed~~

~~(b) Any other information relevant to the appointment/dismissal.~~

~~(c) A reasonable period within which any objection to the making of the offer of appointment/dismissal is to be made by the Leader on behalf of the Executive.~~

~~(3) An offer of employment or the dismissal of a chief or second tier officer employed under Joint National Council Conditions of Service shall only be made once the appointor/dismissor has considered any objections made and is satisfied that any such objections are not material or well founded. In the case of the Head of Paid Service, Monitoring Officer or Chief Finance Officer the procedure set out in Standing Order 54 shall apply.~~

~~(4) Whilst any action to suspend the Head of Paid Service, or any Chief Officer, for the purpose of investigation is being undertaken, they shall be on full pay for as long as it takes from the date that suspension takes place.~~

~~(5) Members will not be involved in any disciplinary action against any officer below chief officer except where such involvement is necessary for an investigation or inquiry into alleged misconduct through the Council's disciplinary procedures.~~

Standing Order 53: Other Appointments

~~(1) The Head of Paid Service, Directors, Director Finance, Director Corporate Services and Corporate Managers (or such other officer to whom this function has been delegated) shall be responsible for appointment of staff within their area of responsibility other than those who are on Joint National Council Conditions of Service.~~

Standing Orders 50(A) to 53 are included in the Officer Employment Procedure Rules (Part 4). These Officer Employment Rules have now been referenced in New Council Procedure Rule 19.

Standing Order 54: Dismissal Of Statutory Officers

~~(1) A decision to dismiss the Head Paid of Service, Monitoring Officer and Section 151 Finance Officer may only be taken by Full Council in accordance with the procedure set out in the Local Authorities (Standing Orders) (England) Regulations 2001/3384, as may be amended from time to time.~~

Referenced in New Council Procedure Rule 20

Standing Order 55: Administration

(1) The Chief Executive shall be the Head of Paid Service responsible for the review of the organisation and administration of the Council.

(2) The ~~Director Corporate Services~~Head of Legal and Democratic Services shall be the Council's Monitoring Officer in accordance with section 4 of the Local Government and Housing Act 1989. In ~~his/her~~their absence, the ~~Service Lead – Legal Services and/or~~ Team Leader, ECL, Contracts, Procurement and Licensing shall deputise in accordance with the scheme of delegation.

(3) The Director Finance shall be the Chief Finance Officer responsible for securing the proper administration of the Council's financial affairs and arrangements for the purposes of Section 151 of the Local Government Act 1972 as supplemented by Section 114 of the Local Government and Finance Act 1988.

(4) Every Committee, Sub-Committee, Executive and officers of the Council shall conform with the financial arrangements so made.

(5) The Director, Corporate Services, shall be the Electoral Registration Officer, and In accordance with Section 52 and 54 of the Representation of the Peoples' Act 1983, the Council will provide the Electoral Registration Officer with such officers, accommodation and other resources as are in their opinion sufficient to discharge their statutory function.

(6) The Chief Executive, to be designated as the Council's Returning Officer.

Standing Order 56: Register Of Interests

~~Within 28 days of a member's election or re-election or a co-opted members' appointment or re-appointment, he/she shall register all disclosable pecuniary interests as defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 in the register maintained for that purpose by the Monitoring Officer. Similarly amendment/additions/deletions to a Member's Register of Interest, need to be made within 28 days of the change happening.~~

Standing Order 57: Pecuniary Interests

~~Where a matter arises at a meeting which relates to a Disclosable Pecuniary Interest, the member shall not participate in a discussion or vote on the matter. The member shall~~

~~withdraw from the room at the commencement of the consideration of that business. He/she only has to declare what his/her interest is if it is not already entered in the Member's Register of Interests or if he/she has not notified the Monitoring Officer of it.~~

~~Where a matter arises at a meeting which relates to a Disclosable Pecuniary Interest, which is a sensitive interest, the member shall not participate in a discussion or vote on the matter. The member shall withdraw from the room at the commencement of the consideration of that business. If it is a sensitive interest which has not already been disclosed to the Monitoring Officer, the member shall disclose he/she has an interest but not the nature of it.~~

~~Standing Order 58: Other Interests~~

~~Where a matter arises at a meeting which relates to "other interests" as defined in the Members' Code of Conduct, the member shall disclose the nature of the interest and withdraw from the meeting. He/she may speak on the matter before withdrawing only if members of the public are also allowed to speak at the meeting. If it is a sensitive interest the member shall declare the interest but not the nature of the interest.~~

No reference in New Council Procedure Rules (as these are already included in the Members' Code of Conduct).

~~Standing Order 59: Canvassing of and Recommendations by Members~~

~~(1) Canvassing members of the Council, Committees, Sub-Committees or the Executive, directly or indirectly, for any paid work shall disqualify that candidate concerned for the appointment.~~

~~The content of this Standing Order shall be included in any form of application.~~

~~(2) A member of the Council, Committee, Sub-Committee or Executive shall not solicit, for any person, any employment by the Council. This shall not preclude a member from giving a written testimonial of a candidate's ability, experience, or character for submission to the Council with an application for appointment.~~

Unnecessary duplication (as (1) and (2) is already contained in 1(b) of the Officer Employment Procedure Rules and 6.1 of Officer/Member Protocol (Part 4))

~~Standing Order 60: Relatives of Members or Officers~~

~~(1) A candidate for paid work for the Council, who knows that he is related to any member or senior officer of the Council shall, when making an application, disclose that relationship to the Chief Officer.~~

~~A candidate who fails to disclose such a relationship shall be disqualified for the appointment and if appointed shall be liable to dismissal without notice. Every member and senior officer of the Council shall disclose to the Monitoring Officer or relevant Director/Chief Finance Officer/Corporate Manager any relationship known to him/her to exist between himself/herself and any person whom he/she knows is a candidate for employment by the Council. The Monitoring Officer or relevant Director/Chief Finance Officer/Corporate Manager shall report to the Council, appropriate Committee, Sub-Committee or Executive any such disclosure made to him/her.~~

~~(2) The content of this standing order shall be included in any application for employment. For the purpose of this Standing Order "senior officer" means any officer so designated by the Council and persons shall be deemed to be related if they are husband or wife or if either~~

~~of them or the spouse of either of them is the son, daughter, grandson or granddaughter, brother, sister, nephew or niece of the other, or of the spouse of the other.~~

Unnecessary duplication (as is already contained in 1(a) of the Officer Employment Procedure Rules

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Article 1 – The Constitution - Summary and Explanation

The Council's Constitution

This is the Exeter City Council constitution which sets out how the Council operates, how decisions are made, the procedures to ensure decisions are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this constitution.

Purpose of the Constitution

The Council, through its Corporate Plan, will pursue its stated goal which is *"to enhance Exeter as the regional capital working with our partners to improve the quality of life for all people living, working and visiting the city."*

The Council Corporate Plan can be found on the Council Website: [Corporate Plan](#).

This constitution supports these aims and objectives and explains the mechanisms and processes that the Council operates to ensure that:

- councillors are able to play a significant role in the work of the City Council and represent their constituents;
- decisions are taken in as open and transparent way as possible;
- the view of residents and stakeholders are recognised as important influences on the way the Council operates and decisions are taken; and
- accountability is enhanced.

How the Council operates

The Council is comprised of 39 Councillors (Members) who serve for four years. One-third of these Councillors' terms of office expire in each of three years out of four.

Councillors are democratically accountable to residents of their Ward. There are 13 wards in the Exeter area. Details of the political composition and Councillors can be found on the City [Council Website](#).

The overriding duty of Councillors is to the whole community, but they have a special duty to the constituents in their ward, including those who did not vote for them.

Councillors must adhere to the Members' Code of Conduct to ensure high standards in the way they undertake their duties. The Council's Audit and Governance Committee monitors the Members Code of Conduct and are responsible for investigating complaints. Any concerns about the conduct of a Member, residents can contact the City Council's Monitoring Officer.

Members must also register and declare certain interests, which can be viewed on the Councillor details, under Register of Interests on the Council's website.

Exeter City Council operates a Leader and Cabinet Governance model. The Cabinet is however referred to at the Council and throughout this constitution as the Executive. This governance model means that the Full Council will appoint a Leader of the Council, who will then appoint up to 9 other Councillors (Portfolio Holders) to the Executive, who are responsible for particular areas aligning with the Council's key priorities and Corporate Plan.

How decisions are made

Full Council

All Councillors meet together at the Full Council meeting which are open to the public. Here Councillors decide the Council's overall policies and set the budget each year. The Council appoints also the Lord Mayor who presides over the Council meetings. Council also appoints Councillors to sit on the various committees through political balance. Should the Lord Mayor not be available, the Deputy Lord Mayor chair Full Council

The Lord Mayor

Exeter is very proud of its Mayoralty which dates back to the year 1200 and can claim to have the third oldest Mayoralty in the country. Exeter was awarded Lord Mayoralty in 2002 by Queen Elizabeth II

Each year, in May, a new Lord Mayor is elected, by fellow councillors, to serve for one year. The Lord Mayor's role is non-political. The Lord Mayor is supported during their year in office by a Deputy Lord Mayor.

The Lord Mayor presides over the Council's meetings, but the Lord Mayor also takes part in many civic ceremonies and functions such as Legal Sunday, Lammas Fair, University Graduations, Legal Sunday etc. On such occasions the Lord Mayor is in full regalia and accompanied by the Mace, Cap and Sword and an escort of Mace Bearers and processes with Honorary Aldermen, past Lord Mayors, Councillors and Freeman.

Although they elect to support one charity during the year, the Lord Mayor plays an important part in the community life of Exeter and becomes Honorary president of a variety of charitable and other organisations. The Lord Mayor and Deputy Lord Mayor attend, on average, approximately 300-400 functions a year.

The Executive Committee

The Executive Committee is responsible for most day-to-day decisions which are not delegated to officers.

When major decisions are to be discussed or made, these are published in the Executive's Forward Plan in so far as they can be anticipated. All meetings of the Executive will be open for the public to attend except where personal or confidential matters are being discussed. The Executive has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Full Council as a recommendation.

Scrutiny

(Amended [])

The work of Executive is supported by two scrutiny committees and allows citizens to have a greater say in Council matters by allowing members of the public to raise matters at meetings of these committees.

These can lead to reports and recommendations which advise the Executive and the Council on its policies, budget and service delivery issues. Scrutiny committees also monitor the decisions of the Executive. They can, in exceptional circumstances, 'call-in' a decision which has been made by the Executive but not yet implemented and ask that the Executive reconsider the decision. They will usually be consulted by the Executive or the Council on forthcoming decisions and the development of policy.

Delegated Powers

To ensure that business is conducted efficiently and that services are provided to a high standard, the Council, has delegated some powers to Officers, which are outlined in Chapter 2.

Decisions taken by officers carry the same weight as any decision taken by the decision-making body and officers will consider all implications of the decision-making principles prior to taking delegated decisions and must ensure the decision making principles contained within the Access to Information Procedure Rules are adhered to.

The Council's Staff

The Council's employees (or 'Officers') provide advice, implement decisions, manage and provide the day-to-day delivery of services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. An Officer Code of Conduct governs the relationships between Officers and Members of the Council.

All Officers must comply with the Officers' Code of Conduct and the Protocol on Member/Officer Relations. To make certain decisions, Officers must consider finance and legal implications and they must comply with Finance, Contract and Legal Matters.

The Chief Executive

The most senior Officer is the Chief Executive (Head of Paid Service), who reports to Council on how the Council's functions are co-ordinated, number and grade of Officers required for the discharge of the functions and organisation of Officers. The Chief Executive must ensure access to information in accordance with the Access to Information Procedure Rules.

The Head of Paid Service, is one of three Statutory Roles at the Council and the Chief Executive cannot take on the role of Monitoring Officer.

Monitoring Officer

The Monitoring Officer is the second of three Statutory Roles at the Council and is responsible for maintaining an up-to-date Constitution and will ensure that it is publicly available. The Monitoring Officer provides advice on the scope of powers and has authority to take decisions and in relation to maladministration, financial, impropriety, probity and Budget and Policy framework issues to all Councillors and officers in their respective roles.

The Monitoring Officer also administers the process for determining complaints against Councillors. The Monitoring Officer cannot be the Head of Paid Service or the Chief Finance Officer.

Chief Finance Officer

The Chief Finance Officer is the third of the three Statutory Roles at the Council and is responsible for the financial affairs of the Authority and for publishing financial information to the public, media, and the community.

The Chief Finance Officer provides advice on scope of powers and has authority to take decisions and in relation to maladministration, financial, impropriety, probity and Budget and Policy Framework issues to all Members and officers in their respective roles.

Chief Officers

The Council's Strategic Management Board (SMB) comprises of the following Chief Officers:-

- Chief Executive (Head of Paid Service);
- Strategic Director for Corporate Resources (Chief Finance Officer);
- Strategic Director for People;
- Strategic Director for Place; and
- Strategic Director for Community Services.

The functions and responsibilities which the Council as given to the Chief Officers are listed in the Officer Scheme of Delegation.

Chief Officers are supported by their respective Heads of Service who function on an operational level.

Interpretation and Review of the Constitution

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.

The Council will monitor and evaluate the operation of the Constitution as set out in Article 14.

Article 2 – Members of The Council

This Article 2 sets out the roles and responsibilities of the Members of the Council otherwise known as Councillors.

2.01 Composition and eligibility

- (a) The Council consists of 39 elected members, known as Councillors. A Councillor is elected to represent one of the 13 wards in Exeter, with each ward electing three Councillors to serve on the Council.
- (b) To be eligible for the office of Councillor, an individual must be a registered voter in the City of Exeter or must live or work within the City of Exeter.

2.02 Election and Terms of Councillors

- (a) The ordinary election for one-third of all Councillors will take place on the first Thursday in May each year starting from 2020. There will however be no regular election in 2021 and every fourth year thereafter.
- (b) The terms of office of Councillors will be for four years:
 - (i) commencing on the fourth day after being elected; and
 - (ii) finishing on the fourth day after the date of the regular election four years later.

2.03 Ending a Councillor's Term

- (a) A Councillor may resign their position at any time by giving notice in writing to the Returning Officer and the resignation will be effective upon its receipt. A copy of the resignation shall also be sent to the Monitoring Officer.
- (b) If a Councillor does not attend any meeting of the Council for a continuous period of six months, they will cease to be a member of the Council unless the absence is due to a valid reason approved by the Council before the end of that period. Attendance may include meetings of any committee, sub-committee, joint committee, joint board or body where the Council's functions are carried out.
- (c) In the event of Article 2.3 (a) or (b) being engaged, the Council will arrange for a new Councillor to be elected by way of a by-election.

2.04 Roles and functions of all Councillors

- (a) **Key roles.** All Councillors will:
 - (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
 - (ii) represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities;
 - (iii) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
 - (iv) balance different interests identified within the ward and represent the ward as a whole;
 - (v) be involved in decision-making;

(Amended [])

- (vi) be available to represent the Council on other bodies;
- (vii) maintain the highest standards of conduct and ethics; and
- (viii) contribute to the good governance in the City of Exeter and actively encourage community participation and citizen involvement in decision making; and
- (ix) participate, as appropriate, and attend any mandatory training and development opportunities offered by the Council.

(b) Rights and duties

- (i) Councillors have rights of access to documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- (ii) Councillors will not disclose any information which is considered confidential or exempt to the public without the consent of the Council. Councillors will also not divulge information given in confidence to anyone other than a Councillor or officer entitled to know it.
- (iii) All agenda, reports and other documents and all proceedings of Committees, Sub-Committees and the Executive shall be treated as confidential unless and until they become public in the ordinary course of the Council's business
- (iv) For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in Part 4 of this Constitution.

2.04 Conduct

Councillors will at all times observe the Members' Code of Conduct and the Protocol on member/officer relations set out in Part 5 of this Constitution.

2.05 Allowances

Councillors will be entitled to receive allowances in accordance with the Members' Allowance Scheme set out in Part 6 of this Constitution.

Article 3 – Citizens and the Council

3.01 Citizens' rights

The Council welcomes participation by its citizens in its work.

Citizens have a number of rights as part of their engagement with the Council:

- vote at local elections (if they are registered);
- contact their local ward Councillor about any matters of concern to them. Councillor details can be found on the [Council's website](#);
- attend all public meetings of the Council and committees (except where confidential or exempt items are being discussed);
- to view and identify from the Executive's Forward Plan what key decisions will be taken by the Executive and when;
- to attend meetings of the Executive where key decisions are being discussed or decided;
- to see reports and background papers, and any record of decisions made by the Council and Executive (excluding confidential or 'exempt' information);
- to inspect the Council's accounts and make their views known to the external auditor;
- request information and to view a copy of the Constitution;
- to petition a request for a referendum on moving to an Elected Mayor and Cabinet form of governance;
- to ask questions at all meetings of the Council, Executive and at Scrutiny Committees, with the exception of Annual Council and Special meetings subject to giving notice to the Council. See [Details on public speaking](#) for more information;
- to speak at Planning Committee in support of or in opposition to a planning application being considered by that Committee subject to the agreed procedure. See [Details on speaking at Planning Committee](#) for more information;
- to use the Council's complaints procedure if they are unhappy about an aspect of the Council's service;
- to complain to the Ombudsman if they believe the Council has not followed its procedures properly (but only after using the Council's complaints process); and
- to complain to the Council's Monitoring Officer if there is evidence that a Councillor has not followed the Council's Member Code of Conduct.

Citizens' rights to information and participation are explained in more detail in the Access to Information Rules in Chapter 3 of this Constitution

Additional rights for members of the public using specific Council services e.g. council tenants, are not covered in this Constitution.

3.02 Citizens' responsibilities

Citizens must not be violent, abusive or threatening to councillors or officers and must not wilfully harm things owned by the Council, councillors or officers.

(Amended [])

Article 4 – Full Council Meetings

4.01 Introduction

The full Council is a formal meeting of all 39 Councillors. The full Council is required by law to take certain important decisions including setting the Council's Budget and Council Tax and approving a number of key plans and strategies, which together form the Policy Framework (listed below). The full Council must also by law take decisions on a number of specific matters.

The full Council provides a central forum for debate for all Councillors and they are able to ask questions. Members of the public are able, to ask questions about the Council or matters affecting the Council at all full Council meetings with the exception of the Annual Meeting.

4.02 Council meetings

There are three types of Council meetings:

- (a) the Annual Meeting;
- (b) Ordinary Meetings; and
- (c) Extraordinary Meetings.

4.03 Functions of Council Meetings

The Council will keep under review the tables in Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Executive

4.04 Council Policy Framework

The policy framework is made up of a series of statutory plans and strategies as follows:

- those required by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000;
- Those other plans and strategies which Chapter 2 of Department for Communities Local Government Guidance recommends should be adopted by the Council as part of the Policy Framework;
- Other plans and strategies which the Council may decide should be adopted by the Council meeting as a matter of local choice. Other overarching corporate plans and strategies may become part of the policy framework as the need arises.

The Council's Policy Framework can be viewed on [Council Website](#).

4.05 Budget

Councillors will set the Council's budget each year at the Council meeting held in February and contains a number of components:

- (a) the allocation of financial resources to different services and projects;
- (b) proposed contingency funds;
- (c) the Council tax base;
- (d) setting Council tax;
- (e) decisions relating to the control of the Council's borrowing requirement;
- (f) the control of the Council's capital expenditure; and

(Amended [])

- (g) the setting of virement limits.

4.06 Housing Land Transfer

Housing Land Transfer is:

- (a) the approval / adoption of applications (whether in draft form or not) to the Secretary of State to approve a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993; and
- (b) dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

Article 5 – The Lord Mayor and Chairing of the Council

5.01 Role and function of the Lord Mayor

Any elected Member of the Council is eligible for election to the office of Lord Mayor or Deputy Lord Mayor, with the only exception being for members of the Executive.

The Lord Mayor is elected each year from the 39 Councillors at Annual Council in May. The Deputy Lord Mayor is appointed at the same meeting.

The Lord Mayor throughout their term of office of one year should remain impartial in all matters of policy and should not be involved in the direction of affairs or be involved in any campaigns. The Lord Mayor should also not be involved in any Council policy or activities of a controversial nature.

The Lord Mayor may be a member without voting powers of every standing committee appointed by the Council (with the exception of the Executive) except where otherwise provided by statute or a scheme made under statutory authority.

Whilst the Lord Mayor is non-political during their term of office, the Deputy Lord Mayor remains politically active and may also be a committee member (with the only exception being for a member of Executive).

5.02 Civic Role

The Council's Lord Mayor, supported by the Deputy Lord Mayor and their Consorts, will perform the Council's civic role. This entails representing, supporting and promoting the businesses and the people of Exeter.

The Lord Mayor will decide which civic and ceremonial functions during their year of office. These events:

- (a) promote the city through business and community activities;
- (b) support local charities and community organisations; and
- (c) raise funds for their own chosen charity.

5.03 Chairing the Council Meeting

The Lord Mayor also has the following responsibilities:

- (a) to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
- (b) to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary; and
- (c) to ensure that the Council meeting is a forum for debate and the place at which members can be held to account.

(Amended [])

Article 14 – Review and Revision of the Constitution

14.01 Duty to monitor and review the Constitution

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect and report to the Audit & Governance Committee.

A key role for the Monitoring Officer is to make recommendations for ways in which the Constitution could be amended in order to better achieve the purposes set out in Article 1.

In undertaking this task, the Monitoring Officer may:

- (i) Observe meetings of different parts of the Member and officer structure;
- (ii) Undertake an audit trail of a sample of decisions;
- (iii) Record and analyse issues raised with them by members, officers, the public and other relevant stakeholders as part of an annual review; and
- (iv) Compare practices in this Council with those in comparable authorities, or national examples of best practice.

The Chief Finance Officer shall be responsible for keeping under review the Financial Regulations set out in [] to the Constitution and shall make any necessary amendments and revisions as are required from time to time. They shall report any amendments made to the Financial Regulations to the Audit & Governance Committee.

14.02 Changes to the Constitution

- (a) Changes to the Constitution will only be approved by the full Council after consideration of the proposal by the Audit & Governance Committee.
- (b) Minor Changes

If, in the reasonable opinion of the Monitoring Officer, a change is:

- a. A minor variation; or
- b. Required to be made to remove any inconsistency or ambiguity; or
- c. Required to be made so as to put into effect any decision of the Council or its committees or the Cabinet,

In which case the Monitoring Officer may make such a change. Any such change made by the Monitoring Officer shall come into force with immediate effect and they will notify all Councillors of the minor amendments.

All changes to the Constitution will be recorded, giving the date of the change and the reason for the amendment.

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Article 1 – The Constitution - Summary and Explanation

The Council's Constitution

~~This is the~~ Exeter City Council ~~has agreed a~~ constitution which sets out how the Council operates, how decisions are made ~~and~~ the procedures ~~which are followed~~ to ensure ~~that these decisions~~ are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

~~The Constitution is divided into 15 articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.~~

Contents

~~Article 1 of the Constitution explains the Council's prime goal and the core values it strives to achieve and work within. Articles 2 – 16 explain the rights of citizens and how the key parts of the Council operate. These are:~~

- ~~• — Members of the Council (Article 2).~~
- ~~• — Citizens and the Council (Article 3).~~
- ~~• — The Council meeting (Article 4).~~
- ~~• — Chairing the Council (Article 5).~~
- ~~• — Scrutiny of **Powers of the Council**~~

~~The Council will exercise all its powers and duties in accordance with the law and this constitution.~~

Purpose of the Constitution

~~The Council, through its Corporate Plan, will pursue its stated goal which is "*to enhance Exeter as the regional capital working with our partners to improve the quality of life for all people living, working and visiting the city.*"~~

~~The Council Corporate Plan can be found on the Council Website: **Corporate Plan.**~~

~~This constitution supports these aims and objectives and explains the mechanisms and processes that the Council operates to ensure that:~~

- ~~• councillors are able to play a significant role in the work of the City Council and represent their constituents;
decisions (Article 6).~~
- ~~• — The Executive (Article 7)~~

(Amended ~~March 2020~~)[1]

- ~~Regulatory and other Committees (Article 8)~~
- ~~Audit and Governance Committee (Article 9).~~
- ~~Joint Arrangements (Article 10).~~
- ~~Officers (Article 11).~~
- ~~Decision making (Article 12).~~
- ~~Finance, contracts are taken in as open and legal matters (Article 13).~~ transparent way as possible;
- ~~Review and revision of the Constitution (Article 14).~~
- ~~Suspension, interpretation and publication of the Constitution (Article 15).~~

- the view of residents and stakeholders are recognised as important influences on the way the Council operates and decisions are taken; and
- accountability is enhanced.

How the Council operates

The Council is ~~composed~~comprised of 39 ~~councillors~~Councillors (Members) who serve for four years. One-third of these ~~Members'~~Councillors' terms of office expire in each of three years out of four ~~(in the fourth year county councillors are elected)~~.

Councillors are democratically accountable to residents of their ~~ward~~Ward. There are 13 wards in the Exeter area. Details of the political composition and Councillors can be found on the City Council Website.

The overriding duty of ~~councillors~~Councillors is to the whole community, but they have a special duty to ~~their~~the constituents in their ward, including those who did not vote for them.

Councillors ~~have~~must adhere to ~~agree to follow a code~~the Members' Code of ~~conduct~~Conduct to ensure high standards in the way they undertake their duties. The Council's Audit and Governance Committee monitors the ~~code~~Members Code of ~~conduct~~Conduct and ~~is~~are responsible for investigating complaints. Any concerns about the conduct of a Member, residents can contact the City Council's Monitoring Officer.

~~All councillors meet together as the Council. Meetings of the Council are normally open to the public. Here councillors decide the Council's overall policies and set the budget each year. The Council also appoints the Lord Mayor and Deputy Lord Mayor, appoints the Leader and members to the Executive and other committees. Members must also register and declare certain interests, which can be viewed on the Councillor details, under Register of Interests on the Council's website.~~

Exeter City Council operates a Leader and Cabinet Governance model. The Cabinet is however referred to at the Council and throughout this constitution as the Executive. This governance model means that the Full Council will appoint a Leader of the Council, who will then appoint up to 9 other Councillors (Portfolio Holders) to the Executive, who are responsible for particular areas aligning with the Council's key priorities and Corporate Plan.

How decisions are made

Full Council

All Councillors meet together at the Full Council meeting which are open to the public. Here Councillors decide the Council's overall policies and set the budget each year. The Council appoints also the Lord Mayor who presides over the Council meetings. Council also appoints Councillors to sit on the various committees through political balance. Should the Lord Mayor not be available, the Deputy Lord Mayor chair Full Council.

The Lord Mayor

Exeter is very proud of its Mayoralty which dates back to the year 1200 and can claim to have the third oldest Mayoralty in the country. Exeter was awarded Lord Mayoralty in 2002 by Queen Elizabeth II

Each year, in May, a new Lord Mayor is elected, by fellow councillors, to serve for one year. The Lord Mayor's role is non-political. The Lord Mayor is supported during their year in office by a Deputy Lord Mayor.

The Lord Mayor presides over the Council's meetings, but the Lord Mayor also takes part in many civic ceremonies and functions such as Legal Sunday, Lammas Fair, University Graduations, Legal Sunday etc. On such occasions the Lord Mayor is in full regalia and accompanied by the Mace, Cap and Sword and an escort of Mace Bearers and processes with Honorary Aldermen, past Lord Mayors, Councillors and Freeman.

Although they elect to support one charity during the year, the Lord Mayor plays an important part in the community life of Exeter and becomes Honorary president of a variety of charitable and other organisations. The Lord Mayor and Deputy Lord Mayor attend, on average, approximately 300-400 functions a year.

The Executive Committee

The Executive ~~is the part of the Council which~~ Committee is responsible for most day-to-day decisions which are not delegated to officers. ~~The Executive is made up of the Leader of the Council and up to nine other Members, he/she shall appoint.~~

When major decisions are to be discussed or made, these are published in the Executive's ~~forward plan~~ Forward Plan in so far as they can be anticipated. ~~In Exeter it has been decided that all~~ All meetings of the Executive will be open for the public to attend except where personal or confidential matters are being discussed. The Executive has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Full Council as a ~~whole to decide~~ recommendation.

Scrutiny

~~There are~~ The work of Executive is supported by two scrutiny committees ~~which support the work of the Executive and the Council as a whole. They allow~~ allows citizens to have a greater say in Council matters by allowing members of the public to raise matters at meetings of these committees.-

These can lead to reports and recommendations which advise the Executive and the Council on its policies, budget and service delivery issues. Scrutiny committees also monitor the decisions of the Executive. They can, in exceptional circumstances, 'call-in' a decision which has been made by the Executive but not yet implemented and ask that the Executive reconsider the decision. They will usually be consulted by the Executive or the Council on forthcoming decisions and the development of policy.

Delegated Powers

To ensure that business is conducted efficiently and that services are provided to a high standard, the Council, has delegated some powers to Officers, which are outlined in Chapter 2.

Decisions taken by officers carry the same weight as any decision taken by the decision-making body and officers will consider all implications of the decision-making principles prior to taking delegated decisions and must ensure the decision making principles contained within the Access to Information Procedure Rules are adhered to.

The Council's Staff

The Council's employees (~~called 'officers'~~) give or 'Officers' provide advice, implement decisions, manage and provide the day-to-day delivery of services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. ~~A code~~An Officer Code of ~~practice~~Conduct governs the relationships between ~~officers~~Officers and ~~members~~Members of the Council.

Citizens' Rights

~~Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau can advise on individuals' legal rights.~~

~~Where members of the public use specific council services, for example as a council tenant, they have additional rights. These are not covered in this Constitution.~~

~~Citizens have the right to:~~

- ~~• vote at local elections if they are registered;~~
- ~~• contact their local councillor about any matters of concern to them;~~
- ~~• obtain a copy of the Constitution;~~
- ~~• attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed;~~
- ~~• petition to request a referendum on a Lord Mayoral form of executive;~~
- ~~• ask questions at all meetings of the Council, Executive and at Scrutiny Committees, with the exception of Annual Council and special meetings subject to giving notice to the Council;~~
- ~~• speak at Planning Committee in support of or in opposition to a planning application, and Tree Preservation Order (TPO) subject to the agreed procedure;~~

- ~~find out, from the Executive's forward plan, what major decisions are to be discussed by the Executive or decided by the Executive or officers, and when;~~
- ~~attend meetings of the Executive where key decisions are being discussed or decided;~~
- ~~see reports and background papers, and any record of decisions made by the Council and Executive unless they deal with confidential or private matters;~~
- ~~use the Council's complaints procedure if unhappy about an aspect of the Council's service;~~
- ~~complain to the Ombudsman if they think the Council has not followed its procedures properly (however, they should only do this after using the Council's own complaints process);~~
- ~~complain to the Council's Monitoring Officer if they have evidence which they think shows that a councillor has not followed the Council's Code of Conduct; and~~
- ~~inspect the Council's accounts and make their views known to the external auditor.~~

All Officers must comply with the Officers' Code of Conduct and the Protocol on Member/Officer Relations. To make certain decisions, Officers must consider finance and legal implications and they must comply with Finance, Contract and Legal Matters.

The Chief Executive

The most senior Officer is the Chief Executive (Head of Paid Service), who reports to Council on how the Council's functions are co-ordinated, number and grade of Officers required for the discharge of the functions and organisation of Officers. The Chief Executive must ensure access to information in accordance with the Access to Information Procedure Rules.

The Head of Paid Service, is one of three Statutory Roles at the Council and the Chief Executive cannot take on the role of Monitoring Officer.

Monitoring Officer

The Monitoring Officer is the second of three Statutory Roles at the Council and is responsible for maintaining an up-to-date Constitution and will ensure that it is publicly available. The Monitoring Officer provides advice on the scope of powers and has authority to take decisions and in relation to maladministration, financial, impropriety, probity and Budget and Policy framework issues to all Councillors and officers in their respective roles.

The Monitoring Officer also administers the process for determining complaints against Councillors. The Monitoring Officer cannot be the Head of Paid Service or the Chief Finance Officer.

Chief Finance Officer

(Amended March 2020)[1]

The Chief Finance Officer is the third of the three Statutory Roles at the Council and is responsible for the financial affairs of the Authority and for publishing financial information to the public, media, and the community.

The Chief Finance Officer provides advice on scope of powers and has authority to take decisions and in relation to maladministration, financial, impropriety, probity and Budget and Policy Framework issues to all Members and officers in their respective roles.

Chief Officers

The Council's Strategic Management Board (SMB) comprises of the following Chief Officers:-

- Chief Executive (Head of Paid Service);
- Strategic Director for Corporate Resources (Chief Finance Officer);
- Strategic Director for People;
- Strategic Director for Place; and
- Strategic Director for Community Services.

The functions and responsibilities which the Council as given to the Chief Officers are listed in the Officer Scheme of Delegation.

Chief Officers are supported by their respective Heads of Service who function on an operational level.

Interpretation and Review of the Constitution

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.

The Council will monitor and evaluate the operation of the Constitution as set out in Article 14.

~~The Council welcomes participation by its citizens in its work. Further information on the public's rights are available from the Council's Democratic Services Section at the Civic Centre, Exeter.~~

Article 2 – Members of The Council

This Article 2 sets out the roles and responsibilities of the Members of the Council otherwise known as Councillors.

2.001 Composition and eligibility

- (a) The Council consists of 39 elected members, known as Councillors. A Councillor is elected to represent one of the 13 wards in Exeter, with each ward electing three Councillors to serve on the Council.
- (b) To be eligible for the office of Councillor, an individual must be a registered voter in the City of Exeter or must live or work within the City of Exeter. ~~Composition. The Council comprises 39 elected members, called councillors, who are elected to represent their ward. There are 13 wards in Exeter, who elect three councillors to sit on the Council.~~
- (b) ~~Eligibility. Only registered voters of the City or those living or working here are eligible to hold the office of councillor.~~

2.002 Election and ~~Terms of~~ councillorCouncillors

The ordinary election for one-third of all Councillors will take place on the first Thursday in May each year starting from 2020. There will however be no regular election in 2021 and every fourth year thereafter. ~~Election and terms. The ordinary election of a third of all councillors will be held on the first Thursday in May in each year beginning in 2020, except that in 2021 and every fourth year after there will be no regular election.~~

- (a) _____
- (b) The terms of office of ~~councillor~~Councillors will be for four years:
 - (i) commencing ~~be four years starting~~ on the fourth day, after being elected;
 - and
 - (ii) and finishing on the fourth day after the date of the regular election four years later.

2.03 Ending a Councillor's Term

- (a) A Councillor may ~~at any time~~ resign their position at any time by giving notice in writing to the Returning Officer ~~(the Chief Executive), who is the proper officer for that purpose~~ and the resignation will be effective upon its receipt. A copy of the resignation shall also be sent to the Monitoring Officer.
- (b) If a Councillor does not attend any meeting of the Council for a continuous period of six months, they will cease to be a member of the Council unless the absence is due to a valid reason approved by the Council before the end of that period. Attendance may include meetings of any committee, sub-committee, joint committee, joint board or body where the Council's functions are carried out.
- (c) In the event of Article 2.3 (a) or (b) being engaged, the Council will arrange for a new Councillor to be elected by way of a by-election.

Commented [SC1]: Standing order 46

(Amended []February 2024)

~~Due to the Coronavirus Pandemic, the elections in May 2020, were postponed to May 2021. The terms of office of those councillors who would have been up for election have been extended accordingly. (The Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020, refers).~~

2.0034 Roles and functions of all ~~councillor~~Councillors

- (a) **Key roles.** All ~~councillor~~Councillors will:
- (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
 - (ii) represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities;
 - (iii) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
 - (iv) balance different interests identified within the ward and represent the ward as a whole;
 - (v) be involved in decision-making;
 - (vi) be available to represent the Council on other bodies;
 - (vii) maintain the highest standards of conduct and ethics; and
 - (viii) contribute to the good governance in the City of Exeter and actively encourage community participation and citizen involvement in decision making; and
 - (ix) participate, as appropriate, and attend where deemed any mandatory training in learning and development opportunities offered by the Council.
- (b) **Rights and duties**
- (i) Councillors have ~~such~~ rights of access to ~~such~~ documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
 - (ii) Councillors will not ~~make disclose any public~~ information which is considered confidential or exempt to the public without the consent of the Council. ~~or Councillors will also not~~ divulge information given in confidence to anyone other than a ~~councillor~~Councillor or officer entitled to know it.
 - (iii) All agenda, reports and other documents and all proceedings of Committees, Sub-Committees and the Executive shall be treated as confidential unless and until they become public in the ordinary course of the Council's business
 - (iv) For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in **Part 4** of this Constitution.

Commented [SC2]: Standing Order 38

2.004 Conduct

(Amended ~~[]~~February 2024)

Councillors will at all times observe the Members' Code of Conduct and the Protocol on member/officer relations set out in **Part 5** of this Constitution.

2.005 Allowances

Councillors will be entitled to receive allowances in accordance with the Members' Allowance Scheme set out in Part 6 of this Constitution.

(Amended []February 2024)

~~1e~~ Article 3 – Citizens and the Council

~~53.01~~ Citizens' rights

The Council welcomes participation by its citizens in its work.

Citizens have ~~the a number of following rights as part of their engagement with the Council.~~
~~Their Citizens rights to information and to participation are explained in more detail in the~~
~~Access to Information Rules in Part Chapter 3-4 of this Constitution.~~

Additional rights for members of the public using specific council services e.g. a council tenant, are not covered in this Constitution.

The Council welcomes participation by its citizens in its work and have the following rights:-

- vote at local elections (if they are registered);
- contact their local wWard Councillor about any matters of concern to them. Councillor details can be found on the Council's website;
- attend all public meetings of the Council and committees, (except where confidential or exempt items are being discussed);
- to view and identify from the Executive's Forward Plan of what key decisions will be taken by the Executive and when;
- to attend meetings of the Executive where key decisions are being discussed or decided;
- to see reports and background papers, and any record of decisions made by the Council and Executive (excluding confidential or 'exempt' information);
- to inspect the Council's accounts and make their views known to the external auditor;
- request information and to view a copy of the Constitution;
- to petition a request for a referendum on moving to an Elected Mayor and
Executive Cabinet form of Governance;
- to ask questions at all meetings of the Council, Executive and at Scrutiny Committees, with the exception of Annual Council and Special meetings -subject to giving notice to the Council. See Details on public speaking; for more information;
- to speak at Planning Committee in support of or in opposition to a planning application, and Tree Preservation Order (TPO) being considered by that Committee subject to the agreed procedure. See Details on speaking at Planning Committee ;for more information;
- to use the Council's complaints procedure if they are unhappy about an aspect of the Council's service;
- to complain to the Ombudsman if they believe the Council has not followed its procedures properly (however, they should only do this after using the (but only after using the Council's own complaints process); and
- to complain to the Council's Monitoring Officer if there is evidence that a Councillor has not followed the Council's Member Code of Conduct.

Citizens' rights to information and participation are explained in more detail in the Access to Information Rules in Chapter 3 of this Constitution

Additional rights for members of the public using specific Council services e.g. a council tenants, are not covered in this Constitution.

5.02 Citizens' responsibilities

Citizens must not be violent, abusive or threatening to councillors or officers and must not wilfully harm things owned by the Council, councillors or officers.

~~The Council welcomes participation by its citizens in its work.~~

~~(a) — **Voting and petitions.** Citizens on the electoral roll for the area have the right to vote and to sign a petition to request a referendum for an elected Mayor-form of Constitution.~~

~~(b) — **Information.** Citizens have the right to:~~

~~(i) — attend meetings of the Council and its committees, including the Executive, except for items where confidential or exempt information is likely to be disclosed and the meeting is therefore held in private;~~

~~(ii) — find out from the Forward Plan what key decisions will be taken by the Executive and when;~~

~~(iii) — see reports and background papers, and any records of decisions made by the Council and the Executive (excluding confidential or 'exempt' information); and~~

~~(iv) — inspect the Council's accounts and make their views known to the external auditor.~~

~~(c) — **Participation.** Citizens have the right to ask questions at all meetings of the Council, Executive and at Scrutiny Committees, with the exception of Annual Council and special meetings, subject to giving notice to the Council and speak at Planning Committee, on any application or Tree Preservation Order (TPO) being considered by that Committee, subject to the agreed procedure.~~

~~Details on public speaking.~~

~~(d) — **Complaints.** Citizens have the right to complain to:~~

~~(i) — the Council itself under its complaints scheme;~~

~~(ii) — the Ombudsman after using the Council's own complaints scheme;~~

~~(iii) — the Monitoring Officer about a breach of the Councillor's Code of Conduct.~~

3.02 Citizens' responsibilities

~~Citizens must not be violent, abusive or threatening to councillors or officers and must not wilfully harm things owned by the Council, councillors or officers.~~

(Amended [] March 2020)

~~1f~~ Article 4—~~The~~ Full Council Meetings

6.01 Introduction~~Responsibility for functions~~

The full Council is a formal meeting of all 39 Councillors. The full Council is required by law to take certain important decisions including setting the Council's Budget and Council Tax and approving a number of key plans and strategies, which together form the Policy Framework (listed below). The full Council must also by law take decisions on a number of specific matters.

The full Council provides a central forum for debate for all Councillors and they are able to ask questions. Members of the public are able, to ask questions about the Council or matters affecting the Council at all full Council meetings with the exception of the Annual Meeting. Chapter 2 of this Constitution sets out the responsibilities for the Council's functions which are not the responsibility of the Executive. Chapter 2 also outlines the Council procedure rules.

6.02 Council meetings

There are three types of Council meetings:

- (a) the Annual Meeting;
- (b) Ordinary Meetings; and
- (c) Extraordinary Meetings.

6.03 Functions of the full Council Meetings

The Council will keep under review the tables in Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Executive.~~Council functions comprise of:~~

- ~~— reserved functions under the Local Government Act 2000 and any subsequent legislation;~~
- ~~— reserved functions under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and subsequent regulations under the Local Government Act 2000;~~
- ~~— functions set out in Schedule 2 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000; and~~
- ~~— plans and strategies as set out in Schedule 3 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000; and~~
- ~~— other overarching corporate plans and strategies may become part of the policy framework as the need arises.~~

64.041 Meanings Council Policy Framework

~~The Council's Policy Framework is made up of a series of statutory plans and strategies, which can be viewed on **Council Website**.~~

Policy Framework. The policy framework is made up of a series of statutory plans and strategies as follows:

- ~~those required by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000;~~
- ~~Those other plans and strategies which Chapter 2 of Department for Communities Local Government Guidance recommends should be adopted by the Council as part of the Policy Framework;~~
- ~~Other plans and strategies which the Council may decide should be adopted by the Council meeting as a matter of local choice. Corporate Plan. Development Plan Documents forming the Local Development Framework.~~
- ~~Food Law Enforcement Service Plan.~~
- ~~Climate Change Strategy.~~
- ~~Contaminated Land Strategy.~~
- ~~Annual Budget Strategy.~~
- ~~Asset Management Plan.~~
- ~~Health and Safety Service Plan.~~
- ~~Housing Strategy (including Private Sector Housing Renewal Policy).~~
- ~~Anti-Social Behaviour Policy.~~
- ~~Homelessness Strategy.~~
- ~~Community Safety Strategy.~~
- ~~Recycling Plan.~~
- ~~Licensing Policy Statement.~~
- ~~Gambling Policy Statement.~~
- ~~Other overarching corporate plans and strategies may become part of the policy framework as the need arises.~~

~~The Council's Policy Framework can be viewed on **Council Website**.~~

6.05 Budget

~~Members of the Council Councillors will set the Council's budget each year at the February Council meeting held in February and contains a number of components:-~~

- ~~the allocation of financial resources to different services and projects;~~
- ~~(a) the allocation of financial resources to different services and projects;~~
- ~~(b) proposed contingency funds;~~

- (c) the Council tax base;
- (d) setting Council tax;
- (e) decisions relating to the control of the Council's borrowing requirement;
- (f) the control of the Council's capital expenditure; and
- (g) the setting of virement limits.

~~The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.~~

6.06 Housing Land Transfer

Housing Land Transfer means is:

- ~~(a)~~ the approval ~~or~~ adoption of applications (whether in draft form or not) to the Secretary of State ~~for to approve approval of~~ a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993; and
- ~~(a)~~
- ~~•(b)~~ ~~or to d~~ dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

4.02—Functions of the full Council

~~Only the Full Council will exercise the following functions:~~

- ~~(a)—adopting and changing the Constitution, other than minor administrative/typographical corrections;~~
- ~~(b)—approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of any Housing Land Transfer;~~
- ~~(c)—subject to the urgency procedure contained in the Access to Information Procedure in Part 4 of this Constitution, making decisions about any matter in the discharge of an Executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;~~
- ~~(d)—electing the Leader;~~
- ~~(e)—electing the Lord Mayor~~
- ~~(f)—appointing the Executive members on the nomination of the Leader of the Council;~~
- ~~(g)—to agree the composition and membership of all non Executive committees and/or amending the terms of reference for committees, other than minor administrative/typographical corrections, deciding on their composition and making appointments to them;~~

- ~~(h) — appointing representatives to outside bodies unless the appointment is one the Executive wishes to make;~~
- ~~(i) — adopting an allowances scheme under Article 2.05;~~
- ~~(j) — changing the name of the area, conferring the title of Honorary Alderman or Freeman;~~
- ~~(k) — confirming the appointment of the head of paid service;~~
- ~~(l) — making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal bills;~~
- ~~(m) — adopting Standing Orders and Financial Regulations and keeping them under review;~~
- ~~(n) — agreeing the Council's revenue and capital budgets;~~
- ~~(o) — setting the Council tax levels;~~
- ~~(p) — agreeing the Council's Budget and Policy Framework;~~
- ~~(q) — to receive any report by the Chief Finance Officer and/or the Monitoring Officer;~~
- ~~(r) — all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Executive; and~~
- ~~(s) — all other matters which, by law, must be reserved to Council.~~
- ~~(t) — agree the local scheme for council tax support.~~

4.03 — Council meetings

There are three types of Council meeting:

- ~~(a) — the annual meeting;~~
- ~~(b) — ordinary meetings;~~
- ~~(c) — extraordinary meetings.~~

~~and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.~~

Article 5 – The Lord Mayor and Chairing of the Council

5.01 — Role and function of the Lord Mayor

- 5.1 Any elected Member of the Council is eligible for election to the office of Lord Mayor or Deputy Lord Mayor, with the only exception being for members of the Executive.
- 5.2 The Lord Mayor is elected each year from the 39 Councillors at Annual Council in May. The Deputy Lord Mayor is appointed at the same meeting.
- 5.3 The Lord Mayor throughout their term of office of one year should remain impartial in all matters of policy and should not be involved in the direction of affairs or be involved in any campaigns. The Lord Mayor should also not be involved in any Council policy or activities of a controversial nature.
- 5.4 The Lord Mayor may be a member without voting powers of every standing committee appointed by the Council (with the exception of the Executive) except where otherwise provided by statute or a scheme made under statutory authority.
- 5.5 Whilst the Lord Mayor is non-political during their term of office, the Deputy Lord Mayor remains politically active and may also be a committee member (with the only exception being for a member of Executive).

Commented [SC1]: Standing Order 36(2)

Commented [SC2]: Standing Order 36(2)

Civic Role

- 5.5 The Council's Lord Mayor, supported by the Deputy Lord Mayor and their Consorts, will perform the Council's civic role. This entails representing, supporting and promoting the businesses and the people of Exeter.
- 5.6 The Lord Mayor will decide which civic and ceremonial functions during their year of office. These events:
- (a) promote the city through business and community activities;
 - (b) support local charities and community organisations; and
 - (c) raise funds for their own chosen charity
- (a) — The Lord Mayor and in his/her absence, the Deputy Lord Mayor will have the following roles and functions:
- **Coremonial Role**
- (d)
- 5.02 Exeter is very proud of its Lord Mayoralty which dates back to the year 1207 and can claim to have the most senior *Right Worshipful Lord Mayoralty* in the country.
- 5.03 Each year, in May, a new Lord Mayor is elected, by fellow councillors, to serve for one year. The Lord Mayor's role is non-political. The Lord Mayor is supported during his/her year in office by a Deputy Lord Mayor.
- 5.04 The Lord Mayor takes part in ceremonies such as Legal Sunday, Lammas Fair, University Sunday etc. On such occasions the Lord Mayor is in full regalia and accompanied by the Cap and Sword and an escort of Mace Bearers and processes with Honorary Aldermen, past Lord Mayors, Councillors and JP's.

(Amended April 2017[1])

~~5.05 — Although he/she elects to support one charity during the year, the Lord Mayor plays an important part in the community life of Exeter and becomes Honorary president of a variety of charitable and other organisations. The Lord Mayor and Deputy Lord Mayor attend, on average, approximately 500 functions a year.~~

Chairing the Council Meeting

~~5.7~~**5.06** The Lord Mayor also has the following responsibilities:

- ~~(a) 1.~~—to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
- ~~(b) 2.~~—to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary; ~~and~~
- ~~(c) 3.~~—to ensure that the Council meeting is a forum for debate and the place at which members can be held to account.

(Amended ~~April 2017~~**[1]**)

Article 14 – Review and Revision of the Constitution

14.01 Duty to monitor and review the Constitution

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect and report to the ~~Executive or~~ Audit and ~~&~~ Governance Committee ~~as appropriate~~.

A key role for the Monitoring Officer is to make recommendations for ways in which the Constitution could be amended in order to better achieve the purposes set out in Article 1.

In undertaking this task, the Monitoring Officer may:

- (i) Observe meetings of different parts of the Member and officer structure;
- (ii) Undertake an audit trail of a sample of decisions;
- (iii) Record and analyse issues raised with them by members, officers, the public and other relevant stakeholders as part of an annual review; and
- (iv) Compare practices in this Council with those in comparable authorities, or national examples of best practice.

The Chief Finance Officer shall be responsible for keeping under review the Financial Regulations set out in [] to the Constitution and shall make any necessary amendments and revisions as are required from time to time. They shall report any amendments made to the Financial Regulations to the Audit & Governance Committee.

14.02 Changes to the Constitution

(a) Changes to the eConstitution (~~other than minor administrative/typographical corrections~~) will only be approved by the full Council after consideration of the proposal by the ~~Executive or~~ the Audit and ~~&~~ Governance Committee ~~as appropriate~~.

(b) Minor Changes

If, in the reasonable opinion of the Monitoring Officer, a change is:

- a. A minor variation; or
- b. Required to be made to remove any inconsistency or ambiguity; or
- c. Required to be made so as to put into effect any decision of the Council or its committees or the Cabinet,

In which case the Monitoring Officer may make such a change. Any such change made by the Monitoring Officer shall come into force with immediate effect and they will notify all Councillors of the minor amendments.

All changes to the Constitution will be recorded, giving the date of the change and the reason for the amendment.

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HONORARY ALDERMEN, FREEMEN & LORD MAYOR'S COMMENDATION

HONORARY ALDERMAN

1. Appointment of Honorary Alderman

1.1 In accordance with Section 249 of the Local Government Act 1972, the City Council may confer the title of Honorary Alderman on any former Councillor who it considers has provided eminent service to the City Council. The term "eminent services" is not defined in law so is a matter of local interpretation.

1.2 "Eminent service" will be defined for appointment at Exeter City Council as an Honorary Aldermen as follows:

- a) Is not a serving member of Exeter City Council or any other local authority;
- b) Has served as a Member of the City Council for at least 12 years in total; and
- c) Has given exceptional service during that period.

1.3 Upon retirement, qualifying Councillors can be nominated by their own political party and such nomination shall be seconded by the largest opposing political party. The nomination will be brought to a panel for consideration which will consist of leaders of the political groups (and such panel shall be supported by Lord Mayor's Support Officer or such other nominated officer).

1.4 An Honorary Alderman will serve a formal term of four years, during which they are expected to support the Lord Mayor at events. After completing the four-year term, they will no longer have any responsibilities related to attending events.

1.5 Appointments of Honorary Aldermen must take place at an Extraordinary Council meeting specially convened for the purpose. The meeting can occur on the same date of another Full Council Meeting.

1.6 Two thirds of the members present at the meeting must vote in favour of a resolution for the nominee to be appointed as an Honorary Alderman.

1.7 The recipient will be presented with a scroll confirming the title by the Lord Mayor at a separate ceremony and will be given an opportunity to address the Lord Mayor

1.8 Honorary Aldermen cannot be appointed posthumously.

1.9 The number of active Honorary Aldermen will be capped at 10.

1.10 The Council will only bestow this position to an individual once a year.

2. Rights and Responsibilities of Honorary Alderman

2.1 The title of Honorary Alderman does not confer any special privileges or rights upon the appointee to speak or vote at Council meetings, beyond the rights and privileges already afforded to the public.

2.2 The only rights that are conferred to an Honorary Alderman by virtue of their appointment is to be invited to Civic functions and events. The Council will decide which Civic functions and events it is appropriate to invite the Honorary Alderman to.

2.3 The role of Honorary Alderman is an honorary one, but to the public an Honorary Alderman is perceived to be a representative of the Council. In accepting the honour, all Honorary Aldermen must agree and adhere to the protocol laid down by this Council. There are three key elements:

- a) That the person becoming an Alderman does so in the full knowledge that they are perceived to be a Civic representative of the Council and must not bring the Council into disrepute.
- b) In taking this role, the Alderman agrees to become apolitical in public when using the title of Alderman; knowing that any views expressed may be interpreted as views of the Council.
- c) That the Alderman agrees to attend and support the Lord Mayor at Mayoralty invites.

3. Removal of Title of Honorary Alderman

3.1 There may be occasions where, due to the behaviour of individuals who have been appointed as Honorary Aldermen, the Council may wish to remove the title from an individual in order to protect the reputation of the Council.

3.2 If an Alderman brings the council into disrepute, they will be invited to an informal discussion regarding the matter. If deemed appropriate, they may be asked to step down from their role as Alderman.

3.3 Removal of the title of Honorary Alderman will procedurally follow the same process as appointment (proposed and seconded, and then a resolution of two thirds of those present must be passed in favour of removal). However, it may take place at any meeting of Full Council rather than a specially convened meeting.

3.4 Removal of the title of Honorary Alderman must be proposed by notice of motion (Council Procedure Standing Order 6) which must set out the circumstances of how an Alderman has not acted in accordance with 2.3 a) or b).

3.5 Upon receipt of a motion to remove the title of Honorary Alderman, the Head of Service Legal & Democratic Services will notify an affected Alderman and offer the right of reply (either in writing, or in person, pursuant to public speaking rights).

3.6 Should the affected Alderman indicate that they consent to the honour being removed, the motion will be moved, seconded, and put to the vote without debate.

4. Temporary Suspension of Title of Honorary Alderman

4.1 The position of Honorary Alderman is awarded for exceptional service and is a non-political role. As such the Council considers that is inconsistent for an Honorary Alderman to be politically active. In the event of an Honorary Alderman is seeking election to the City Council, or any other Council within the area, he or she shall, cease to hold the position of Honorary Alderman. The role of Alderman will also be suspended if they are politically active in electioneering, including canvassing, acting as an election agent etc.

4.2 If an Honorary Alderman fails to be elected, then the rights and privileges of an Honorary Alderman shall be restored.

4.3 If elected, the rights and privileges of an Honorary Alderman shall remain removed until such time as they cease to be a Councillor, when they will be restored with immediate effect.

FREEDOM OF THE CITY

There are three types:

1. Honorary Freeman (Section 5):

The highest honour, awarded to individuals who have given eminent service to the City. This title cannot be passed down (we currently only bestow these).

2. **Hereditary Freeman:**
Passed down through generations. Requires proof of relation to the last person who held the title. Ceremonies include reading a pledge, presenting a birth certificate, and having a witness testify to their identity.
3. **Military Freedom of the City:**
Bestowed to Military Regiments who are affiliated with the City

5. Honorary Freeman of the City

5.1 Award of Honorary Freeman of the City

5.1.1 In accordance with Section 249 of the Local Government Act 1972, the Council may confer the Honorary Freeman of the City on any person in recognition of their exceptional service to the city, or because they are a person of distinction.

5.1.2 Anyone can propose the award of Honorary Freeman of the City, in writing to the Lord Mayor's Support Officer, who will consult with the Head of Service Legal & Democratic Services and the Leaders of Political Groups (the "Panel"), to establish if there is sufficient consensus in support of bestowing the honour. The nominated person, will then be canvassed to establish their interest and availability. If it is not appropriate the Panel will consider if a Lord Mayor's Commendation is more appropriate

5.1.3 Awarding the Honorary Freeman of the City must take place at an Extraordinary Council meeting specially convened for the purpose. The meeting can occur on the same date of another Full Council Meeting. The nomination will be proposed and seconded.

5.1.4 Two thirds of the members present at the meeting must vote in favour of a resolution for the nominee to be awarded the Honorary Freeman of the City.

5.1.5 The recipient will be presented with a scroll confirming the title by the Lord Mayor at a separate ceremony and will be given an opportunity to address the Lord Mayor for up to 15 minutes.

5.1.6 Honorary Freeman of the City is the highest honour that a Council can grant and in order to preserve its status and value, conferment should be strictly limited to those who have made a very significant contribution to the City, or who is genuinely a person of distinction because of outstanding achievements.

5.1.7 Honorary Freeman of the City cannot be awarded posthumously, nor can it be passed down through generations.

5.1.8 The Council will only bestow this position to an individual once a year.

5.2 Rights and Responsibilities of Honorary Freeman of the City

5.2.1 The award of Honorary Freeman of the City does not confer any special privileges or rights upon the appointee to speak or vote at Council meetings, beyond the rights and privileges already afforded to the public.

5.2.2 The only rights that are conferred to an Honorary Freeman by virtue of their appointment is to be invited to Civic functions and events. The Council will decide which Civic functions and events it is appropriate to invite Honorary to.

5.3. Removal of Honorary Freeman of the City

5.3.1 There may be occasions where, due to the behaviour of recipients of Honorary Freeman of the City, the Council may wish to remove the title in order to protect the reputation of the Council.

5.3.2 Removal of Honorary Freeman of the City will procedurally follow the same process as appointment (proposed and seconded, and then a resolution of two thirds of those present must be passed). However, it may take place at any meeting of Full Council rather than a specially convened meeting.

5.3.3 Removal of Honorary Freeman of the City must be proposed by notice of motion (Council Procedure Standing Order 6) and must set out how the recipient has behaved in such a way that the reputation of the City has been damaged.

6. Hereditary Freeman

6.1.1 Passed down through generations. Requires proof of relation to the last person who held the title ie birth, marriage and death certificates.

6.1.2 The Lord Mayor's Support Officer, who will consult with the Head of Service Legal & Democratic Services and the Leaders of Political Groups, to establish if there is sufficient evidence in support of bestowing the honour.

6.1.3 The Council will only bestow this position to an individual once a year.

6.2 Rights and Responsibilities of Hereditary Freeman of the City

6.2.1 The award of Hereditary Freeman of the City does not confer any special privileges or rights upon the appointee to speak or vote at Council meetings, beyond the rights and privileges already afforded to the public.

6.2.2 The only rights that are conferred to an Hereditary Freeman by virtue of their appointment is to be invited to Civic functions and events. The Council will decide which Civic functions and events it is appropriate to invite Honorary to.

6.3. Removal of Hereditary Freeman of the City

6.3.1 There may be occasions where, due to the behaviour of recipients of Hereditary Freeman of the City, the Council may wish to remove the title in order to protect the reputation of the Council.

6.3.2 Removal of Hereditary Freeman of the City will procedurally follow the same process as appointment (proposed and seconded, and then a resolution of two thirds of those present must be passed). However, it may take place at any meeting of Full Council rather than a specially convened meeting.

6.3.3 Removal of Hereditary Freeman of the City must be proposed by notice of motion (Council Procedure Standing Order 6) and must set out how the recipient has behaved in such a way that the reputation of the City has been damaged.

7. Military Freedom of the City

7.1 Award of Freedom of the City

7.1.1 In accordance with Section 249 of the Local Government Act 1972, the Council may grant the Freedom of the City to Military Regiments.

7.1.2 The honour grants the military unit freedom 'to march through the streets of the city with bayonets fixed, drums beating and Colours flying'.

7.1.3 A Regiment can put an interest forward, in writing to the Lord Mayor's Support Officer, who will consult with the Head of Service Legal & Democratic Services and the Leaders of Political Groups, to establish if there is sufficient consensus in support of bestowing the honour.

7.1.4 Awarding Freedom of the City must take place at an Extraordinary Council meeting specially convened for the purpose. The meeting can occur on the same date of another Full Council Meeting.

7.1.5 Two thirds of the members present at the meeting must vote in favour of a resolution for the nominee to be awarded the Freedom of the City.

7.1.6 The recipient will be presented with a scroll confirming the title by the Lord Mayor at a separate ceremony and will be given an opportunity to march through the City.

7.1.8 Freedom of the City is the highest honour that a Council can grant and in order to preserve its status and value, conferment should be strictly limited to those who have an affiliation to the City.

7.1.9 The honour can be passed over when a regiment is reformed ie merging of services to create a new regiment.

7.2 Rights and Responsibilities of Freedom of the City

7.2.1 The award of Freedom of the City does not confer any special privileges or rights upon the appointee to speak or vote at Council meetings, beyond the rights and privileges already afforded to the public.

7.2.3 The honour grants the military unit freedom 'to march through the streets of the city with bayonets fixed, drums beating and Colours flying'. Written request will need to be sent to the Lord Mayor's Support Officer.

7.2.4 The honour grants the availability of the Guildhall once a year for the affiliated Military Regiment to use for a function of their choice ie dinner, meeting etc.

8. Lord Mayor's Commendation Award

8.1 Award of Lord Mayor's Commendation Award

8.1.1 The Lord Mayor has the discretion of awarding individuals/organisations with a Lord Mayor's Commendation Award during their term of office.

8.1.2 Any one can propose an individual/organisation, in writing to the Lord Mayor's Support Officer, who will consult with the Lord Mayor and the leaders of political groups, to establish if there is sufficient consensus in support of bestowing the honour. The nominated person will then be canvassed to establish their interest and availability.

8.1.3 Two thirds of the panel present at the meeting must vote in favour of a resolution for the nominee to be awarded the Lord Mayor's Commendation Award.

8.1.4 The recipient will be presented with a certificate confirming the title by the Lord Mayor at a separate ceremony along with other recipients

8.1.5 Lord Mayor Commendation Award can only be awarded once to an individual or organisation

8.1.6 Capped at 5 nominations a year.

8.1.7 Any nomination of the staff of the City Council that are nominated will need to be approved by the Chief Executive first.

8.2 Rights and Responsibilities of recipients of Lord Mayor's Commendation Award

8.2.1 The award of Lord Mayor's Commendation does not confer any special privileges or rights.

REPORT TO AUDIT & GOVERNANCE

Date of Meeting: 17 April 2025

REPORT TO COUNCIL

Date of Meeting: 10 June 2025

Report of: Simon Copper, Monitoring Officer

Title: Constitutional Changes – City Development Functions and Responsibilities

Is this an Executive or Council Function?

Council

1. What is the report about?

1.1 This report proposes changes to the Council's constitution. These changes update, consolidate and streamline the committee and officer level decision-making process, enforcement practices and governance arrangements in relation to City Development.

1.2 These changes have come about due to a number of officer and member led discussions about improving and streamlining the decision-making process in City Development.

1.3 At the Audit and Governance Committee's last meeting of 19 March 2025, it resolved to form a Governance Sounding Board to consider these draft proposals in detail in advance of a report being prepared for this meeting.

1.4 When the Governance Sounding Board met it was supportive of these proposals. The Sounding Board's feedback helped shape the planning committee proposals relating to speaking times of registered speakers and subsequent follow up questions. Feedback also helped add clarity to the revised scheme of delegation for how members can request matters to come to delegation briefing.

2. Recommendations:

2.1 That the Audit and Governance Committee recommends to Council that it gives delegated authority to the Monitoring Officer in consultation with the Lord Mayor to agree a date for the Council to adopt the following changes to the Constitution:

- 2.1.1 Standing Order 19A to be amended to adjust the speaking order at Planning Committee so that Councillors and members of the public speak first on any planning application before the officer presentation;
- 2.1.2 Standing Order 44 be amended to limit speaking time for Councillors who are not members of the Planning Committee to five minutes when addressing any planning application (and that any follow-up questions posed by the committee to those Councillors also be limited to five minutes);
- 2.1.3 Standing Order 19A to be further amended to increase the amount of time for which a member of the public who ask to speak in respect of any planning application from three to five minutes (and that any follow-up questions posed by the committee to the member of the public is limited to five minutes);

- 2.1.4 City Development to update and publish the Planning Committee Debate and Decision Process flowchart to reflect the changes to the speaking order at Planning Committee meetings;
- 2.1.5 replace the Local Planning Code of Conduct with the Members Planning Code of Good Practice;
- 2.1.6 adopt the Site Visit Protocol;
- 2.1.7 update the terms of reference to the Planning Committee in the constitution to accommodate minor adjustments such as clarity on how staff applications are dealt with; and
- 2.1.8 update the scheme of delegation relating to the functions and responsibility of the Head of City Development to reflect updates and accommodate minor clarifications.

3. Reasons for the recommendation:

Issue	Solution
At present, members of the public and councillors address the committee immediately prior to the debate on the proposed application. These comments often drive the discussion on an application, rather than the contents of the officer's report.	Adjust Standing Order 19A so that the agenda in the planning committee is as follows: Councillors, members of the public, the officer presentation and then debate. This will allow officer presentations to address issues raised and shape the discussion on an application by members.
Members speaking under Standing Order 44 have spent in the past up to 1 hour addressing the committee. This takes up valuable time in committee and focus on key points is lost.	Adjust Standing Order 44 so that members may speak on an item and their contributions are limited to five minutes. The salient and pertinent points can be made to the committee in that time. It is proposed to increase the time for members of the public to speak on an application from three to five minutes. This allows for the different stakeholders to have an equal say on applications. This will require a further change to Standing Order 19A.
The current unrestricted format for questions for councillors speaking under Standing Order 44 and members of the public often prolongs proceedings and can devolve into unproductive discussions, hindering effective decision-making.	Any questions posed by the committee to Councillors and members of the public will be limited to five minutes per speaker.
A flowchart showing the planning committee decision making process was prepared recently. If the changes to the order of speakers in the Planning Committee meetings are adopted, it will need to be updated.	Publish an updated flowchart.
The current Local Planning Code has not been revised for some time, and it is not specifically aimed at or helpful to members. It is now a bit dated following	Replace the Planning Code of Conduct with the recently published Members Planning Code of Good Practice. Lawyers in Local Government published a 'Members Planning Code of Good

recent updates to industry standard guidance and best practice.	Practice' and is aimed at and gives practical advice to members on their duties and obligations.
There is no protocol or arrangements in place for requesting, undertaking or organising site visits undertaken by Planning Committee. This often leads to confusion between officers and members as to when it can be requested or how it can be arranged.	Adopt the Site Visit Protocol.
The terms of reference for the Planning Committee needs to be updated to reflect the contents of the Members Planning Code of Good Practice and requires some other minor changes for clarification.	Make changes to Part 3 of the Constitution to reflect the changes.
<p>The Scheme of Delegation is deficient in that:</p> <ul style="list-style-type: none"> (i) Late requests are being made by members to bring the matter to a Delegation Briefing causing delays to decisions; (ii) Unnecessary items are being presented at Delegation Briefings taking up officer and member time; (iii) adopts a heavy-handed approach to staff applications in that all have to be taken to committee and thereby causing delays; (iv) the limit on the amount contained within planning obligations that the Head of City Development can agree with the agreement of the chair of the Planning Committee is too low and may not be workable for Biodiversity Net Gain requirements; (v) Requires some points of clarification around the delegation of enforcement powers. (vi) Is otherwise difficult to read and could be more helpful to officers and members of the public. 	<p>Amend the scheme of delegation so that Delegation Briefing only consider matters which:</p> <ul style="list-style-type: none"> (i) members have promptly notified officers about (within two working after the formal consultation period ends); (ii) raise material planning considerations; (iii) allows uncontroversial applications from members of staff to be determined under delegated powers rather than always having to be taken to Planning Committee; <p>Further changes include:</p> <ul style="list-style-type: none"> (iv) Removing Tree Preservation Orders from the purview of delegation briefing; (v) increasing the amount that the Head of City Development can authorise for planning obligations; (vi) clarifying that the Head of City Development can authorise low level enforcement action against alleged breaches of planning control; and (vii) making it more user-friendly.

4. What are the resource implications including non financial resources

4.1 There are no significant direct financial implications arising from the proposed constitutional changes. However, there are resource implications in terms of officer time required to implement the changes, including updating documentation, communicating changes to members and staff as well as ensuring any relevant training and support is provided.

5. Section 151 Officer comments:

There are no financial implications for Council to consider.

6. What are the legal aspects?

6.1 The changes proposed relate to the Council's Constitution and are within the powers of the authority to amend in accordance with the Local Government Act 2000 and associated guidance. The amendments aim to enhance governance, transparency and the clarity of constitutional procedures. Legal Services have been involved in drafting the changes to ensure they comply with relevant legislation, statutory guidance and best practice. Full Council approval will be required to formally adopt the revised constitutional provisions.

7. Monitoring Officer's comments:

7.1 The Monitoring Officer supports the proposed changes. These changes are intended to clarify current practices, address procedural inefficiencies and ensure compliance with statutory obligations. They reflect recommendations made through both officer review and member feedback.

8. Report details:

Planning Committee

8.1 At present, members of the public and councillors address the committee immediately prior to the debate on the proposed application. These comments are often emotive and can introduce elements into the debate which are not material planning considerations. These comments can sometimes drive the discussion on an application, rather than the contents of the officer's report and the relevant considerations pertaining to the matter at hand. It is proposed that public comments are made at the beginning of the meeting.

Members speaking under Standing Order 44 also address the committee immediately prior to the debate and have spent in the past up to one hour addressing the committee. This takes up valuable time in committee. It is proposed that the speaking time for members speaking under Standing Order 44 (i.e. who are not part of the committee and have registered to speak to an application being considered) is limited to five minutes. The salient and pertinent points can be made to the committee within five minutes. Time limiting contributions from councillors is a practice followed in neighbouring authorities (Mid Devon District Council for example).

It is proposed that members of the public registered to speak have their time increased from three to five minutes. This provides a little more time for them to share their views as it has been often quite difficult to condense this into three minutes. Increasing the time to five minutes would also equalise the time with councillors speaking on an application and allow for the different stakeholders to be equally heard.

It is proposed to limit the time for the committee to ask questions of the speakers to five minutes. There is at present no time limit on this and a 'questions and answers segment' significantly prolongs the proceedings. This part of the meeting can often devolve into an unproductive conversation between the member and the committee. This is not conducive to a healthy decision-making process.

The proposed changes to the Standing Orders would improve the current situation in several key ways:

- By allowing the officer presentation to follow the contributions from councillors and members of the public, the officers can directly address any issues or concerns raised. This helps ensure that the debate is driven by relevant, material planning considerations rather than emotive or irrelevant ones.
- Limiting the speaking time for councillors speaking under Standing Order 44 to five minutes, in line with the time allowed for public comments, helps maintain focus in the meeting and ensures time is used more efficiently. A more efficient process can enhance public perception of the committee's professionalism and fairness.
- Standardising the speaking time for councillors and members of the public to five minutes ensures fairness and equality in how different stakeholders present their views. It will also prevent potential misuse of speaking opportunities and keep the focus on the material issues as well as the development's impact on those most directly involved and affected.
- Limiting the time for follow-up questions to five minutes for each speaker will ensure that the questions are relevant but still be enough time for participants to have felt heard by the committee.

In summary, the proposed changes would create a more efficient, balanced and focused planning committee process. It would ensure that discussions are driven by material considerations and informed by officer advice.

The markup of the amended Standing Order 19A and 44 to bring these changes are attached at **Appendix 1**.

The revised Planning Committee Debate and Decision Process reflecting the new running order for Planning Committee is attached at **Appendix 2**.

Members' Planning Code of Conduct

The Council currently uses a bespoke Members' Planning Code of Conduct. It addresses both member and officer issues and has not been reviewed for some time. It could be more helpful for members dealing with planning issues.

Lawyers in Local Government ("LLG") - the professional membership body representing, promoting and supporting the interests of local government legal or governance officers working within a local authority - has revised the Members Planning Code of Good Practice 10 years following its last revision. The Members' Planning Code of Good Practice was originally published in 2003 in response to a series of successful court challenges concerning local planning authorities and members' conduct or conflicts of interest.

The model code has been an invaluable resource for local government lawyers and councillors alike, receiving endorsement by the Supreme Court in the matter of Dover District Council (Appellant) v CPRE Kent (Respondent) [2017] UKSC 79.

Adopting the model Planning Code of Good Practice would help in the following ways:

- It would provide a Local Planning Code that has been reviewed and endorsed by various local government bodies, ensuring that the Council's procedures and practices align with current best practices.
- It would ensure that our Local Planning Code reflects recent legal rulings and legislative changes, including the Localism Act 2011 and subsequent court decisions, which helps mitigate risks of legal challenges.

- The code offers clear guidance on the conduct expected from both members and officers, addressing potential conflicts of interest, bias, and predetermination. This clarity helps prevent misunderstandings and ensures that all parties are aware of their responsibilities and the correct procedures to follow.
- It provides detailed advice on handling various aspects of the planning process, including site visits, lobbying, and public speaking, which can help members navigate complex situations with confidence.

In summary, adopting the Model Planning Code of Good Practice would provide the Council with a robust, up-to-date framework for managing planning decisions, enhancing legal compliance, transparency and the overall quality of decision-making. It would foster greater public trust and ensure that planning processes are conducted fairly and effectively.

The proposed Members Planning Code of Good Practice is attached at **Appendix 3**.

Site Visits Protocol

A protocol for site visits would complement the Planning Code of Good Practice. It will provide helpful guidance to officers and members on how they can be requested, organised and conducted.

In particular the proposed protocol:

- minimises unnecessary delays by setting clear guidelines on when and how site visits should be requested and organised.
- defines the roles of the Chair, planning officers and members during site visits, ensuring that everyone understands their responsibilities and the purpose of the visit.
- advises members on how to avoid lobbying, debate and discussions about the merits of the application during the visit, ensuring that site visits remain objective fact-finding missions.
- includes provisions for identifying and mitigating health and safety risks during site visits.
- Requires detailed documentation of the visit for future reference including the timetable, attendees and observed features.

The Site Visit Protocol is consistent with the principles contained in the site visit section of the Planning Advisory Service's Probity in Planning.

The proposed Site Visits Protocol is attached at **Appendix 4**.

Terms of Reference of Planning Committee and the Scheme of Delegation

Delegation Briefing

Late requests are being received by officers to bring matters to Delegation Briefing causing delays. Furthermore, often trivial and unnecessary items are being presented at those meetings taking up officer and member time.

It is proposed to amend the scheme of delegation so that Delegation Briefings consider matters amongst other things which:

- Members have promptly notified officers about (i.e. within two working days after the formal consultation period ends).

- Raise material planning considerations.
- Officers are minded to approve (rather than refuse) under delegated powers.

This streamlines the briefing process ensuring that only relevant matters are discussed.

Member of Staff Applications

The current approach requires all staff applications to be taken to committee causing delays for straightforward householder applications. It is proposed to allow minor uncontroversial employee applications to be determined under delegated powers (subject to consultation at Delegation Briefing) rather than always having to be taken to Planning Committee. The terms of reference for the planning committee have also been updated to reflect this.

This would free up Planning Committee time to concentrate on the more important or contentious applications and improves efficiency.

The changes align with the Planning Advisory Service's Probity in Planning, which suggests that any local guidance should have protocols in place in relation to "proposals submitted by councillors and planning officers" (emphasis added) (at chapter 6).

Planning Obligations

The Head of City Development has delegated authority (with agreement of the Chair of the Planning Committee) to enter into minor planning obligation (otherwise known as section 106) agreements to enter a legally binding agreement with a landowner as part of the granting of a planning permission. This will often enable payments for infrastructure to be made and secure other on-site related obligations that require monitoring throughout the lifetime of the development. The definition however of a 'minor' agreement is too restrictive. The current limit of £10,000 is too low and may not be workable for future Biodiversity Net Gain requirements.

It is proposed to increase the amount that the Head of City Development can (with agreement of the Chair of the Planning Committee) authorise for new section 106 agreements securing minor infrastructure and/or involving sums of less than £100,000. This would provide greater flexibility and efficiency in handling planning obligations and will ensure that future requirements, such as Biodiversity Net Gain, can be met without unnecessary delays without the need for an application going to planning committee.

Enforcement Action

The current scheme of delegation lacks clarity about the delegated powers that the Head of City Development has in respect of low-level enforcement. A revised scheme of delegation would clarify that the Head of City Development can authorise low-level enforcement action against alleged breaches of planning control such as requesting more information about the nature of the alleged breaches (by serving [Planning Contravention Notices](#) or the recently introduced [Enforcement Warning Notices](#)) and details as to the ownership of the land. These steps are important pre-cursors to taking formal enforcement action and need to be done quickly and easily. More formal enforcement action will still need to be agreed with the Head of Legal Services as per the current scheme of delegation.

A revised scheme of delegation would ensure that minor breaches can be promptly addressed improving overall compliance. Furthermore, it would reduce ambiguity about those low-level enforcement powers thereby improving the efficiency of enforcement action.

Revocation

It may be necessary in certain circumstances to revoke a planning permission, lawful development certificate or Hazardous Waste consent. The scheme of delegation makes clear that this power is delegated to the Head of City Development, but only where compensation is not payable by the City Council. This would be in most cases where planning permission is revoked (and may therefore never in practice be used), but not payable for instances where information was withheld and subsequently came to light after a certificate of lawfulness was issued and where a hazardous waste consent order is no longer required.

The proposed revised scheme of delegation is attached at **Appendix 5**. The existing scheme of delegation is attached at **Appendix 6**.

The proposed revised terms of reference for the Planning Committee are attached at **Appendix 7**. A comparison of the terms of reference is attached at **Appendix 8**.

9. How does the decision contribute to the Council's Corporate Plan?

9.1 The proposed changes contribute to the Corporate Plan by supporting the priority of being a Well-run Council. By improving governance arrangements for City Development decision-making, the changes promote greater transparency, efficiency and clarity in the Council's operations. The revisions also reflect a commitment to continuous improvement, which underpins the Council's broader vision for governance excellence.

10. What risks are there and how can they be reduced?

10.1 The key risks associated with these changes include potential confusion during the transition to the revised governance framework and delays in implementation. These risks can be mitigated by ensuring communication of the changes to Members and officers, providing training and support as well as monitoring of any implementation process.

11. Equality Act 2010 (The Act)

11.1 Under the Act's Public Sector Equalities Duty, decision makers are required to consider the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

11.2 In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

11.3 In making decisions the authority must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage and civil partnership status in coming to a decision.

11.4 In recommending this proposal no potential impact has been identified on people with protected characteristics as determined by the Act because: because

11.4.1 The proposed changes relate solely to internal governance and procedural matters concerning City Development decision-making and do not directly affect public services or access to services.

11.4.2 The revisions aim to improve clarity, transparency, and efficiency in decision-making, supporting inclusive participation by ensuring all Members have a clear understanding of their roles and responsibilities.

12. Carbon Footprint (Environmental) Implications:

12.1 No direct carbon/environmental impacts arising from the recommendations.

13. Are there any other options?

13.1 The Audit and Governance Committee could choose to retain the existing constitutional provisions; however, this would miss the opportunity to improve clarity, transparency and efficiency in the Council's decision-making processes. The proposed changes reflect best practice and ensure the Constitution remains fit for purpose.

Monitoring Officer: Simon Copper, Head of Legal & Democratic Services

Author: Simon Curran, Planning Solicitor

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report: -

None

Contact for enquires:
Democratic Services (Committees)
Room 4.36
01392 265275

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STANDING ORDER 19A

PUBLIC SPEAKING AT PLANNING COMMITTEE

1. A member of the public may address the Planning Committee on any application ~~or tree preservation order~~ being considered by that Committee, provided that:-
 - (a) the person has indicated a wish to speak, by contacting the Democratic Services Manager ~~Support~~ not later than 10:00 am two ~~clear~~ working days in advance of the meeting of the Committee;
 - (b) only one person may speak in support of the application ~~or order~~ and one person against, and unless the persons concerned nominate a spokesperson, priority will be given to the first person to have indicated a wish to speak, or otherwise at the discretion of the Chair;
 - (c) each speaker may speak for a maximum of fivethree minutes; and
 - (d) a speaker's address should be limited to planning matters, and must not be offensive or defamatory.
2. Persons speaking under this Standing Order will be heard after any member of the Council speaking under Standing Order 44, but before the presentation by an officer, ~~and after any member of the Council speaking under Standing Order 44, but before~~ the members of the Committee debate the application ~~or order~~. A speaker against the application ~~or order~~ will be heard before a speaker in support of it.
3. Members of the Committee may ask questions of a speaker, and the speaker may answer, by way of clarification only. The time for questions of any speaker at planning committee shall be limited to five minutes per speaker.
43. A speaker may not during the committee distribute any additional documentation, photos or any other materials that were not provided to Democratic Services Manager when registering to speak.

STANDING ORDER 44

ATTENDANCE AT COMMITTEES, SUB-COMMITTEES & EXECUTIVE

1. A member of the Council shall have the right to attend the meeting of any Committee, Sub-Committee or Executive of which he/she is not a member and may remain during consideration of both the public and private parts of the agenda. He/she may not vote at that meeting and may only speak or ask a question if he/she has given notice in writing (by electronic mail wherever possible) by 10.00 am ~~two working on~~ the days in advance of the meeting to the Democratic Services Manager and has specified in the notice the particular agenda item or items on which he/she wishes to speak or ask a question. Members can only speak on that item for five minutes. Where a member is speaking at a Planning Committee, the time for questions of any speaker at planning committee shall be limited to five minutes per speaker.
2. Opposition group leaders shall not be required to give notice under Standing Order No. 44 to speak or ask a question on any items on the Executive agenda.

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Planning Committee Debate and Decision Process - Proposed

PUBLIC PARTICIPATION

Stage 1: Public forum statements ¹

OFFICER PRESENTATION

Stage 2: Officer report & recommendation ²

MEMBER QUESTIONS AND DEBATE

Stage 3: Member questions and clarifications of the proposal followed by a summary from the Director, Service Lead or Officer

Stage 4: Member debate

MAKING THE DECISION

Stage 5a: Chair will move a MOTION in accordance with the Officer recommendation (to test if this is what Committee want to do).

If SECONDED³ go to stages 6 to 8.
If not SECONDED go to stage 5b.

Stage 5b: The Chair will seek an alternative MOTION from the Committee, such as deferring the application for further consideration, approving the application subject to changes or going against Officer recommendation

Stage 6: Any AMENDMENT to the MOTION moved and seconded⁴

Stage 7: VOTE on any AMENDMENT to the MOTION (if seconded)

Stage 8: VOTE on MOTION
(either original MOTION or as amended)

IF CARRIED = DECISION MADE

IF LOST = NO DECISION MADE and go back to Stage 5b

¹ In accordance with Standing Orders 19A and 44 of the City Council's constitution.

² Members may seek answers to technical questions about the report during this stage.

³ A Motion must be seconded in order to be formally accepted. If a Motion is not seconded, the debate continues.

⁴ An Amendment can occur on any formally approved Motion (ie. one that has been Seconded) prior to Voting. If Vote carried at Stage 7, then this becomes the Motion which is voted on at Stage 8.

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The Members Planning Code of Good Practice

Introduction

The aim of this code of good practice: to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

One of the key purposes of the planning system is to regulate the development and use of land in the public interest. **Your role as a Member of the Planning Authority is** to make planning decisions openly, impartially, with sound judgement and for justifiable reasons. You are also a democratically accountable decision-taker who had been elected to provide and pursue policies. You are entitled to be predisposed to make planning decisions in accordance with your political views and policies **provided** that you have considered all material considerations and have given fair consideration to relevant points raised.

When the Code of Good Practice applies: this code applies to Members at all times when involving themselves in the planning process. (This includes when taking part in the decision making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings). It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.

If you have any doubts about the application of this Code to your own circumstances you should seek advice early, from the Monitoring Officer or one of his or her staff, and preferably well before any meeting takes place.

1. Relationship to the Members' Code of Conduct

- 1.1 **Do** apply the rules in the Authority's Code of Conduct first, which must always be complied with. This is both the rules on disclosable pecuniary interests (and other interests if included in your authority's code) and the general rules giving effect to the seven principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- 1.2 **Do** then apply the rules in this Members' Planning Code, which seek to explain and supplement the Members' Code of Conduct for the purposes of planning and development control. If you do not abide by this Members' Planning Code, you may put:
 - the Council at risk of proceedings on the legality or maladministration of the related decision; and
 - yourself at risk of either being named in a report made to the Standards Committee or Council or, if the failure is also likely to be a breach of the Localism Act 2011, a complaint being made to the police to consider criminal proceedings.
- 1.3 **Do** be aware that, like the Authority's Code of Conduct, this Planning Code is a reflection and summary of the law on decision making and not a direct replication of it. If in doubt, seek the advice of your monitoring officer or their staff advising at the meeting.

2. Development Proposals and Interests under the Members' Code

2.1 **Do** disclose the existence and nature of your interest as required by your members Code of Conduct.

2.2 **Do take into account when approaching a decision that** the Principle of integrity is defined, by the Committee on Standards in Public Life in 2013, in terms that *“Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. **They must declare and resolve any interests and relationships**”*.

It is therefore advisable that you:

- a) **Don’t** seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a councillor. This would include, where you have a disclosable or other personal conflict of interest in a proposal, using your position to discuss that proposal with officers or Members when other members of the public would not have the same opportunity to do so.
- b) **Do** note that you are not prevented from seeking to explain and justify a proposal in which you may have a conflict of interest to an appropriate officer, in person or in writing, but that the Members’ Code of Conduct may place additional limitations on you in representing that proposal.
- c) **Do** notify the Monitoring Officer in writing where it is clear to you that you have a disclosable pecuniary interest, other or non-registrable interest and note that:
 - (i) you should send the notification no later than submission of that application where you can;
 - (ii) an application submitted by, or on behalf of a councillor cannot be dealt with by officers under delegated powers;
 - (iii) you must not get involved in the processing of the application; and
 - (iv) it is advisable that you employ an agent to act on your behalf in respect of the proposal when dealing with officers and in public speaking at Committee.

3. **Fettering Discretion in the Planning Process** (natural justice, predisposition and predetermination)

3.1 **Don’t** fetter your discretion and therefore your ability to participate in planning decision making at this Council by approaching the decision with a closed mind. Fettering your discretion in this way and taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of bias, pre-determination or a failure to take into account all of the factors enabling the proposal to be considered on its merits.

3.2 **Do** be aware that in your role as an elected Member you are entitled, and are often expected, to have expressed views on planning issues and that these comments have an added measure of protection under the law. Your prior observations, apparent favouring or objections in respect of a particular outcome will not on their own normally suffice to make a decision unlawful and have it quashed, but you must never come to make a decision with a closed mind.

3.3 **Do** keep at the front of your mind that, when you come to make the decision, you:

- a) must keep an open mind and hear all of the evidence before you, both the officers' presentation of the facts and their advice and the arguments from all sides;
 - b) are not required to cast aside views on planning policy you held when seeking election or when otherwise acting as a Member, in giving fair consideration to points raised;
 - c) are only entitled to take account a material consideration and must disregard considerations irrelevant to the question and legal context at hand; and
 - d) are to come to a decision after giving what you feel is the right weight to those material considerations.
- 3.4 **Do** be aware that you can be biased where the Council is the landowner, developer or applicant and you have acted as, or could be perceived as being, a chief advocate for the proposal. (This is more than a matter of membership of both the proposing and planning determination committees, but that through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.)
- 3.5 **Do** consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where you are a Exeter City councillor and Devon County councillor for example), provided:
- a) the proposal does not substantially effect the well being or financial standing of the consultee body;
 - b) you make it clear to the consultee body that:
 - (i) your views are expressed on the limited information before you only;
 - (ii) you must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area or ward, as and when it comes before the Committee and you hear all of the relevant information; and
 - (iii) you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee.
- 3.6 **Do** explain that you do not intend to speak and vote as a member of the Committee because you will be perceived as having judged (or you reserve the right to judge) the matter elsewhere, so that this may be recorded in the minutes. (*Use the disclosure form provided for disclosing interests.*)
- 3.7 **Do** take the opportunity to exercise your separate speaking rights as a Ward/Local Member (*where you have registered to do so in accordance with the Council's standing orders*) where you have represented your views or those of local electors and fettered your discretion.
- 3.8 **Don't** exercise separate speaking rights as a Ward/Local Member where you have an other, or non-registrable interest unless you have:
- a) advise the proper officer or Chair that you wish to speak in this capacity before commencement of the item;
 - b) left the room after having done so; and
 - c) ensured that your actions are recorded in accordance with the Authority's committee procedures.
- 3.9 **Don't** remain in the room, or exercise separate speaking rights whilst a matter in which you have a disclosable pecuniary interest is being decided.

4. Contact with Applicants, Developers and Objectors

- 4.1 **Do** refer those who approach you for planning, procedural or technical advice to officers.
- 4.2 **Don't** agree to any formal meeting with applicants, developers or groups of objectors where you can avoid it. Where you feel that a formal meeting would be useful in clarifying the issues, you should seek to arrange that meeting yourself through a request to the Head of City Development to organise it. The officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee.
- 4.3 **Do** otherwise:
- a) follow the rules on lobbying;
 - b) consider whether or not it would be prudent in the circumstances to make notes when contacted; and
 - c) report to the Head of City Development any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.
- 4.4 In respect of presentations by applicants/developers:
- a) **Don't** attend a planning presentation without requesting an officer to be present.
 - b) **Do** ask relevant questions for the purposes of clarifying your understanding of the proposals.
 - c) **Do** remember that the presentation is not part of the formal process of debate and determination of any subsequent application, this will be carried out by the appropriate Committee of the planning authority.
 - d) **Do** be aware that a presentation is a form of lobbying and, whilst you may express any view on the merits or otherwise of the proposal presented, you should never state how you or other Members would intend to vote at a committee.
- 4.5 **Do** be aware that Pre-application discussions between a potential applicant and the Council can benefit both parties and are encouraged, but that it would be easy for such discussions to become, or be seen by objectors to become, part of a lobbying process on the part of the applicant. Therefore:
- a) **Do** feel able to participate in pre-application discussions, when invited to do so (such as participating in Planning Member Working Group) by officers and share local knowledge, expertise, and community views.
 - b) **Do** identify issues early in the process to try and avoid issues coming to light for the first time at Committee.
 - c) **Don't** give the impression to anyone that a particular course of action will result in a specific outcome for an application.
 - d) **Do** be aware and make clear that any advice given does not bind the Council to make a particular discussion.

5. Lobbying of Councillors

- 5.1 **Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it may subsequently prejudice your impartiality, and therefore your ability to participate in the Committee's decision making, to express an intention to vote one way or

another or such a firm point of view that it amounts to the same thing.

- 5.2 **Do** remember that your overriding duty is to the whole community not just to the people in your ward and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.
- 5.3 **Don't** accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum, its acceptance is declared as soon as possible, including its addition to your register of interests where relevant.
- 5.4 **Do** copy or pass on any lobbying correspondence you receive to the Head of City Development at the earliest opportunity.
- 5.5 **Do** promptly refer to the Head of City Development any offers made to you of planning gain or constraint of development, through a proposed s106 Planning Obligation or otherwise.
- 5.6 **Do** inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to follow the matter up.
- 5.7 **Do** note that, unless you have a disclosable pecuniary interest, other or non-registrable interest, you will not have fettered your discretion or breached this Planning Code through:
 - a) listening or receiving viewpoints from residents or other interested parties;
 - b) making comments to residents, interested parties, other Members or appropriate officers (making clear that you must keep an open mind);
 - c) seeking information through appropriate channels; or
 - d) being a vehicle for the expression of opinion of others in your role as a Ward Member.

6. Lobbying by Councillors

- 6.1 **Don't** become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals. If you do, you will be seen to have fettered your discretion on the grounds of bias.
- 6.2 **Do** join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals, such as the Victorian Society, CPRE, Ramblers Association or a local civic society, but you should normally disclose that interest on the grounds of transparency where the organisation has made representations on a particular proposal and make it clear to that organisation and the Committee that you have reserved judgement and the independence to make up your own mind on each separate proposal
- 6.3 **Don't** excessively lobby fellow councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken
- 6.4 **Do** be aware of the power of social media posts or re-posting and be careful to not to give the impression that you will definitively vote in a certain way or act with a closed mind if you intend to participate in the decision making on behalf of the authority.

- 6.5 **Don't** decide or discuss how to vote on any application at any sort of political group meeting, or lobby any other Member to do so. Political Group Meetings should never dictate how Members should vote on a planning issue.

7. Site Visits/Inspections

- 7.1 **Do** try to attend site visits organised by the Council (requested in accordance with the relevant Site Visit Protocol) where possible.
- 7.2 **Don't** request a site visit unless you feel it is strictly necessary because:
- a) particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or
 - b) there are significant policy or precedent implications and specific site factors need to be carefully addressed.
- 7.3 **Do** comply with the relevant Site Visit Protocol and in particular that you at all times:
- a) **Do** treat the site visit only as an opportunity to seek information and to observe the site.
 - b) **Do** ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
 - c) **Don't** express opinions or views.
 - d) **Don't** hear representations from any other party, with the exception of the Ward Member(s) whose address must focus only on site factors and site issues. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the authority and direct them to or inform the officer present.
 - e) **Do** ensure that you report back to the Committee any information gained from the site visit that you feel would benefit all Members of the Committee.
- 7.8 **Don't** enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless:
- a) you feel it is essential for you to visit the site other than through attending the official site visit,
 - b) you have first spoken to the Head of City Development about your intention to do so and why (which will be recorded on the file) and
 - c) you can ensure you will comply with these good practice rules on site visits.

8. Public Speaking at Meetings

- 8.1 **Don't** allow members of the public, or other ward councillors present who are not committee members, to communicate with you during the Committee's proceedings (orally, in writing or by social media) other than through the scheme for public speaking or through the Chair, as this may give the appearance of bias.
- 8.2 **Don't** participate in social media or exchanges by texting as a member of the committee during the committee's proceedings as this may give the impression of undue external influence and may give the appearance of bias.
- 8.3 **Do** ensure that you comply with the Council's procedures in respect of public speaking.

9. Officers

- 9.1 **Don't** put pressure on officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views to the Head of City Development, which may be incorporated into any committee report).
- 9.2 **Do** recognise that officers are part of a management structure and only discuss a proposal, outside of any arranged meeting, with a Director or those officers who are authorised by their Director to deal with the proposal at a Member level.
- 9.3 **Do** recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.

10. Decision Making

- 10.1 **Do** ensure that, if you request a proposal to go before the Committee rather than be determined through officer delegation, that your planning reasons are recorded and repeated in the report to the Committee.
- 10.2 **Do** come to meetings with an open mind and demonstrate that you are open-minded.
- 10.3 **Do** comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.
- 10.4 **Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information. If necessary, defer or refuse.
- 10.5 **Don't** vote or take part in the meeting's discussion on a proposal unless you have been present to hear the entire debate, including the officers' introduction to the matter. (Where a matter is deferred and its consideration recommences at a subsequent meeting, only Members who were present at the previous meeting will be able to vote. If this renders the Committee inquorate then the item will have to be considered afresh and this would include public speaking rights being triggered again).
- 10.6 **Do** have recorded the reasons for Committee's decision to defer any proposal.
 - 10.7 **Do** make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded (it will help to take advice from officers when and where necessary to do this and, if there are no indications allowing you to do this in advance of the meeting, it may be helpful to request a short adjournment for these purposes). Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.

11. Training

- 11.1 **Don't** participate in decision making at meetings dealing with planning matters if you have not attended the mandatory planning training prescribed by the Council.

- 11.2 **Do** endeavour to attend any other specialised training sessions provided, since these will be designed to extend your knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.
- 11.3 **Do** participate in any reviews of a sample of planning decisions to ensure that Members' judgements have been based on proper planning considerations.

Exeter City Council Planning Committee's Site Visit Protocol

Purpose of the Site Visit

1. **Familiarisation:** Members of the Planning Committee are expected to familiarise themselves with the location and context of applications to be considered, to the extent possible from adjacent roads, public spaces and the relevant officer report.
2. **Exceptional Cases:** A site visit may be deemed necessary in instances where:
 - (i) particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or
 - (ii) there are significant policy or precedent implications and specific site factors need to be carefully addressed.

Requesting a Site Visit

3. **Pre-Planning Committee Meeting Requests:** If members consider a site visit necessary before the Committee meeting, requests should be made to Democratic Services prior to the Chair's briefing. The Chair will decide whenever a request is received prior to a planning committee meeting, in consultation with officers, if the visit is necessary or if additional visual information from officers will suffice.
4. **During Planning Committee Meetings:** If a site visit was not identified beforehand, members can propose an adjournment or deferral during the debate to arrange a visit. Justifications must be provided, explaining why the visit is necessary and whether additional information could negate the need for a visit.

Arranging the Visit

5. **Timing of the Site Visit:** Site visits will be scheduled before the next Planning Committee meeting. The Chair and officers will determine the timetable and invitees.
6. **Attendees:** All Planning Committee members and Ward Councillors will be invited, and, if necessary, officers from other services or Authorities (such as the Highway Authority) may attend to clarify factual matters.
7. **Notification:** Planning Officers will inform the applicant or their agent about the site visit and seek permission for the Planning Committee, Ward Councillors and officers to access the site if it is on private land. The applicant or agent will facilitate access without engaging in discussions about the proposal.
8. **Private Land:** Councillors must wait until an officer has contacted the landowner before entering private land. If permission is not granted, the site will be viewed from public highways or adjacent land with permission.

Pre-Visit

9. **Objective:** The site visit aims to help Committee members understand the site and its surroundings to make an informed decision at the meeting. Members should review the location and context beforehand as much as possible.

10. **Members Planning Code of Good Practice:** Committee members should review and be familiar with the Council's Members Planning Code of Good Practice prior to undertaking the site visit and in particular the principles relating to site visits/inspections.
11. **Health and Safety:** Officers will identify relevant health and safety issues in advance of a site visit. All issued instructions must be strictly followed. Protective clothing will be provided if necessary. Councillors should be prepared to wear appropriate footwear and clothing during the visit.
12. **Sustainability:** Car-sharing is encouraged for sustainability and safety. Councillors with special access requirements should notify the case officer early to make necessary arrangements.

Conduct of the Visit

13. **Chair's Role:** The visit is chaired by the Chair, who will formally open and close the visit. The planning officer will describe the application and indicate material facts. Questions should be factual and directed to the planning officer.
14. **Unified Movement:** Committee members should stay together and avoid lobbying or discussions about the application during the visit.
15. **Interaction:** While the applicant or agent may be present for access or safety reasons, discussions with them or any third party should be avoided. Lobbying during the visit is unacceptable, and presentations by applicants are not allowed.
16. **Non-Debate:** Councillors should not debate or comment on the merits of the proposal during the visit. Ward Councillors can however highlight site features relevant to the understanding of the site but not discuss the merits of the application.
17. **Public Attendance:** Members of the public can attend with the landowner's permission but are not allowed to lobby or present during the visit.
18. **Comprehensive Viewing:** Members should ensure they have seen all aspects suggested by the officer or Chair.

Post-Visit

19. **Documentation:** An officer will document the visit, including the timetable, attendees, observed features and retain the record in the planning application file.
20. **Agenda Priority:** The application will typically be among the first items on the following Planning Committee meeting's agenda.
21. **Reporting Back:** Share any information gained from the site visit with the Committee that you feel would benefit all Members of the Committee.

General

22. **No Formal Decisions:** No formal decisions are made during the site visit.
23. **Chair's Authority:** The Chair's decisions regarding questions regarding this site visit protocol and which have been made in consultation with the planning officer are final.

CITY DEVELOPMENT

Head of City Development

PART A – The Scope of Delegated Authority

The following functions are delegated to Head of City Development as set out below subject to limits on delegated authority as set out in **Part B**:

1. Decision making

1.1 Undertaking all actions in determining applications of whatever nature in relation to any Town and Country Planning legislation, the Building Act and subordinate legislation arising therefrom and in accordance with the Council's scheme of delegation.

1.2 Undertaking all actions in exercising the powers relating to the preservation of trees and important hedgerows.

Deputies - all those holding Managerial posts, all Planning Project Officers of whatever level of seniority and all Building Control Officers of whatever level of seniority

2. Revocation

Undertaking all actions in revoking planning consents, certificates of lawfulness or hazardous waste consents in accordance with any Town and Country Planning legislation and subordinate legislation arising therefrom.

Deputies – Assistant Service Lead – (DM) City Development, Assistant Service Lead – Development Management (Major Projects)

3. Enforcement

Undertaking all actions in relation to enforcement against suspected breaches of planning control and notices pursuant to the Council's power to require information as to interests in land under the Town and Country Planning Legislation or Local Government (Miscellaneous Provisions) Act 1976.

Deputies – Assistant Service Lead – (DM) City Development, Assistant Service Lead – Development Management (Major Projects)

4. Entering Land

The entering of land for the purposes of carrying out any function in relation to any Town and Country Planning legislation, The Building Act and subordinate legislation arising therefrom and in accordance with the Council's scheme of delegation.

Deputies - all those holding Managerial posts, all Planning Project Officers of whatever level of seniority and all Building Control Officers of whatever level of seniority.

PART B – The Limit on Delegated Authority

1. Matters reserved

No delegated decision shall be made in the following instances:

1. Any item considered by the Head of City Development, Chair, or Vice Chair of Planning Committee or Portfolio Holder City Development to be significant, controversial or sensitive.
2. Applications referred by the Chair or Vice-Chair of Planning Committee following Delegation Briefing.
3. City Council applications subject to objections.
4. Applications from councillors, planning officers and their close relatives (parents, children, siblings and partners).
5. Applications from members of staff which, in the opinion of the Head of City Development, are considered to be major in nature whether or not they are subject to objections.

and in such cases shall be determined by the planning committee.

2. Exceptions

Where compensation is payable by the Council pursuant to a revocation of whatever nature under paragraph 2 of Part A.

3. Matters requiring consultation or agreement

No delegated decision or function can be exercised except subject to consultation or agreement as set out below:

Function	Consultation/ Agreement	With Postholders / Group
Applications		
Applications that: i) Members of the Planning Committee or Ward Members have requested the application be brought to the Delegation Briefing within two working days after the formal consultation period ends (with notification to the planning officer and Head of City Development); AND ii) raise concerns of material planning considerations (which have been specified to the planning officer and Head of City Development); AND iii) officers are minded to approve under delegated powers.	Consultation	Delegation Briefing
City Council applications not subject to any objections.	Consultation	Delegation Briefing
Applications from members of staff which in the opinion of the Head of City Development are minor in nature whether or not subject to any objections.	Consultation	Delegation Briefing
Applications that have been subject to representations from a statutory consultee that express views contrary to the officer recommendation.	Consultation	Delegation Briefing
Applications that have been subject to objections from a Neighbourhood Forum (where that Neighbourhood has an adopted Neighbourhood Plan) that officers are minded to approve under delegated powers.	Consultation	Delegation Briefing

Enforcement		
Issue of: <ul style="list-style-type: none"> Breach of Condition Notices Completion Notices Enforcement Notices Hazardous Substances Contravention Notices Stop Notices Temporary Stop Notices Urgent Works and Repairs Notices 	Agreement	Head of Legal & Democratic Services
Commencement of: <ul style="list-style-type: none"> Injunctions Prosecutions Other formal legal proceedings or action relating to planning enforcement 	Agreement	Head of Legal & Democratic Services
Planning Obligations (s106 Agreements)		
New agreements: <ul style="list-style-type: none"> securing minor infrastructure (such as BNG); involving sums of less than £200,000; and/or considered necessary with regard to planning appeals. 	Consultation	Chair of the Planning Committee (or Vice-Chair of the Planning Committee in their absence)
Minor variations of existing Section 106 agreements.	Consultation	Chair of the Planning Committee (or Vice-Chair of the Planning Committee in their absence)
Decisions on use of Section 106 funding where the terms are not prescribed by the agreement.	Consultation	Executive Member with relevant portfolio
Approve the use of commuted sums, as required, to acquire new affordable housing	Consultation	Executive Member with relevant portfolio and Finance and Estates Officers
Neighbourhood Planning		
Publicity, consideration of representations and decisions in respect of applications for neighbourhood plan areas and forums.	Agreement	Executive Member with relevant portfolio
Miscellaneous		
Publication of the Local Infrastructure Funding Statements (including 'Infrastructure Lists')	Agreement	Leader of the Council and Executive member with relevant portfolio
Decisions regarding the Local Infrastructure Fund not considered by the Panel	Agreement	Executive Member with relevant portfolio
Publication of: <ul style="list-style-type: none"> the Brownfield Land Register the Custom and Self-Build Register Advice notes regarding new planning policy or legislation Five-year land supply statements Authority and annual monitoring reports 	Consultation	Executive Member with relevant portfolio

• Planning policy evidence		
Review decisions to list assets of community value and compensation reviews in relation to Assets of Community Value	Consultation	Executive Member with relevant portfolio
Provide responses on behalf of the Council to consultations from Government, government agencies, regional bodies, other Councils and local planning authorities	Consultation	Executive Member with relevant portfolio

Deputies – the relevant officer post holder Assistant Service Leads - City Development and/or Assistant Service Lead (Building Control), Assistant Service Lead (Local Plans) and in relation to Annual Infrastructure Funding Statement Principal Project Manager (Strategic Infrastructure Planning)

10. The Directors in consultation with their Portfolio Holders can vary fees and charges throughout the year to take account of market conditions, with the exception of car parking charges and statutory charges set by the Government. Commercially sensitive fees are no longer published

Director Corporate Services

1. In consultation with the Leader of the Council, to amend the Managing Organisational Change and Redundancy Policy and Procedure where necessary.

CITY DEVELOPMENT

Service Lead City Development

The following functions are delegated to Service Lead - City development subject to consultation or agreement as set out below:

Function	Consultation or Agreement	With Postholders/Group
<u>Applications</u> Applications (including TPO confirmations) that Members of the Planning Committee or Ward Members have requested to be brought to the Delegation Briefing.	Consultation	Delegation Briefing
City Council applications not subject to any objections.	Consultation	Delegation Briefing
Applications that have been subject to representations from a statutory consultee that express views contrary to the officer recommendation.	Consultation	Delegation Briefing
Applications that have been subject to objections from a Neighbourhood Forum, where that Neighbourhood has an adopted Neighbourhood Plan, that Officers are minded to approve under delegated powers	Consultation	Delegation Briefing
Applications that have been subject to objections based on material planning	Consultation	Delegation Briefing

(Amended February 2024)

Decisions not considered by the Panel	Agreement	Chair of the Exeter Grants Panel or of any group that replaces it.
<u>Brownfield land register</u> Publication	Consultation	Executive Member with Relevant Portfolio
<u>Custom and self-build register</u> Publication	Consultation	Executive Member with Relevant Portfolio
<u>Advice notes regarding new planning policy or legislation</u> Publication	Consultation	Executive Member with Relevant Portfolio
<u>Five year land supply statements</u> Publication	Consultation	Executive Member with Relevant Portfolio
<u>Authority and annual monitoring reports</u> Publication	Consultation	Executive Member with Relevant Portfolio
<u>Planning policy evidence</u> Publication	Consultation	Executive Member with Relevant Portfolio
<u>Assets of Community Value</u> Review decisions to list assets of community value and compensation reviews	Consultation	Executive Member with Relevant Portfolio
<u>Affordable Housing</u> Approve the use of Commuted sums, as required, to acquire new affordable housing	Consultation	Executive Member with Relevant Portfolio and Finance and Estates Officers
<u>Responses to consultations</u> Provide responses on behalf of the Council to consultations from government, government agencies, regional bodies, other Councils and local planning authorities.	Consultation	Executive Member with Relevant Portfolio

Deputies – the relevant officer post holder Assistant Service Leads - City Development and/or Assistant Service Lead (Building Control), Assistant Service Lead (Local Plans) and in relation to Annual Infrastructure Funding Statement Principal Project Manager (Strategic Infrastructure Planning)

1. Entering Land

(Amended February 2024)

The entering of land for the purposes of carrying out any function in relation to any Town and Country Planning legislation, The Building Act and subordinate legislation arising therefrom and in accordance with the Council's scheme of delegation

Deputies - all those holding Managerial posts, all Planning Project Officers of whatever level of seniority and all Building Control Officers of whatever level of seniority

2. Determining applications

Undertaking all actions in determining applications of whatever nature in relation to any Town and Country Planning legislation, The Building Act, Planning (Listed Buildings and Conservation Areas) Act and subordinate legislation arising therefrom and in accordance with the Council's scheme of delegation

Deputies -all those holding Managerial posts, all Planning Project Officers of whatever level of seniority and all Building Control Officers of whatever level of seniority

CUSTOMER ACCESS

Service Lead Revenues, Benefits & Customer Access

1. To operate and administer the scheme of housing benefit on behalf of the Council, and residual council tax benefit, including taking all decisions or actions required under the provisions of statute and statutory instrument regulating the scheme and the collection and recovery of Housing Benefits Overpayments.

Deputy –Benefits & Welfare Lead

2. To determine applications for assistance from the Discretionary Housing Payment Fund and Exceptional Hardship Fund

Deputy –Benefits & Welfare Lead

3. To exercise the Council's powers in respect of the administration, collection and recovery of monies owed to the Council in respect of Business Rates and Council Tax; and the Business Improvement District levy on behalf of the Exeter BID Company.

Deputy – Revenues Lead

4. To authorise appropriate officers to appear in the Magistrates Court on behalf of the Council in respect of the recovery of Business Rates and Council Tax; and the Business Improvement District levy on behalf of the Exeter BID Company.

Deputy - Revenues Lead

5. To operate and administer the local scheme for Council Tax Support for working age claimants on behalf of the Council, including taking all decisions or actions required under the Council's local policy and to make administrative amendments to the Council's Section 13A policy under LGFA 1992.

(Amended February 2024)

PLANNING COMMITTEE

1. To exercise and perform the powers and duties of the Council under the Town and Country Planning Act 1990 and appropriate regulations, planning and related legislation, except such powers and duties as are:

- a) delegated to the Head of City Development or other officer in accordance with the constitution;
- b) a function of Council, Executive or any other Council Committee or Panel.

Responsibilities include the following determinations under the planning and related legislation:

- Any item considered by the Head of City Development, Chair, or Vice Chair of Planning Committee or Portfolio Holder City Development to be significant, controversial or sensitive.
- Applications referred by the Chair or Vice-Chair of Planning Committee following Delegation Briefing.
- City Council applications subject to objections.
- Applications from councillors, planning officers and their close relatives (parents, children, siblings and partners).
- Applications from members of staff which, in the opinion of the Head of City Development, are considered to be major in nature whether or not they are subject to objections.

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PLANNING COMMITTEE

4.

1. To exercise and perform the powers and duties of the Council under the Town and Country Planning Act 1990 and appropriate regulations, planning and related legislation, except such powers and duties as are:

- a) ~~a)~~ delegated to the ~~Service Lead~~ Head of City Development or other officer in accordance with the constitution;
- b) ~~b)~~ a function of Council, Executive or any other Council Committee or Panel.

Responsibilities include the following determinations under the planning and related legislation:

- ~~Member and staff applications~~
- ~~City Council applications attracting objections~~
- ~~Applications referred by the Chair or Vice-Chair of Planning Committee~~
- Any item considered by the ~~Service Lead~~ Head of City Development, Chair, or Vice Chair of Planning Committee or Portfolio Holder City Development to be significant, controversial or sensitive.
- Applications referred by the Chair or Vice-Chair of Planning Committee following Delegation Briefing.
- City Council applications subject to objections.
- Applications from councillors, planning officers and their close relatives (parents, children, siblings and partners).
- Applications from members of staff which, in the opinion of the Head of City Development, are considered to be major in nature whether or not they are subject to objections.

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REPORT TO AUDIT AND GOVERNANCE

Date of Meeting: 17 April 2025

REPORT TO COUNCIL

Date of Meeting: 10 June 2025

Report of: Strategic Director People and Communities

Title: Amendments to Terms of Reference for the Joint Consultation and Negotiation Committee.

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

1.1 This report sets out the amendments the Terms of Reference for the Joint Consultation and Negotiation Committee, which is attached as Appendix A.

2. Recommendations:

2.1 That Audit and Governance recommend, and Council approve the amendments to the Council's Constitution terms of reference for the Joint Consultation and Negotiation Committee.

3. Reasons for the recommendation:

3.1 To ensure that that Terms of Reference for the Council's constituted committees remain up to date and matches the operational arrangements of the Council.

4. What are the resource implications including non financial resources.

4.1 There are none.

5. Section 151 Officer comments:

5.1 There are no financial implications for Council to consider contained within this report.

6. What are the legal aspects?

6.1 It is important to ensure that committee terms of reference are maintained and updated when required, particularly for Membership and officer titles to undertake the requirements of the Council.

7. Monitoring Officer's comments:

7.1 Where there are changes to the substance of the Terms of Reference of JCNC, then the approval of the recognised Trade Union should also be secured. This report confirms that the recognised Trade Union agrees to the changes.

8. Report details:

8.1 The current Industrial Relations (IR) Framework at Exeter City Council (ECC) has been reviewed with the aim of modernising and strengthening our approach, better enabling employees to fully understand and benefit from the policy, processes and procedures to engaging staff and their Union representatives in policy and organisational changes.

Part of the review included recommendations regarding the role, purpose and function of the existing JCNC in that it's updated to build greater clarity and to ensure transparency and consistency in how it operates across the Council. The terms of reference for the new JCNC found in Appendix A were agreed on the 12 March 2025 JCNC meeting following a period of consultation. These amendments now require approving at Council as it's considered a constitutional change.

The current terms of reference of the JCNC can be found in Appendix B. Members attention is drawn to the following changes:

- amendments to council officer membership reflecting the organisational restructure;
- streamlining of scope and purpose;
- amendment to frequency of committee meetings; and
- Chair and Vice Chair: positions are reversed annually between management and staff side.

Consultation and discussions on transitional arrangements have taken place with the UNISON Regional/Branch Office and can confirm they are fully supportive of the proposal and are willing to work with the ECC to implement the new arrangements.

9 How does the decision contribute to the Council's Corporate Plan?

It ensures that the Council is working as efficiently as possible.

10 What risks are there and how can they be reduced?

There are no risks associated with the proposals.

11 Equality Act 2010 (The Act)

11.1 Under the Act's Public Sector Equalities Duty, decision makers are required to consider the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

11.2 In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

11.3 In making decisions the authority must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage and civil partnership status in coming to a decision.

11.4 In recommending this proposal, there are no equalities impacts that are identified.

12 Carbon Footprint (Environmental) Implications:

12.1 No direct carbon/environmental impacts arising from the recommendations.

13 Are there any other options?

13.1 None

Strategic Director People and Communities, Jo Yelland

Author: Jo Yelland

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report: -

None

Contact for enquires:
Democratic Services (Committees)
Room 4.36
01392 265275

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Appendix A. Proposed JCNC Terms of Reference (Reformed)

JCNC - Terms of Reference

1. Purpose and Objectives

The purpose of the Joint Consultative and Negotiation Committee (JCNC) is to provide a formal forum for dialogue, consultation, and negotiation between Senior Management and union representatives on matters that impact the workforce. The objectives of the JCNC are to:

- Promote effective communication and foster a collaborative work environment.
- Ensure that management and union representatives can discuss and negotiate issues related to employment terms, working conditions, and policies.
- Address and resolve potential conflicts in a structured manner.
- Facilitate fair decision-making processes that consider both Exeter City Council objectives and employee interests.

2. Scope

The JCNC will address issues relevant to:

- Employment terms and conditions;
- Health, safety, and well-being;
- Policy changes that impact employees;
- Training and development;
- Organisational restructuring or changes in working practices;
- Other significant workplace issues as agreed upon by the committee.

3. Membership

The JCNC will consist of representatives from both Senior Management and unions (staff)

Senior Management Representatives:

- Five representatives appointed by Exeter City Council

Staff Representatives:

- Three members appointed by UNISON, with a minimum of two of these being employees of Exeter City Council.
- One member appointed by GMB.
- One member appointed by UNITE.

The Leader of the Council will have a standing invitation to attend JCNC meetings

The ratio of Staff Representatives from each of the 3 recognised unions will be reviewed annually to ensure these ratios reflect the union membership of the staff in the Council.

Substitutes: there will be two named substitutes for each side, to be decided at the same time as the main committee members. Management side representatives will always be at Senior Management level. The members of the JCNC shall retire annually but shall be eligible for re-appointment.

- Both management and staff side shall have power at any time to remove any of their representatives and to appoint replacements.
- Chair: A chair and vice chair will be appointed at their first meeting.

- For the first year a member of the management side shall be chair, and a member of the staff side shall be vice-chair and thereafter the position shall be reversed annually.
- Secretary: A designated secretary will maintain meeting records and distribute minutes to all committee members.

4. Frequency of Meetings

The JCNC will meet quarterly, with additional meetings as required which can be called by either management or staff side. Meeting dates and frequency will be set in advance and may be adjusted by mutual agreement.

5. Agenda and Meeting Preparation

- An agenda will be circulated to all members at least one week before the meeting.
- Members may propose items for the agenda, which must be submitted two weeks before the agenda is finalised.
- Relevant documents and reports will be shared with committee members in advance to facilitate informed discussion.

6. Decision-Making and Consensus

Decisions will ideally be made by consensus. Where consensus cannot be reached, decisions may be made by a majority vote, with a clear record of differing opinions. The JCNC is a consultative body; recommendations may be forwarded to the Senior Management Board for final approval as needed.

7. Confidentiality

All JCNC members are expected to maintain confidentiality regarding sensitive or proprietary information discussed in committee meetings. A protocol for the release of information to employees and other stakeholders will be established.

8. Reporting and Communication

The outcomes of JCNC meetings will be documented in minutes, which will be distributed to all members within one week. A summary of agreed-upon actions will be shared with all employees through the Staff Newsletter, and any other appropriate communication channels, as agreed at JCNC.

9. Dispute Resolution

Where agreement cannot be reached within the JCNC, an escalation process will be followed. This may include:

- Mediation by an external party such as Soth West Councils
- Referral to the Senior Management Board

10. Amendments to the Terms of Reference

The Terms of Reference will be reviewed annually to ensure they remain relevant and effective.

Amendments may be proposed by any JCNC member and must be agreed upon by both management and employee representatives.

Joint Consultation and Negotiation Committee

1. COMPOSITION

- a. The Joint Consultation & Negotiating Committee (the Committee) shall consist of the following appointed Members as shown below:-

Council Officers (Members of Strategic Management Board)

Service Lead – HR and/or HR Business Partner

One officer from each of the recognised unions: UNISON, Unite and GMB

- b. In addition, the Leader of the Council will be invited to attend the Committee on an ex officio basis and the Leader may invite another Portfolio Holder to attend also on an ex officio basis.
- c. The Council and the recognised trade unions shall review their nominations for membership annually in July each year. Casual vacancies may be filled as they arise.

2. DATE OF OPERATION

The members of the Committee shall carry out their constitutional functions with effect from 22 July 2013.

3. FUNCTIONS

General

- a. To promote a good and stable employment relations climate throughout the Council.

Negotiating

- b. The negotiation of any variations or agreements relating to employees who fall within the National Joint Council for Local Government Services National Agreement on Pay and Conditions of Service NJC National Agreement (Part 3 matters / local conditions of service); and the Joint Negotiating Committee's for Chief Officers of Local Authorities and Local Authority Chief Executives to be incorporated into employment contracts via collective agreement(s).

Consultative

- c. The introduction of / changes to employment policies, working practices, organisation design and physical working conditions at a corporate level, together with Health & Safety matters referred by the Health & Safety Committee and any other item which both sides agree to refer

- d. Collective consultation in respect of Redundancy as defined in section 195 of the Trade Union and Labour Relations (Consolidation) Act 1992, and TUPE as defined in the Transfer of Undertakings (Protection of Employment) Regulations 2006 (SI 2006/246)

The Committee will not consider any matter concerning an individual employee such as discipline, grievance, promotion or capability, pay and grading and payroll matters.

4. **QUORUM**

A Quorum shall consist of two representatives from the Council and one of the trade unions' representatives.

5. **SUBSTITUTES**

A substitute may be nominated to attend a meeting of the Committee on behalf of any member. The substitute will have the same powers as appointed members. Any trade union substitute must be nominated by his/her trade union and must be either a full time officer or an accredited official of that recognised trade union.

6. **CHAIRPERSON**

The meetings will be chaired by a representative from the Council.

7. **JOINT SECRETARY**

One Joint Secretary shall be nominated by the Council and union. The Joint Secretary will be responsible for the production of a record of meetings of the Committee.

8. **POWER TO CO-OPT**

The Committee may co-opt any person or persons with special knowledge to assist them in carrying out its functions. Such persons shall have no right to vote.

The Committee may set up joint Working Groups to exercise any of its functions or business within terms of reference delegated by the Committee.

9. **FREQUENCY OF MEETINGS**

Meetings shall be held bi-monthly. Provisional dates for meetings will be set in May each year.

10. **FACILITIES FOR MEETINGS**

The Council will provide facilities and accommodation for holding meetings of the Committee, including pre-meetings.

Meetings will be held during normal working hours and the trade unions' lay representatives will be paid their normal salary for the time spent at and travelling to and from such meetings and any reasonable associated expenses. Any travelling time outside normal hours will be compensated in the form of equivalent time off in lieu.

11. AGENDAS AND RECORDS OF MEETINGS

The Joint Secretary will circulate Agendas no later than 5 working days before the date of the meeting. An unconfirmed record of each meeting will be circulated as soon as possible after each meeting but certainly within 20 working days of the meeting.

12. BUSINESS MATTERS

No business shall be transacted at any meeting of the Committee or any sub-group unless notice has been given to the Joint Secretary before the Agendas are circulated. The Chairperson may allow consideration of an item of business which in his/her opinion is of sufficient importance or urgency to justify consideration at that meeting.

13. AGREEMENTS / ADOPTION OF RESOLUTIONS

Agreements reached between the recognised trades union members and Council members of the Committee and/or decisions taking in relation to 3 a, c and d on matters delegated to Officers shall be adopted / implemented. Where authority has not been delegated to Officers, such agreements will be referred to the appropriate Scrutiny Committee and / or Executive for resolution / adoption.

Agreements in relation to item 3(b) of this constitution shall be reached by vote. Each Council appointed member will have one vote. Each trade union appointed member will have one vote. Those in attendance on an ex-officio basis are not eligible to vote. Union representatives will have the delegated power to agree on behalf of their Membership. Each side of the Committee being in favour (by majority on each side) will constitute an agreement for resolution at Executive Committee to be adopted and binding on both sides.

Agreements will be incorporated into employment contracts for employees covered by the National Joint Council for Local Government Services National Agreement on Pay and Conditions of Service and, as appropriate, other occupational groups covered by the Council's single status agreement.

All efforts will be made to reach agreement, including the involvement of full-time Officers of the recognised Trades Unions through substitution arrangements contained in this Constitution. Where agreement on matters of negotiation cannot be reached the matter will be referred to the South West Provincial Council for conciliation.

14. **FINANCE**

The Council will meet the administrative expenses associated with meetings of the Committee.