

AUDIT AND GOVERNANCE COMMITTEE

Date: Thursday 17 July 2025
Time: 5.30 pm
Venue: Rennes Room, Civic Centre, Paris 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.

Entry to the Civic Centre can be gained through the Customer Services Centre, Paris Street.

Membership –

Councillors Wardle (Chair), Moore (Deputy Chair), Atkinson, Banyard, Begley, Holland, Knott, Miller-Boam, Mitchell, M, Payne, Snow 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 Minutes

To approve and sign the minutes of the meeting held on 17 April 2025.

(Pages 3 -
8)

3 Declaration of Interests

Councillors are reminded of the need to declare any disclosable 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.

4 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

Or

RESOLVED that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of items XX and XX on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1, 2, 3 and 4 of Part I, Schedule 12A of the Act.

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

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

(Pages 9 -
18)

6 Constitutional Changes

To receive the report of the Monitoring Officer.

(Pages 19
- 116)

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 (Committees) 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

AUDIT AND GOVERNANCE COMMITTEE

Thursday 17 April 2025

Present:

Councillor Tony Wardle (Chair)

Councillors Jobson, Atkinson, Begley, Knott, Miller-Boam, Mitchell, M, Moore, Palmer and Patrick

Also Present:

Strategic Director for Corporate Resources, Strategic Director for Place, Head of Legal and Democratic Services & Monitoring Officer, Solicitor and Democratic Services Officer (LS)

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APOLOGIES

Apologies were received from Councillor Ketchin and the Chief Executive.

60

DECLARATION OF INTERESTS

No declarations of disclosable pecuniary interests were made.

61

CONSTITUTIONAL CHANGES

The Monitoring Officer requested that this item was withdrawn to allow input from party leaders. The report would be presented to a future meeting in accordance with Council provisions.

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CONSTITUTIONAL CHANGES - CITY DEVELOPMENT FUNCTIONS AND RESPONSIBILITIES

The Solicitor presented the report on Constitutional Changes – City Development Functions and Responsibilities stating that input had been sought from officers as well as Members, via the Governance Sounding Board. In presenting the report he made the following points:

- at present the public and Members spoke immediately prior to debate on an item and this could often drive debate considering matters which were not material planning issues. It was proposed that Standing Order No. 19A be amended to change the speaking order. It was hoped that this would bring more informed debate and enable the committee to make lawful and good decisions;
- the length of time which Members may address the committee for under Standing Order No. 44 was proposed to be amended, limiting Members to five minutes to represent their residents and increasing public speakers to five minutes thus equalising both parties as the current unrestricted format for questions under Standing Order No. 44 and members of the public speaking under Standing Order No. 19A had, at times, evolved into lengthy discussion or question and answer sessions which could introduce irrelevant considerations;
- there was an updated flow chart which set out the speaking order to Members and the public;
- the Planning Code of Good Practice would replace the Planning Code of Conduct and had been provided by a professional membership body representing local authority legal advisers and had been presented in 2003

but updated since and reflected the Localism Act amongst other relevant legislation. This would provide practical support to Members as they navigated the planning decision-making progress;

- a site-visit protocol would be introduced;
- changes to scheme of delegation were listed in section 3 of the report and would enhance the role of Delegation Briefing and ensure that items which came before Delegation Briefing were reported in a timely manner;
- S106 obligations would be clarified;
- the detail of the report stated that the financial limit for new planning agreements, which the Head of City Development had delegated authority to enter into, was £100,000. The proposed new scheme of delegations to officers at Appendix 5 stated at Part B, Section 3 that the limit was £200,000 and the Solicitor apologised for the oversight.
- the Terms of Reference for the Planning Committee would be updated; and
- only staff applications which were major would be brought before the committee.

The Monitoring Officer clarified that changed to the Constitution were delegated to the Monitoring Officer and Lord Mayor and he saw no reason why these changes could not be introduced ahead of the wider Constitutional Changes item being heard.

During debate the Chair of the Planning Committee, Councillor Knott spoke in support of the officer's recommendations in light of having attended a national conference with 29 other local planning authorities where Exeter was the only authority to allow unlimited time for Members to speak. He also clarified that time limits could be extended by the Chair using their powers, where necessary.

There was reservation over changes being made to the order of speakers at Planning Committee.

The Strategic Director for Place and Solicitor responded to questions from Members in the following terms:

- officers and the team had gone through a rigorous process over a period of months looking at how things could be improved, in particular for the public;
- Part of that process had been to look at what was good nationally which hadn't previously been done;
- the changes proposed were based on national good practice and the Chair having been to a national conference was excellent to hear;
- officers could address the issues raised during the public speaking and Member debate. The Strategic Director for Place or Planning Officer would sum up before debate therefore changing the order would make the process more robust;
- the purpose of Delegation Briefing was to determine if it was in the public interest for an application to be brought before the Planning Committee. Members could submit items for Delegation Briefing up to two days after the close of the consultation period;
- a TPO was an application to put an order on a tree therefore if a planning application came forward this could become one of the constraints. Officers could consider this on balance;
- the flowchart could have additions made including the flexibility discussed with regard to timings;
- the proposed revised Terms of Reference included guidance for applications from Councillors, Planning Officers and their close family members and others major in nature of staff. This was proportionate for the purposes of transparency;

- further time needed for clarifications would be at the discretion of the Chair;
- the Governance Sounding Board had comprised cross-party Members who had helped to shape the proposals and their excellent contribution was now reflected in the report;
- there was no question over the lawfulness or validity of the current processes but these proposals had come about due to a review being required; and
- changes and their impact could be reviewed.

The Deputy Chair suggested that it could be worth considering a planning basics training session to include what items, and how they should go to Delegation Briefing.

The Monitoring Officer stated that there had been no substantive changes to the constitution for over twenty years and in future there would be a process for annual review in place.

A Member, who had been part of the Governance Sounding Board, stated that this had been collaborative and not party political and that a trial period for changes had been discussed as well as the possibility of gaining feedback and taking action as appropriate.

The Chair moved, seconded by Councillor Jobson the recommendations outlined in the report and following votes on each were **CARRIED**.

RECOMMENDED that Council grant:

2.1 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.

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**AMENDMENTS TO TERMS OF REFERENCE FOR THE JOINT CONSULTATION
AND NEGOTIATION COMMITTEE**

Councillor Knott proposed that this item was deferred due to it being linked to the withdrawn item regarding Constitutional Changes. This was withdrawn following advice from the Monitoring Officer that JCNC was a freestanding part of the constitution therefore maybe considered.

The meeting was adjourned at 18:59pm

The meeting reconvened at 19:06pm

Strategic Director for Corporate Resources presents on behalf of the JCNC and Strategic Director for People and Communities, making the following points:

- This was a small piece of the constitution;
- The JCNC had been through a process of amending their Terms of Reference in order to strengthen them;
- the process was that the Terms of Reference had been drafted and reviewed in consultation with Unison which was the only union currently represented on the JCNC;
- Unison had consulted with staff representatives and gained feedback which had been shared with the JCNC
- There was a request to review paid time after 12 months; and
- There were no staff representatives from Unite or GMB at Exeter City Council.

The Chair stated that the other unions had members in the council and that he and the Deputy Chair would like those others to be consulted and that there should be evidence of such before this item went forward. The Chair pointed out that given Local Government Reorganisation it was important that union members had proper representation, and the other unions might want to have input. The Deputy Chair stated that this was an important process and this was missing detail which ought to be added.

The Strategic Director for Corporate Resources responded to Members questions in the following terms:

- That there was space on the JCNC for all unions to be represented which remained open but hadn't been taken up recently; and
- Further changes could be made and brought before Council via the Audit and Governance Committee.

The Chair proposed, seconded by Councillor Moore and following a unanimous vote it was **AGREED**:

That this matter be deferred to a future meeting of this committee and all three unions be written to, their local representatives and regional offices, and sent copies of existing and proposed Terms of Reference and a written reply to be requested by the end of June; and

For Officers to clarify:

1. the difference in wording in points 1 and 6 regarding consultation and negotiation; and

2. reasons for removal of reference to the national agreement on pay and conditions of service NJC National Agreement and Joint Negotiating Committee's for Chief Officers of Local Authorities and Local Authority Chief Executives.

(The meeting commenced at 5.30 pm and closed at 7.30 pm)

Chair

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REPORT TO AUDIT AND GOVERNANCE

Date of Meeting: 17 July 2025

REPORT TO COUNCIL

Date of Meeting: 22 July 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.

2.2 That the Audit and Governance committee note the work undertaken to engage the unions to update the Terms of Reference.

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 Consultation 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 South 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.

REPORT TO AUDIT & GOVERNANCE

Date of Meeting: 17 July 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 At the Audit and Governance Committee's meeting of 19 March 2025, it resolved to form a Governance Sounding Board to consider any draft proposals in detail in advance of a report being prepared for Audit and Governance Committee. The Governance Sounding Board has met on two occasions to consider the proposals. Other conversations have also been had with other internal stakeholders in the constitution and an opportunity given to consider these proposals. At the most recent meeting of the Governance Sounding Board, it was supportive of the proposals contained in this report and its feedback has helped shape its contents. More information about their specific contribution is contained in section 8 of this report.

1.4 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:

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:

2.1. make the following changes to the Constitution to:

2.1.1 adopt the newly drafted Council Procedure Rules;

2.1.2 accommodate the new Council Procedure Rules by:

2.1.2.1 removing Standing Orders 1-12(b), 21-30, 34, 36-38, 39(2), 46-48, 50-54, 56-60;

2.1.2.2 adopting a revised Standing Order 19 to remove references to full Council meetings.

2.1.3 adopt the following revised Articles: Articles 1-5 and 14.

2.2 adopt committee sizes of 11 councillors for the Planning, Licensing, Audit and Governance, Customer Focus Scrutiny and Strategic Scrutiny Committees.

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.	<p>Standing Orders are to be replaced with easier to follow Council Procedure Rules. The rules have been updated and refreshed.</p> <p>Several key changes have been proposed to introduce a time limit to Council meetings and to provide the formal presentation of committee and executive minutes and the scope of member questions.</p>
Committees The increasing demands on councillors' time have made it difficult for them to fully participate in their committee roles, as many are required to serve on multiple committees. This has led to an uneven distribution of workload, with some councillors bearing a significant burden.	<p>It is proposed to reduce the standard committee membership from 14 to 11, decreasing the total number of committee positions from 68 to 55 while maintaining political balance. This change will be formalised through Council formally approving committee sizes of 11 members for Planning, Licensing, Audit and Governance, Customer Focus Scrutiny and Strategic Scrutiny Committees as well as adjustments to the Council Procedure Rules to allow for Council to further change the size of committees should that considered to be desirable. The reduction in members at committee will also be supported by the use of substitutes to ensure committee functionality during absences.</p>
Substitutes Councillors often face conflicts between their council duties and personal or professional commitments, limiting their ability to attend committee meetings and potentially impacting the effectiveness of committee proceedings.	<p>A provision for substitutes is proposed, enabling parties to appoint members to stand in when councillors are unavailable. This proposal will uphold the political balance and substitutes will be subject to specific rules including prior approval, required training for key committees and limitations on acting as</p>

	chair or vice-chair unless appointed for that meeting. This change will be formalised in the updated Council Procedure Rules.
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.
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 document.
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.
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 This lacks specific details, timeframes and mechanisms for reviewing and updating the Constitution, creating ambiguity and inefficiency, particularly in distinguishing minor from significant amendments.	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.

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

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 direct financial implications associated with the constitutional changes as presented. The proposals do not impact the Council's financial standing or budgeting processes.

6. What are the legal aspects?

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:

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**.

A side-by-side comparison comparing the text of the existing standing orders with the new Council Procedure Rules and other comments is available at **Appendix 2**.

The Governance Sounding Board considered the Council Procedure Rules in detail which have been included in this final version of the Committee Procedure Rules attached to this report. The Governance Sounding Board:

- provided officers with comments and suggestions on the wording for the agenda for ordinary meetings of full Council, which has been updated to reflect current practice (Council Procedure Rule 2).
- scrutinised the circumstances in which extraordinary meetings of full Council can be called when requested by five councillors. This was later reviewed and then changed to reflect the substance of the wording of the Local Government Act 1972 where five members of the Council must lodge a requisition of the Lord Mayor (Council Procedure Rule 3(c)).
- discussed whether questions from members of the public as well as questions from the councillors should be permitted at extraordinary meetings and the Annual General Meeting of the Council (Council Procedure Rule 9.1(a) and 10.1(a)). The majority of the Governance Sounding Board considered that to preserve the specialist focus and nature of extraordinary Council meetings and ceremonial nature of the Annual General Meeting that this would not be taken forward.

- The provisions around public questions were clarified (at Council Procedure Rules 9.1-9.3). Questions will now be specifically posed to the Leader of the Council, who will be able to answer those questions directly or defer to other Executive members or chairs of various committees.
- considered the scope of motions on notice (Council Procedure Rule 11.4). It was considered that the Monitoring Officer or the Lord Mayor, would have the say on which motions should be permitted.
- Noted provisions in the Council Procedure Rules that will need further consideration in the proposed annual review of the constitution.
- Noted other proposals which required further consideration such as the Protocol on the Award of Civic Honours.
- picked up a few typographical errors, which have now been updated.

Reduction in the number of Councillors in committees

Members' ability to fully participate in committees is limited due to the increasing demands on members' time. Many members are required to serve on multiple committees, which divides their attention and focus. It often leads to some members bearing a considerable burden. In the last municipal year, one member was simultaneously Deputy Lord Mayor, chair of the planning committee as well as being a member of the scrutiny committee and audit and governance committee.

To address this challenge, it is proposed to reduce the standard number of committee members from 14 to 11. This would reduce the overall number of councillor positions (to sit on the Planning, Licensing, Audit and Governance, Customer Focus Scrutiny, Strategic Scrutiny committees) down from **68 to 55**.

The current committee sizes of 14 (except Audit and Governance which is 12) based on the current political balance rules translates into the following allocations:

Party	No of Councillors	Proportion	Total no of Seats (14)	>	Total no of Seats (11)
Labour	22	56%	39		31
Conservative	3	8%	5		4
Progressive	11	28%	19		16
Equity Independent	2	5%	3		3
Reform	1	3%	2		1
	39	100%	68		55

14 Seats (Current)

Committee	Size	Lab	Round	Con	Round	Lib Dem	Round	Green	Round	EQ	Round	Ref	Round
Planning	14	7.90	8	1.08	1	1.44	1	2.51	3	0.72	1	0.36	
Licensing	14	7.90	8	1.08	1	1.44	1	2.51	3	0.72	1	0.36	
A & Gov	12	6.77	7	0.92	1	1.23	1	2.15	2	0.62		0.31	1
CF Scrutiny	14	7.90	8	1.08	1	1.44	1	2.51	3	0.72		0.36	1
S Scrutiny	14	7.90	8	1.08	1	1.44	1	2.51	3	0.72	1	0.36	
	68		39 57%		5 7%		5 7%		14 21%		3 4%		2 3%

11 Seats (Proposed – Indicative)

Committee	Size	Lab	Round	Con	Round	Progress	Round	EQ	Round	Ref	Round
Planning	11	6.21	7	0.85	0	3.10	4	0.56		0.28	
Licensing	11	6.21	6	0.85	1	3.10	3	0.56	1	0.28	
Audit and Governance	11	6.21	6	0.85	1	3.10	3	0.56	1	0.28	
Customer Focus Scrutiny	11	6.21	6	0.85	1	3.10	3	0.56		0.28	1
Strategic Scrutiny	11	6.21	6	0.85	1	3.10	3	0.56	1	0.28	
	55		31 56%		4 7%		16 29%		3 5%		1 2%

The reduction from 14 to 11 seats proposal provides a meaningful reduction in seat allocations and is a workable reduction preserving the political balance in the current makeup of the Council.

This change would be achieved by revising the Council Procedure Rules to clarify that committee sizes are determined at the Annual General Meeting and can be adjusted thereafter at the discretion of the full Council.

If there is a residual concern about not having sufficient numbers on committees (due to say absences), this concern should be offset by the introduction of substitutes.

Substitutes

The demands of council duties can conflict with personal obligations and professional commitments for some members, limiting their ability to participate fully in committee meetings. This may lead to reduced attendance at committee meetings.

To enhance flexibility, it is proposed to incorporate a provision into the constitution allowing for substitute members under specific conditions. This measure would enable political groups to designate substitutes to attend committee meetings in place of members who are unavailable. Members facing barriers to regular attendance can continue to contribute to council activities without feeling excluded or penalised.

Substitutes would be used on the following basis:

- The use of substitutes would uphold the principle of political balance as substitutes would be drawn from the same political group as the member they replace.
- Substitutes would need to be approved in advance by the group leader or the chair of the body concerned.
- Substitute members may not act as chair or vice-chair unless specifically appointed at that meeting by the committee/other Council body.
- Substitutes for the Planning, Audit and Governance and Licensing Committee must have had the appropriate training.
- Other usual restrictions will apply such as members of the Audit and Governance Committee and any Scrutiny Committee/Board member not being members of the Executive.

This proposed amendment would be codified within the updated Council Procedure Rules (see new Council Procedure Rule 26).

Flexibility for the Presentation of Executive and Committee Minutes at Full Council Meetings and Members Questions

It is proposed to provide more flexibility to 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 full in the new Council Procedure Rules. This will save time in the meeting as a summary of the minutes can be presented (but not required) and then any associated ad hoc questions can be answered at the conclusion of consideration of those minutes.

Members' ability to ask questions continues and 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 to provide more flexibility.

It is proposed in particular 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 (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). Whilst this gives more flexibility to the ability to ask questions, it must be emphasised that in order to receive a substantive response to the question as much advanced notice of the question should be given as possible.
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 and Scrutiny Chairs, 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.

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.

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 (as set out above).

Standing Orders have otherwise 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. Deletion of Standing Order 46: Members' Absence from Meetings as this was better suited in the proposed Article 2;

4. 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;
5. 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);
6. 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
7. 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.

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.
- 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. This will also need to be removed as line in the terms of reference for Executive.

New Articles 1-5 and 14 are available at **Appendix 3**.

New Articles 1-5 and 14 with a markup compared to the previous versions is available at **Appendix 4**.

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

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?

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:

No direct carbon/environmental impacts arising from the recommendations.

13. Are there any other options?

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.

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Author: Simon Curran, Planning Lawyer

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 – Side-by-side comparison comparing the text of the existing standing orders with the new Council Procedure Rules

Appendix 3 – Articles 1-5 and 14 (clean version)

Appendix 4 – Articles 1-5 and 14 (mark up)

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Council Procedure Rules

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1. Annual Meeting of the Council

In a year when there is an ordinary election of councillors, the Annual Meeting of the Council will take place within 21 days of the retirement (four days after the election) of the outgoing councillors. In any other year, the annual meeting will take place in March, April or May.

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 (and sign declaration of office);
- c) confirm Chaplaincy for the municipal year (if applicable);
- d) appoint the Deputy Lord Mayor (and sign declaration of office);
- e) consider a vote of thanks to the outgoing Lord Mayor and Deputy Lord Mayor;
- f) receive declarations of interest by councillors and officers;
- g) elect the Leader in any year in which the Leader's term of office expires or the office of Leader becomes vacant or affirm the Leader if they remain unchanged.
- h) note the appointments to the role of Deputy Leader and to the Executive;
- i) appoint such executive portfolios and portfolio holders as the Leader shall consider appropriate on the nomination of the Leader;
- j) In relation to committees:
 - a. decide which committees to establish for the municipal year PROVIDED THAT the Council has, subject to applicable legal provisions, the authority to dissolve any committee at any time.
 - b. determine the size and terms of reference (if required) for those committees PROVIDED THAT the full Council at an ordinary meeting has the authority to change the committees' size or membership at any time.
 - c. 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 statutory committee.
 - d. allocate the seats on the various committees to the political groups in accordance with the political balance rules to ensure proportionality.
 - e. appoint such voting co-opted members as recommended by the various committees.
 - f. Appoint Members to outside bodies.
- k) consider any other business set out in the notice convening the meeting.

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) choose a person to preside if the Lord Mayor and Deputy are absent.
- b) deal with any business required by statute to be done before any other business.
- c) approve and sign the minutes of the last meeting(s) of Council as a correct record
- d) receive any declarations of interest from members.
- e) deal with any business expressly required by statute to be done.
- f) Lord Mayor's Communications and to receive any announcements from the Leader of the Council, or the Head of Paid Service.
- g) dispose of business (if any) remaining from the last meeting.
- h) receive questions and petitions from members of the public.
- i) receive minutes from other committees and receive questions and answer on the business of those committees.

- j) consider any recommendations from the Executive, other Committees and officers as well as any other reports requiring Council decision.
- k) consider motions in the order in which notice has been received.
- l) consider councillor questions in accordance with Council Procedure Rule 10;
- m) consider any reports from the Leader (if any) of Executive decisions taken under the special urgency procedures
- n) consider any other business, if any, as specified in the agenda 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 an extraordinary Council meeting in addition to ordinary meetings:

- a) the Council, through a formal resolution;
- b) the Lord Mayor;
- c) If the Lord Mayor refuses to call an extraordinary meeting following the presentation of a requisition for that purpose, signed by five members of the Council, or, without expressly refusing, fails to do so within seven days of the requisition being presented, then any five members of the council may, upon such refusal or the expiration of that seven-day period (as the case may be), proceed to call an extraordinary meeting of the Council.
- d) the Monitoring Officer.

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 at the Annual Council Meeting or Extraordinary Council meetings.
- b) Questions will be addressed to the Leader of the Council and asked and answered in accordance with Council Procedure Rule 9.2 and 9.3.

9.2 Giving Notice of Questions

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

- a) The Lord Mayor will ask the questioner to ask their question of the Leader. A response to the question will be given at the meeting and will also be put in writing and circulated at the meeting.
- b) The Leader may answer the question 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 members of the public.
- c) 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 time for 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 (even where it is dealt with by another Council body), 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, 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 **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 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 18.3 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.
- 21.3 The minutes of any ordinary, Annual or 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](#).
- 21.4 No requirement to sign minutes of previous meeting at extraordinary meeting
- Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (i.e. an extraordinary meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

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. Substitutes

- 26.1 The Monitoring Officer, or their authorised representative at a Council meeting, is authorised to agree substitutions for members of committees or sub-committees or other Council bodies submitted in writing by appropriate Group Leaders, Deputy Group Leaders or the Chair of the body concerned before the scheduled start time of the meeting at which the substitution is to apply.
- 26.2 Substitutions may only be made in accordance with the total number of seats allocated to each political group and the agreed balance of seats between the political groups on the body.
- 26.3 Substitute members will have all of the powers and duties of an ordinary member of the body, but will not be able to exercise any special powers or duties (such as chair or vice-chair) exercisable by the persons they are substituting, unless specifically appointed at that meeting by the committee or sub-committee or other Council body.
- 26.4 Substitution to the Planning Committee and Licensing Committees (or sub-committees) will only be permitted where substitutes have received the appropriate training and this has been verified by the Monitoring Officer.
- 26.5 The Executive may not appoint substitutes.
- 26.6 Appointed substitutes to (a) the Audit and Governance Committee and (b) any Scrutiny Committee or Scrutiny Programme Board must not be members of the Executive.

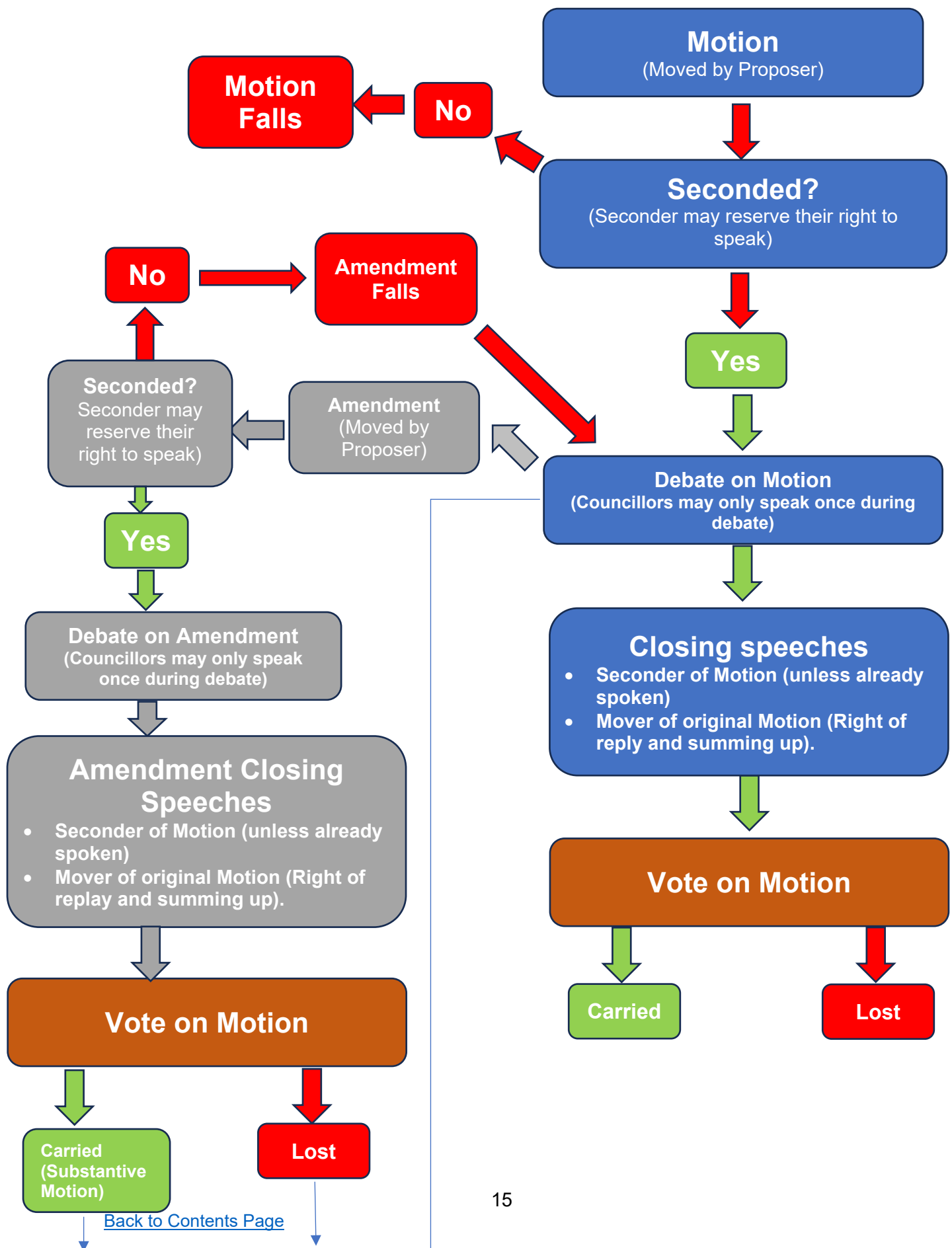
27. Interpretation of the Council Procedure Rules

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.

28. 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



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Appendix 2 – 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>In a year when there is an ordinary election of councillors, the Annual Meeting of the Council will take place within 21 days of the retirement (four days after the election) of the outgoing councillors. In any other year, the annual meeting will take place in March, April or May.</p> <p>The Meeting will:</p> <ul style="list-style-type: none"> a) elect a person to preside if the Lord Mayor or Deputy Lord Mayor is not present; b) elect the Lord Mayor (and sign declaration of office); c) confirm Chaplaincy for the municipal year (if applicable); d) appoint the Deputy Lord Mayor (and sign declaration of office); e) consider a vote of thanks to the outgoing Lord Mayor and Deputy Lord Mayor; f) receive declarations of interest by councillors and officers; g) elect the Leader in any year in which the Leader's term of office expires or the office of Leader becomes vacant or affirm the Leader if they remain unchanged. h) note the appointments to the role of Deputy Leader and to the Executive; i) appoint such executive portfolios and portfolio holders as the Leader shall consider appropriate on the nomination of the Leader; j) In relation to committees: <ul style="list-style-type: none"> a. decide which committees to establish for the municipal year PROVIDED THAT the Council has, subject to applicable legal provisions, the authority to dissolve any committee at any time. b. determine the size and terms of reference (if required) for those committees PROVIDED 	<p>Council Procedure Rule 1 now uses the language of the Local Government Act 1972 about when the AGM of the Council shall be held.</p> <p>Standing Order 1 now included in an itemised list of matters that take place at the annual meeting.</p> <p>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> <p>Standing Orders 1, 2, 36, 37 and 39(2) to be deleted.</p> <p>36(2) has been included in new Article 5 with respect to the Lord Mayor's responsibility.</p> <p>37(2) is already part of existing article 7(a)</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>THAT the full Council at an ordinary meeting has the authority to change the committees' size or membership at any time.</p> <ul style="list-style-type: none"> c. 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 statutory committee. d. allocate the seats on the various committees to the political groups in accordance with the political balance rules to ensure proportionality. e. appoint such voting co-opted members as recommended by the various committees. f. Appoint Members to outside bodies. k) consider any other business set out in the notice convening the meeting. 	<p>Form and Consumption of The Executive and removed due to duplication.</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> <p>Standing Order 3 to be deleted.</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 4 to be deleted.</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>(2) Business falling under items (a), (b) or (c) of paragraph (1) shall not be displaced, but the order of business may be varied:-</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> <ul style="list-style-type: none"> a) choose a person to preside if the Lord Mayor and Deputy are absent. b) deal with any business required by statute to be done before any other business. c) approve and sign the minutes of the last meeting(s) of Council as a correct record d) receive any declarations of interest from members. e) deal with any business expressly required by statute to be done. f) Lord Mayor's Communications and to receive any announcements from the Leader of the Council, or the Head of Paid Service. g) dispose of business (if any) remaining from the last meeting. h) receive questions and petitions from members of the public. i) receive minutes from other committees and receive questions and answer on the business of those committees. j) consider any recommendations from the Executive, other Committees and officers as well as any other reports requiring Council decision. 	<p>Explicit reference to questions from the public now included at (i).</p> <p>Explicit reference to questions from members now included at (I) along with a few additional items that are regularly dealt with at Council.</p> <p>Gender neutral language throughout.</p> <p>Standing Order 5 to be deleted.</p>

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
<p>(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>	<ul style="list-style-type: none"> k) consider motions in the order in which notice has been received. l) consider councillor questions in accordance with Council Procedure Rule 10; m) consider any reports from the Leader (if any) of Executive decisions taken under the special urgency procedures n) consider any other business, if any, as specified in the agenda summons. <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:</p> <ul style="list-style-type: none"> 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>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>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,</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</p>

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
<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>(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>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> <ul style="list-style-type: none"> (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. <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> <ul style="list-style-type: none"> (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, <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</p>	<p>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).</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>Council will (subject to any ruling of the Lord Mayor) deal with the motions in the order in which notice was received.</p> <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 6 to be deleted.</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>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 Council Procedure Rule 13.7</p> <p>(i) That the Council proceed to the next business.</p>	<p>No change other than title.</p> <p>Standing Order 7 to be deleted.</p>

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
<p>(11) That the debate be now adjourned.</p> <p>(12) That the Council do now adjourn.</p> <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>(j) That the question be now put.</p> <p>(k) That the debate be now adjourned.</p> <p>(l) That the Council do now adjourn.</p> <p>(m) To suspend the Council Procedure Rules, in accordance with Council Procedure Rule 25.</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 Council Procedure Rule 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 Council Procedure Rules.</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, 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</p>	<p>This has changed in that the persons who can receive questions has been expanded.</p> <p>The types of response and how they may be given remains in 10.4.</p> <p>Limited to questions with one part so that multiple questions disguised as one multi-part question cannot be asked.</p> <p>The removal of the requirement to give notice to the questions has been removed. This will reduce pressure on officers to field, process and assist in providing answers to questions in</p>

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<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>in writing after the meeting (when the answer will be circulated to all councillors).</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>advance of the meetings. If a response cannot be given during the Council meeting a response can be given after the meeting.</p> <p>Standing Order 8 to be deleted.</p>
<p>Standing Order 9: Council Minutes</p> <p>(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.</p> <p>(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.</p> <p>(3) The minutes of the preceding Council meeting shall be put to the next ordinary meeting of the Council.</p>	<p>21. Minutes</p> <p>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.</p> <p>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.</p> <p>21.3 The minutes of any ordinary, Annual or Extraordinary meeting of the Council shall be approved and signed by the Chair of the next ordinary meeting of the Council in accordance</p>	<p>Some additional wording has been added to clarify that minutes will not need to be considered at Extraordinary meetings (21.4).</p> <p>Standing Order 9 to be deleted.</p>

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
<p>(4) 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.</p>	<p>with paragraph 41(1) and (2) of Schedule 12 of the Local Government Act 1972.</p> <p>21.4 No requirement to sign minutes of previous meeting at extraordinary meeting</p> <p>Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (i.e. an extraordinary meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.</p>	
<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>Secunder'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>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 Error! Reference source not found..</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>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</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> <p>Standing Order 10 to be deleted.</p>

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
<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>(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>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 Secunder'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> <p>13.6 Amendments to Motions - An amendment shall be relevant to the motion and shall be:-</p> <p>(a) to refer a subject of debate to a Committee or elsewhere for consideration or reconsideration;</p> <p>(b) to leave out words;</p> <p>(c) to leave out words and insert or add words;</p> <p>(d) to insert or add words;</p> <p>as long as the effect is not to negate the motion.</p>	

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
<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 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</p>	<p>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 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.</p> <p>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</p>	

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
<p>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 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</p>	<p>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; (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. <p>13.14 Closure Motions - A Councillor may move without comment at the conclusion of a speech of another Councillor that:</p> <ul style="list-style-type: none"> (i) "the Council proceed to the next business", (ii) "the question be now put", 	

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
<p>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 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>(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 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 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.</p>	

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
<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>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> <p>(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.</p>	n/a	<p>Standing Order deleted as now incorporated into Council Procedure Rule 2. Questions will be permitted at the end of the presentation of these minutes.</p> <p>Member questions are also permitted under the new Council Procedure Rule 10.</p> <p>Standing Order 11 to be deleted.</p>
<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</p>	n/a	<p>Subsumed into Council Procedure Rule 2.</p> <p>Standing Order deleted 12 to be deleted.</p>

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
<p>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>		
<p>STANDING ORDER 12(a): Conflict Resolution - Draft plans and strategies</p> <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:-</p> <p>(a) Amends the draft plan or strategy</p>	<p>17. Conflict Resolution – Draft Plans & Strategies</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>	Simplified

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
<p>(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</p> <p>(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:-</p> <p>(a) Submit a revised plan or strategy, together with the Executive's reasons for any amendments so made.</p> <p>(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>17.3 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:</p> <p>(a) Submit a revised plan or strategy, along with the Executive's rationale for any changes made; or</p> <p>(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>	
<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</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>	Simplified

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
<p>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>18.3 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:</p> <p>(a) Submit a revised estimate or amounts, along with the Executive's rationale for any amendments made; or</p> <p>(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 18.3 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>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>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 at the Annual Council Meeting or Extraordinary Council meetings.</p> <p>b) Questions will be addressed to the Leader of the Council and asked and answered in accordance with Council Procedure Rule 9.2 and 9.3.</p> <p>9.2 Giving Notice of Questions</p> <p>a) Questions must be:</p>	<p>Standing Order 19 to be split into two: (1) An amended Standing Order 19 will remain to only relate to speaking at Executive and Scrutiny Committees; and (2) a new Council Procedure Rule on speaking at Council.</p> <p>9.1 (b) questions will be asked of the Leader who may defer the</p>

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
<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>(b) The proper officer may wish refuse to include a question when it is:-</p> <p>i. Defamatory, frivolous or offensive</p> <p>ii. Requires disclosure of confidential or exempt information.</p> <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. submitted to the Democratic Services at least three clear working days before the meeting;</p> <p>b. include the name and address of the questioner; and</p> <p>c. no more than 50 words.</p> <p>b) The Monitoring Officer may refuse to include a question if it:</p> <p>a. is not about a matter for which the local authority has a responsibility or which affects the City;</p> <p>b. is defamatory, derogatory, frivolous, offensive or vexatious;</p> <p>c. is substantially the same as a question which is due to be asked at the same Council meeting;</p> <p>d. is substantially the same as a question which has been asked at a meeting of the Council in the past six months;</p> <p>e. relates to a Council employment or staffing matter; or</p> <p>f. requires the disclosure of confidential or exempt information.</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 and Answering the Question</p> <p>a) The Lord Mayor will ask the questioner to ask their question of the Leader. A response to the question</p>	<p>answering of the questions to others.</p> <p>9.2 (b) and the limit on the relevancy of the question is more expansive than the existing Standing Order 19.</p> <p>Standing Order 21 subsumed into the new public questions and participation section.</p> <p>Otherwise redrafted for clarity, but no substantive change.</p>

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
<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>(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>will be given at the meeting and will also be put in writing and circulated at the meeting.</p> <p>b) The Leader may answer the question 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 members of the public.</p> <p>c) 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.</p> <p>9.4 Total length of time for 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 (even where it is dealt with by another Council body), 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.</p>	

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
	9.6 Further information on public speaking can be found on the Council's Website	
	<p>Amended Standing Order 19</p> <p>(1) Questions by the Public</p> <p>(a) A member of the public may ask questions at meetings of the Executive and Scrutiny Committees, except special meetings not open for public questions. 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 Scrutiny Committees must relate to matters the Council is responsible for.</p> <p>(c) Questions submitted for the Executive must relate to an item on the agenda for that meeting.</p> <p>(d) At a specially convened Scrutiny Committee meeting under Standing Order 17 (Call-In), questions must relate solely to the subject of the called-in decision.</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, and clearly state to whom it is addressed.</p> <p>(b) The Proper Officer may refuse to accept a question if it:</p> <ul style="list-style-type: none"> i. Is defamatory, frivolous, or offensive; or ii. Requires disclosure of confidential or exempt information. <p>(3) Number of Questions</p> <p>(a) A member of the public may ask only one question per meeting. If more than one question is received, or if a single</p>	<p>See comment above.</p> <p>Other than removing references to Council there has been no substantive change.</p>

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
	<p>question contains multiple components, only the first question will be accepted.</p> <p>(b) One supplementary question is permitted, provided it directly relates to the response given to the original question.</p> <p>(4) Asking and Answering the Question</p> <p>(a) The Chair of the Executive or Scrutiny Committee will invite the questioner to ask their question at the meeting. A response will be given at the meeting and also provided in writing, to be circulated during the meeting.</p> <p>(b) If the questioner is not present or a response cannot be provided at the meeting, the question and answer will be published on the Council's website within five working days of the meeting.</p> <p>(5) Length of Questions Questions should be concise and clear, with a maximum of 50 words.</p> <p>(6) Total Time for Questions No more than 15 minutes will be allocated to public questions at any one meeting. If not all questions can be heard within this time, they will be taken in the order they were received, with priority given to members of the public who have not previously asked a question at an Executive or Scrutiny Committee meeting.</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</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> <p>Standing Orders 22 and 23 to be deleted.</p>

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
<p>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>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>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>No change.</p> <p>Standing Order 24 to be deleted.</p>

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
<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 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>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>(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>	<p>No substantive change.</p> <p>Standing Order 25 to be deleted.</p>
<p>Standing Order 26: RESCISSION OF PRECEDING Council RESOLUTION (Six Month Rule)</p>	<p>Previous Decisions and Motions (or “Six Month Rule”)</p>	<p>No substantive change.</p>

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
<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 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>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.</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 26 to be deleted.</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>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>Simplification, but also inclusion of two other standing orders relevant to voting.</p> <p>Standing Orders 27, 28 and 30 to be deleted.</p>

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
<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>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>16.4 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>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 29 to be deleted.</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</p>	<p>n/a</p>	<p>Duplication of the Access to Information Procedure Rules (Part 4).</p> <p>Standing Order 34 to be deleted.</p>

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
<p>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> <p>(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>		
<p>Standing Order 38: Proceedings Of Committees & Executive To Be Confidential</p> <p>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.</p>	n/a	Moved to Article 2.4(b)(iii)
<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 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>	n/a	See New Article 2(3)
<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</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>	The standing wording from the model constitution has been adopted here.

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
<p>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>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>A two-third majority referenced here does not do what it was once intended to do.</p> <p>Constitutional change comes through approval by Council to that effect and not by changing or having motions relating to Standing Orders.</p> <p>Standing Orders 47 and 48 to be deleted.</p>
<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>	<p>Reference to Council</p>
<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</p>	<p>n/a</p>	<p>Standing Orders to be given to Members as this was a dated provision and is of</p>

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
<p>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>		<p>course now freely available to the website.</p> <p>Standing Order 50 to be deleted.</p>
<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>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>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 (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>	<p>See also the content included in the Officer Employment Procedure Rules.</p> <p>Standing Order 50(A) to 54 to be deleted.</p>

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
<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.</p> <p>(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>(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: -</p> <p>(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</p>		

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
<p>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> <p>(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.</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>		
STANDING ORDER 56: REGISTER OF INTERESTS	n/a	Removed due to duplication with

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
<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 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</p>		<p>members code of conduct</p>

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
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>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 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</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> <p>In relation to SO60, this is already contained in 1(a) of the Officer Employment Procedure Rules</p>

Original Text (Standing Orders)	New Text (Procedure Rules)	Comment
<p>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>		

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Article 1 – The Constitution - Summary and Explanation

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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.

The constitution sets out 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.

Powers of the Council

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

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](#).

(Amended [])

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.

(Amended [])

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

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

Officers

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.

(Amended [])

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.

(Amended [])

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

Contents

The Council's Constitution

- Powers of the Council
- Powers of the Council
- How the Council Operates
- How decisions are made
 - Full Council
 - The Lord Mayor
 - The Executive
 - Scrutiny
 - Delegated Powers
- The Council's Staff
 - Officers
 - The Chief Executive
 - Monitoring Officer
 - Chief Finance Officer
 - Chief Officers
- Interpretation and Review of the Constitution

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~~ constitution sets out the ~~basic rules governing the Council's business. More detailed procedures mechanisms and codes of practice processes that the Council operates to ensure that:~~

- councillors are provided able to play a significant role in separate rules and protocols at the end work of the City Council and represent their constituents;
- decisions are taken in as open and transparent way as possible;
- the view of the document residents and stakeholders are recognised as important influences on the way the Council operates and decisions are taken; and

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).~~

~~(Amended March 2020)~~

~~• Citizens and the Council (Article 3).~~

~~• accountability is enhanced.~~

Powers of the Council

The Council ~~meeting (Article 4).~~

~~• Chairing the Council (Article 5).~~

~~• Scrutiny of decisions (Article 6).~~

~~• The Executive (Article 7)~~

~~• Regulatory will exercise all its powers and other Committees (Article 8)~~

~~• Audit duties in accordance with the law and Governance Committee (Article 9). this constitution.~~

~~• Joint Arrangements (Article 10).~~

~~• Officers (Article 11).~~

~~• Decision making (Article 12).~~

~~• Finance, contracts and legal matters (Article 13).~~

~~• Review and revision of the Constitution (Article 14).~~

~~• Suspension, interpretation and publication of the Constitution (Article 15).~~

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.

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~~Councillors meet together ~~as~~at the Full Council. ~~Meetings of the Council meeting which~~ are ~~normally~~ open to the public. Here ~~councillors~~Councillors decide the Council's overall policies and set the budget each year. The Council ~~also~~ appoints also the Lord Mayor ~~and 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, appoints the Leader and members to the Executive and other committees. 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.

~~How decisions are made~~

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

Officers

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.~~

~~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.~~

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.

2.001 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~~ Councillors

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 ~~G~~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 Ceouncil 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 ~~A~~annual ~~m~~Meeting;
- (b) ~~e~~Ordinary ~~m~~Meetings; and
- (c) ~~e~~Extraordinary ~~m~~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:
- Ceremonial 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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