

## **Part 2                    The Council**

### **1.    THE COUNCIL**

#### **Composition**

- 1.1 The Council comprises fifty-one Councillors (also called “Members”) elected for a term of office of four years.
- 1.2 A Councillor’s term of office starts and ends on the fourth day after they are elected.
- 1.3 Southend-on-Sea City Council’s Councillors represent 17 areas known as Wards across the city. Each Ward has three Councillors.
- 1.4 Each Councillor represents a roughly equivalent number of electors.
- 1.5 If a Councillor resigns or leaves office for another reason, a by-election is held to fill the “casual” vacancy in accordance with a statutory procedure, unless it is within six months of the next ordinary local elections in which case the casual vacancy will be filled at those elections.

#### **The Role of the Council**

- 1.6 The Council’s role (its “functions”) are:
  - 1.6.1 Adopting and amending the Council’s Constitution (this Constitution);
  - 1.6.2 Approving or adopting the Council’s Budget and Policy Framework;
  - 1.6.3 Setting the Council Tax;
  - 1.6.4 Subject to the urgency procedure of the Council’s Budget and Policy Framework Procedure Rules, making decisions which relate to an executive function which is covered by the Budget and Policy Framework, when the decision would be contrary to, or not wholly in accordance with the Budget, or would be contrary to the Policy Framework;
  - 1.6.5 Appointing and removing the Leader of the Council;
  - 1.6.6 Deciding the composition of the Council’s Committees, appointing Councillors to be members on a Committee, and agreeing and / or amending the terms of reference of the Committees;
  - 1.6.7 Appointing Councillors to represent the Council on outside bodies (unless the appointment is, or relates to, an executive function, or it has been delegated by the Council to an individual or Council body);
  - 1.6.8 Adopting, amending, revoking or replacing the Code of Conduct for Councillors, and the Council’s Arrangements for Dealing with Complaints against Councillors;
  - 1.6.9 Adopting, amending, revoking or replacing the Scheme of Member Allowances;

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- 1.6.10 Passing byelaws and local legislation;
- 1.6.11 Confirming and terminating the appointment of the Council's Head of Paid Service (Chief Executive) and certain Statutory Officers;
- 1.6.12 Discharging the functions which must be reserved to the Council as a matter of law;
- 1.6.13 Discharging the non-executive functions specified in this Constitution as being the responsibility of the Council;
- 1.6.14 Appointing Honorary Alderman in accordance with the Honorary Alderman Scheme.

## 2. THE ROLE OF COUNCILLORS

### All Councillors

#### 2.1 All Councillors:

- 2.1.1 Make decisions collectively, as part of a member body or individually where they are reserved or delegated to a Councillor for decision;
- 2.1.2 Represent the Council and its interests on other bodies;
- 2.1.3 Maintain the highest standards of conduct and ethics in performing their role, and ensure they do not participate in decisions or influence decisions where the Code of Conduct for Councillors set out under Part 6 of this Constitution, or the law prohibits their participation;
- 2.1.4 Contribute to the good governance and high ethical standards of the city of Southend as a whole;
- 2.1.5 Be a community leader, actively encouraging community participation and citizen involvement in Council decision making;
- 2.1.6 Effectively represent the interests of their Ward and of individual constituents including those who did not vote for them; and
- 2.1.7 Respond to residents' enquiries and representations fairly and impartially;
- 2.1.8 Agree to comply with the Code of Conduct for Councillors and the Rules and Protocols set out under this Constitution;
- 2.1.9 Must register disclosable pecuniary interests and other interests in the Councils' Register of Member Interests within twenty-eight days of being elected, and thereafter ensure their registered interests are up to date;
- 2.1.10 Must declare interests at meetings and take appropriate action in accordance with the Code of Conduct for Councillors.

### The Mayor

- 2.2 The Mayor is elected by the full Council at its Annual Meeting each year, which is usually held in May. The Council also elects a Deputy Mayor who acts as the Mayor when the Mayor is not available.
- 2.3 The Mayor (and Deputy Mayor) undertake civil and ceremonial roles on behalf of the Council and represent the Council at events. The Mayor promotes public involvement in the Council's activities.
- 2.4 Although the Mayor is an elected Councillor, and has a vote, they have a duty to be impartial in carrying out the role of Mayor.
- 2.5 The Mayor presides over meetings of the full Council to ensure that business is carried out effectively and has responsibilities for upholding and interpreting this Constitution. The Mayor's rulings on the Constitution or on any proceedings or meetings of the

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Council cannot be challenged, although their interpretation must have regard to the purposes of this Constitution and must be reasonable and lawful.

- 2.6 Neither the Mayor or the Deputy Mayor can be the Leader of the Council, or a member of the Cabinet the Overview and Scrutiny Committee.

## 3. THE BUDGET AND POLICY FRAMEWORK

3.1 Policy Framework means the following plans and strategies:

- a) Annual library plan (if secretary of state requests) under s1(2) of the Public Libraries and Museums Act 1964
- b) Children and young people's plan under s3 of the Children and Young People's Plan (England) Regulations 2005
- c) Crime & disorder reduction strategy under s5 & 6 of the Crime and Disorder Act 1998
- d) Development plan documents under s15 of the Planning and Compulsory Purchase Act 2004
- e) Statement of principles under s349 of the Gambling Act 2005
- f) Local Transport Plan under s108(3) of the Transport Act 2000
- g) Youth Justice Plan under s40 of the Crime and Disorder Act 1998

and additionally:

- h) Corporate plan
- i) Licensing authority policy statements under s5 Licensing Act 2003
- j) Taxi and private hire policy
- k) Community Infrastructure Levy (CIL) Charging Schedule
- l) Housing Strategy

3.2 The Budget means the following:

3.2.1 Approve a balanced Revenue Budget and specifically;

- (a) Approve the Council Tax Base
- (b) Approve the rate of Council Tax and relevant precepts
- (c) Approve the Gross Revenue Budget
- (d) Approve the net spending limit for each major service element (Directorate)

and in doing so adopt the following plans or strategies to support the delivery of the Council's budget:

- (e) Capital Investment Budget
- (f) Capital and Investment Strategy
- (g) Medium Term Financial Strategy
- (h) Reserves Strategy
- (i) Statutory council tax calculations

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- (j) Treasury Management Policy, Treasury Management Practices and prudential indicators including the Minimum Revenue Provision.
- (k) Capital strategy (including an asset management plan)

## 4. THE COUNCIL PROCEDURE RULES

### Purpose and Interpretation

- 4.1 The Council Procedure Rules (hereinafter in this section 4 “Rules”) govern the conduct of meetings of the full Council. The Rules shall be read in conjunction with the Constitution in its entirety and are subject to any statute or other enactment whether passed before or after these Rules came into effect.
- 4.2 The Mayor’s ruling on the application and interpretation of these Rules is final and, once made, shall not be questioned in meetings. The Monitoring Officer shall advise the Mayor and Council on the construction, interpretation, or application of any part of these Rules.
- 4.3 References to “meeting” mean an annual meeting, an ordinary meeting and an extra ordinary meeting of full Council as the case may be.
- 4.4 References to the Mayor, the Leader or Opposition Leader or spokesperson shall in their absence from a meeting or item include their appointed deputy.
- 4.5 References to the Chief Executive shall apply to their deputy and in their absence to the Monitoring Officer.
- 4.6 References to “days” shall mean calendar days, unless specified to be clear working days.
- 4.7 “full Council” means a meeting of all the Councillors as a single body, including when it exercises decision making powers.
- 4.8 Where a deadline or time limit is stated in these Rules, it shall mean 11.59pm on that day unless otherwise stated or defined by law.
- 4.9 Requirements for notices in writing or signatures includes electronic communications and signatures, but excludes social media and text messages.

### The Annual Meeting

- 4.10 The Council shall hold an Annual Meeting each year on the following dates:
  - 4.10.1 In the year when ordinary elections are held, between the eighth and 21st day immediately following the day of retirement of Councillors (which is on the fourth day after the day of the election)
  - 4.10.2 In any other year, on any day in March, April or May as the Council may fix.
- 4.11 The order of business at the Annual Meeting will be:
  - 4.11.1 To elect the Mayor for the ensuing municipal year;
  - 4.11.2 To appoint the Deputy Mayor for the ensuing municipal year;

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- 4.11.3 To approve the minutes of the last meeting of the Council;
- 4.11.4 To receive any announcements from the Mayor and / or Chief Executive;
- 4.11.5 To receive a report from the Chief Executive on the outcome of the Election (if applicable), the membership and size of the Political Groups, the Councillors appointed by their groups as the group leaders, deputy leaders and whips;
- 4.11.6 To elect a Councillor as Leader of the Council for a term of one year;
- 4.11.7 To receive a report (either verbal or written) from the Leader and (s)he may speak for up to five minutes setting out:
  - (a) the Council's priorities;
  - (b) the appointment of between two and nine Councillors to the Cabinet; Cabinet Members");
  - (c) the appointment of one of the Cabinet Members as the Deputy Leader;
  - (d) the allocation of portfolios to Cabinet Members, if any;
  - (e) the scheme of delegation for the exercise of executive powers;
- 4.11.8 To appoint one or more Scrutiny Committees and to determine their terms of reference;
- 4.11.9 To appoint such other Committees and their terms of reference as the Council considers appropriate to discharge non-executive functions that are not reserved by law or under this Constitution for determination by full Council;
- 4.11.10 To agree the allocation of seats on the Committees in accordance with the political proportionality (where applicable) for nomination subsequently by Political Groups to:
  - (a) The Scrutiny Committees;
  - (b) The other Committees;
  - (c) Outside bodies on which the Council wishes to be represented;and to appoint the Chairs and Vice-Chairs of the Scrutiny Committees, and other Committees or outside bodies as necessary;
- 4.11.11 To agree the appointment of alternate members of the Scrutiny Committees and the other Committees in accordance with this Constitution (except the Cabinet);
- 4.11.12 To approve a schedule of ordinary meetings of the Council for the municipal year and approve a schedule of ordinary meetings of the Scrutiny Committees and the other Committees; and,
- 4.11.13 To consider any other ordinary business set out in the notice convening the meeting.

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4.12 No other business may be transacted at the Annual Meeting except with the agreement of the Mayor.

### Ordinary Meetings

4.13 Ordinary Meetings of full Council will take place in accordance with a programme decided at the Annual Meeting.

### The Agenda

4.14 The agenda of Ordinary Meetings shall be as follows and in the following order, unless the Mayor decides otherwise:

- 4.14.1 To elect a Councillor to chair the meeting if the Mayor and Deputy Mayor are absent;
- 4.14.2 To receive apologies for absence
- 4.14.3 To receive any declaration of interests from any councillor;
- 4.14.4 Approval of the minutes of the last meeting and any Extraordinary Meetings. The Mayor shall move that the minutes be approved and, if so approved, shall sign them as a correct record. There shall be no discussion on the minutes except a Councillor may move an amendment as to their factual accuracy which shall be voted on without discussion;
- 4.14.5 Receive any announcements from the Mayor;
- 4.14.6 Receive any announcements from the Chief Executive;
- 4.14.7 Receive any announcements from the Leader of the Council (or a Cabinet Member nominated by the Leader) for a maximum time of **three minutes**;
- 4.14.8 To receive any response to the Leader of the Council's announcement from the Leader of the Opposition for a maximum time of **one minute**;
- 4.14.9 To consider any public statements;
- 4.14.10 To consider Councillor questions;
- 4.14.11 To receive any petitions;
- 4.14.12 To receive any items of business for decision by full Council. The Chief Executive will determine what items of business are placed on the Council agenda ensuring it discharges its statutory duties and powers. The Chief Finance Officer and the Monitoring Officer may require items to be included on the agenda in the discharge of their statutory duties; and
- 4.14.13 To consider any motions before full Council submitted in accordance with these Rules;
- 4.14.14 To agree any seat allocation to Committees of the Council, the Scrutiny Committees or any outside bodies.



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4.15 Only business specified in the Council summons may be transacted at an Ordinary Meeting except as set out below in respect of a Themed Meeting, Urgent Items of Business and the Council Tax Setting Meeting

## **Urgent Items of Business**

4.16 The Mayor may agree that an item of business not included in the agenda for a meeting sent with the summons may be taken for reasons of urgency (which must be specified) following receipt of the Monitoring Officer's advice.

4.17 So far as is practicable, public notice will be given of any urgent item of business.

## **Council Tax Setting Meeting**

4.18 Each year the Council must hold a meeting for the purpose of setting Council Tax and Council's budget for the following year for agreement by midnight on 10 March.

4.19 These Rules set out specific provision for the length of speeches, voting and the approval of the Council Tax and budget at this meeting and the following additional rules shall apply.

4.20 The only business transacted at the meeting will be:

4.20.1 The setting of the Council Tax for the following year;

4.20.2 The agreement of the Council's budget and related decisions determined by the Council's Chief Finance Officer;

4.20.3 If it is the final meeting before the end of the Financial Year, any decisions that are required by law to be made by full Council; and,

4.20.4 Any business agreed by the Mayor following advice from the Monitoring Officer.

4.21 Councillors are required under s.106 of the Local Government & Finance Act 1992 to declare if they are in any arrears of Council Tax which have remained unpaid for a period of two months or more at the date of the meeting. Any Councillor making such a declaration may not vote on the setting of the Council Tax.

## Amendments to the budget and Council Tax

4.22 Proposed amendments to the setting of the Council Tax and budget will be submitted to the Monitoring Officer by a Political Groups or an independent Councillor by no later than 12 noon on the Friday preceding the meeting to enable the Council's Chief Finance Officer to advise the budget setting meeting on the legality of the proposed amendment.

4.23 The Chief Finance Officer may, but is not required to, advise the mover of the amendment but, for the avoidance of doubt, the legality of the amendment is the sole responsibility of the mover of the amendment.

## **Extraordinary Meetings**

4.24 An extraordinary meeting of full Council may be convened at other times by:

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- 4.24.1 The Mayor; or,
  - 4.24.2 The Monitoring Officer or Chief Finance Officer to consider a report in the discharge of their statutory duties; or.
  - 4.24.3 Five Councillors as set out below.
- 4.25 Five Councillors may present a requisition to the Mayor to hold an Extraordinary Meeting. A requisition must:
- 4.25.1 Be in writing (electronic format including signatures is acceptable);
  - 4.25.2 Be signed by **at least five Councillors** and identifying a Councillor to whom the Mayor, following consultation with the Chief Executive and Monitoring Officer, should respond (the “Lead Councillor”);
  - 4.25.3 State the purpose of the meeting including a motion which sets out why an extraordinary meeting is necessary in accordance with these Rules;
- 4.26 If the Mayor either refuses to call an Extraordinary Meeting or fails to call a meeting within seven days of the presentation of the requisition, the five Councillors may call an Extraordinary Meeting.
- 4.27 No other business may be transacted at an Extraordinary Meeting except with the agreement of the Mayor.
- 4.28 The Mayor may hold an Extraordinary Meeting on the same day as an Ordinary Meeting.
- 4.29 The Chief Executive may cancel an Extraordinary Meeting at any time if requested to do so in writing by the Lead Councillor.

### **Time and Place of Meetings**

- 4.30 The Proper Officer (the Chief Executive) will give notice to the public of the time and place of any meeting of the Council in accordance with the Access to Information Procedure Rules.
- 4.31 Unless otherwise determined or required by law, Council meetings will be held in the Town Hall Chamber at [5pm].
- 4.32 At least five clear working days before a meeting the Proper Officer (the Chief Executive) shall send a summons, signed by her or him, by post to every Councillor or leave it at their usual place of residence, or by email sent to a Councillor’s official email account.
- 4.33 The summons will give the date, time and place of each meeting and specify the business to be transacted. The summons will be accompanied by such reports as are available.

### **Quorum**

- 4.34 The quorum of a meeting shall be one third of the membership eligible to vote or the nearest whole number above one third.

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- 4.35 If the Mayor counts the number of Councillors present at a full Council Meeting and declares there is not a quorum, then the meeting will adjourn immediately for a period of up to **fifteen minutes** to allow a quorum to be present (and the Mayor may allow more than one adjournment up to a total period of **fifteen minutes**).
- 4.36 If after a period of **fifteen minutes** there is still no quorum, the Mayor shall close the meeting and any remaining business will be considered at the next Ordinary Meeting or at a time and date fixed by the Mayor.

### **Duration of Meetings**

#### Interruption of the meeting after three hours

- 4.37 If the business of **any** Council meeting has not been concluded within **three hours** (including any period of adjournment or otherwise), the Mayor must interrupt the meeting and call for the vote immediately on the item under discussion. The vote will then be taken in the usual way without any further discussion. These Council Procedure Rules except those relating to disorderly conduct and voting will be suspended.

#### Motions and recommendations outstanding after three hours

- 4.38 If there are other motions or items of business on the agenda that have not been dealt with within the three hour time limit, the Mayor will ask the mover of the motion or item of business if they wish to withdraw the motion or item.
- 4.39 If the motion or item of business is not withdrawn by the mover, the motion or item will be deemed formally moved and seconded. and any amendments will be deemed to have been formally moved and seconded. No speeches will be allowed on these items and the vote will be taken in the usual way.
- 4.40 Items to make appointments will be considered as set out in these Rules but without debate.

#### Extension of the duration of a meeting

- 4.41 The Mayor may extend the duration of a meeting to allow for a recorded vote to be held.
- 4.42 A Councillor may move that the length of the meeting is extended by up to **thirty minutes** if:
- 4.42.1 If the motion is moved before the expiry of three hours from the start of the meeting; and,
  - 4.42.2 The motion is seconded and agreed by full Council without debate.
- 4.43 Only one motion to extend the length of the meeting may be moved and the Mayor may put to the vote a different period of extension to that move but no longer than **30 minutes** to ensure the effective and timely conduct of Council business.
- 4.44 When all the business on the meeting agenda is completed, the Mayor will close the meeting.

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## **Voting at Meetings**

4.45 Unless provided otherwise in this Constitution, any matter will be decided by a simple majority of those Councillors physically present in the room and eligible to vote on the matter.

4.46 Voting in respect of the Budget and Policy Framework will comply with the additional Budget and Policy Framework Procedure Rules relating to those decisions set out under Section 5.

## **Mayor's casting vote**

4.47 If there is an equality of votes for and against on any matter, the Mayor shall have a casting vote. There is no restriction on how the Mayor chooses to exercise a casting vote.

## **Show of Hands**

Unless a recorded vote is validly demanded or required by law, the Mayor will take the vote by show of hands, or if there is no dissent,

by the affirmation of the meeting.

11.3.2 When the Mayor seeks a show of hands;

i. (s)he will call for those in favour or against the matter being moved and any abstentions; and

ii. where the outcome of the vote is clear from the show of hands or is unanimous, the Mayor may declare the outcome without any requirement to count the votes of individual Councillors.

11.3.3 Where available, the Mayor may require the use of electronic voting for any matter.

## **Recorded vote**

4.48 If seven Councillors physically present in the room demand it, the names for and against a decision, or abstaining from voting will be recorded and entered into the minutes.

4.49 A recorded vote must be taken at the Council Tax Setting Meeting in respect of the setting of the Council Tax and budget and any proposed amendments to these proposals.

4.50 The Monitoring Officer will call out Councillors' names who will in response indicate immediately if they are voting for or against the matter or are abstaining from voting.

4.51 In the event of an equality of votes on a recorded vote, the Mayor will have a casting vote which will be recorded.

4.52 Where available, electronic voting will be used to hold a recorded vote.

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## Right to require individual vote to be recorded

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

## Voting on appointments

4.54 If there are more than two Councillors or other persons nominated for any position to be filled and there is not a majority of votes in favour of one Councillor / person, the name of the Councillor / person with the least number of votes will be removed from the list and new vote taken. This process will continue until there is a majority of votes for one Councillor / person.

4.55 Where there are two or more appointments to be made to an outside body and more nominations than there are appointments to be made, a vote will be taken on each appointment according to the process set out above at Rule 4.60.

## **Councillors' Speaking Rights and Length of Speeches**

4.56 Councillors may only speak when provided for by these Rules and must remain silent when other Councillors speak or the Mayor is speaking.

4.57 Councillors shall stand to speak, unless the Councillor considers they are unable to stand to speak due to disability or other mobility issues, and in such a case no explanation need be provided by the Councillor.

4.58 Councillors shall be seated and remain silent when the Mayor speaks or requests a Councillor to stop speaking.

## Length of speeches

4.59 Unless otherwise stated in these Rules, a Councillor shall speak for **four minutes** such time as may be fixed by the Mayor.

4.60 The following shall apply:

<b>Speaker</b>	<b>Length of Speech</b>
Mover of motion	Five minutes (Leader's motion) Four minutes (all other motions)
Mover of amendment, seconder of motion or amendment	Four minutes
Right of reply	Four minutes
Mover of Leader's budget	Ten minutes

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Mover of budget amendment	Five minutes
Seconder of budget or budget amendment	Four Minutes

4.61 The Mayor may reduce the length of speeches to ensure the business of a meeting remains within its set duration and to give as many speakers the opportunity to speak as is reasonable.

### First and final speeches

4.62 Councillors shall remain silent during a Councillor's first speech in full Council or their final speech in full Council, as set out below.

4.63 Retiring Councillors are able to speak for **two minutes** about their final term of office at the final full Council meeting before the election.

### **Public Speaking Time**

4.64 Up to three members of the public (the speaker) may make a statement to full Council that is relevant to an item of business on the meeting's agenda in accordance with the following rules.

4.65 Public speaking time may last no longer than **fifteen minutes**.

4.66 The speaker must give written notice of their wish to speak **by 12 noon on the third clear working before the meeting**.

4.67 The notice must be given to the Monitoring Officer and must include:

4.67.1 The name of the speaker; and,

4.67.2 Details of how the speaker's statement relates to an item of business on the meeting's agenda.

4.68 A speaker may speak for up to **three minutes** and will be taken in the order in which the notices are received.

4.69 If the speaker does not attend the meeting, the statement will not be heard or dealt with.

4.70 The Leader or a Cabinet Member nominated by the Leader may respond for **one minute** to any public speaker and there will be no supplemental questions or other speakers on the same matter. The Leader may elect to provide a written response.

4.71 Speakers may submit a copy of their statement either in advance or at the meeting and, if it is the case, a petition related to their statement. Unless the Monitoring Officer has rejected the right to speak under this Rule, a copy of the statement will be sent to all Councillors and published in the minutes.

4.72 The Monitoring Officer may reject a request to speak if:

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- 4.72.1 It is not about a matter which is being considered as an item of business at the meeting;
  - 4.72.2 It is defamatory, frivolous or offensive;
  - 4.72.3 It is substantially the same matter which has been put at a meeting of the Council in the past six months;
  - 4.72.4 If the speaker has previously spoken at any full Council meeting in the past six months; or.
  - 4.72.5 It requires the disclosure of confidential or exempt information.
- 4.73 The Monitoring Officer may refer a speaker to a different body or person in the Council if their request does not comply with these Rules.

### **Councillors' Questions**

- 4.74 Every Councillor may submit one question in writing for response by the Leader at Ordinary Meetings in accordance with Rules 4.81 – 4.91.
- 4.75 Questions submitted by a Political Groups **must**:
- 4.75.1 Relate to a matter that is the responsibility of the Council or the Cabinet;
  - 4.75.2 Be submitted by the Political Group Leader or Whip; and
  - 4.75.3 Must not include sub-questions (for example “a”, “b,” “c”.) and where this is the case only the first sub-question (i.e. “a”) will be accepted as the question without further reference to the Political Group asking the question.
- 4.76 Questions must be submitted in writing to the Monitoring Officer by **12 noon on the seventh clear working day before the day of the meeting** and the first two questions submitted will be accepted for each Political Group.
- 4.77 The Monitoring Officer **must** reject a question where:
- 4.77.1 It is not about a matter for which the Council or the Cabinet has responsibility;
  - 4.77.2 It is defamatory, frivolous or offensive;
  - 4.77.3 It is substantially the same as a question which has been put at a meeting of the Council in the past six months;
  - 4.77.4 It requires the disclosure of confidential or exempt information; or
  - 4.77.5 Requests an act or omission which would be unlawful or which the Council could not implement in practice.
- 4.78 The Monitoring Officer may, if the deadline at Rule 4.82 above has not passed, offer a Political Group submitting the question the opportunity to amend a question to comply with these Rules, and may accept a revised question if received before the deadline.
- 4.79 For the avoidance of doubt, neither the Monitoring Officer nor any other Officer is under any obligation to assist in the revision of any question.

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- 4.80 A maximum of **twenty minutes** will be allocated for Councillors' Questions and no extensions shall be agreed.
- 4.81 The Leader, or if the Leader chooses, a Cabinet Member will provide written replies to all valid questions but have discretion to provide an oral response instead as set out at Rule 4.89 – 491 below.
- 4.82 Written questions and replies will be taken as read in the meeting.
- 4.83 If the Leader and / or Cabinet Member provides an oral response they have **one minute** to speak.
- 4.84 The Political Group Leader (or their nominee from the Political Group) may ask a supplementary question in respect of the Political Group's questions but:
- 4.84.1 **Only** in respect of the content of the written or oral reply;
  - 4.84.2 No statements can be made; and
  - 4.84.3 Political Group Leader (or their nominee from the Political Group) has up to **one minute** to speak.
- 4.85 The Leader and / or Cabinet member has **one minute to respond** but may elect to respond in writing and any responses will be sent to all Councillors and published as an appendix to the minutes of the meetings.

### Submission of Petitions

- 4.86 Councillors, may by raising their hand, submit one or more petitions to the Mayor and, in doing so, may state the purpose of the petition and on whose behalf it is submitted to the meeting but no speeches are permitted.
- 4.87 Petitions submitted at full Council may only relate to a Councillor's Ward or an area including the Councillor's Ward.
- 4.88 15.3 Councillors must provide Democratic Services written notice **on or before 12 noon of the Friday before the meeting** that they wish to submit a petition, and provide details as to the subject matter of the petition.
- 4.89 The Mayor will pass any petition to the Chief Executive or relevant Council Director for an appropriate response.

### Agenda Items

- 4.90 Agenda items requiring a full Council decision will:
- 4.90.1 Be moved and seconded but this may be done formally without speeches (by reference to moving the recommendations or otherwise); and,
  - 4.90.2 Will otherwise be subject to the Rules for motions as set out below.

### Motions on Notice

- 4.91 The following Motions on notice shall be considered at Ordinary Meetings:



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Mover	Length of Time for Consideration of a motion
Leader (who may delegate the moving of the motion to another Councillor in their Political Group)	Thirty minutes
Main opposition Political Group	Twenty minutes
Up to three motions submitted by Councillors or Political Groups and agreed for debate by the Whips Meeting	Twenty minutes per motion (up to sixty minutes in total)
Motions which the Whips Meeting agree have the support of all the Political Groups will be moved without debate by the Chief Whip and seconded by the Main Opposition Whip.	N/a

4.92 Motions submitted by Councillors but not considered at a full Council meeting as set out in the table above will be referred by Democratic Services to the relevant Cabinet Member and Council Director for reply or referral to the relevant Councillor body or meeting.

4.93 A Councillor can propose one motion to the same meeting.

4.94 Democratic Services will publish:

- 4.94.1 Actions taken in response to motions that have been passed, including any reply from any external body; and
- 4.94.2 Actions taken in response to a motion submitted but not considered at full Council.

### Submission of motions

4.95 A Councillor may submit a motion as follows:

- 4.95.1 The motion must be in writing by two Councillors who will propose and second the motion;
- 4.95.2 The motion must be submitted to Democratic Services at least **nine clear working days before the publication date for the meeting**; and,
- 4.95.3 The motion must clearly set out the decision or action that the Council is being asked to undertake, and if the decision or action is an executive function that can only be discharged by the Cabinet, the motion must state that it is a request to the Cabinet to consider the decision or action.

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## Motion to rescind a previous motion

4.96 A motion or amendment to rescind a decision made at a Council meeting **within the past six months** cannot be moved unless the notice of motion is signed by the number of Councillors that would constitute a quorum of the Council.

4.97 When the Council has determined any such motion or amendment, a Councillor cannot propose a similar motion **within six months of the date of the determination**.

## Submission of motions on urgent matters

4.98 The Mayor may accept a motion submitted after the deadline for the submission of motions where (s)he determines the motion:

4.98.1 Complies all other Rules relating to motions;

4.98.2 Relates to matters that arose after the deadline for the submission of motions on notice; and

4.98.3 It is a matter which cannot reasonably be considered by the next Council meeting or by another Council body or Officer before the next meeting.

4.99 The Mayor shall seek the advice of the Monitoring Officer when considering a motion submitted under Rule 4.104.

## The scope and validity of motions

4.100 The Monitoring Officer must reject a motion if it is:

4.100.1 About a matter intended for inclusion on the published agenda for that meeting;

4.100.2 About a matter for which the Council has no power to act, or affect the desired outcome, other than motions that request the Council make representations to regional government (if any) or central government;

4.100.3 About a matter that is delegated for determination by another Council body or may be determined by an Officer acting under delegated powers (e.g., individual regulatory decisions);

4.100.4 Defamatory, frivolous, offensive or insulting to any person or persons;

4.100.5 The same or substantially the same as a motion which has been put at a meeting of full Council in the **past six months**;

4.100.6 Requires the disclosure of confidential or exempt information; or

4.100.7 Requires an act or omission which is either unlawful or incapable of having practical effect.

4.101 The Monitoring Officer may, but is not required to, advise a councillor submitting a motion on its contents but the sole responsibility for compliance with these Rules rests with the Councillor submitting the motion.

## Motions of no confidence in the Leader

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4.102 The Leader can only be removed by a resolution of full Council made on notice and in accordance with the procedure set out in the Cabinet Procedure Rules set out under Part 4 of this Constitution

4.103 Where a motion of no confidence in the Leader is passed, the full Council must immediately elect a new Leader.

### THE CONDUCT OF DEBATES

#### Moving and withdrawing motions

4.104 A motion must be moved by the Councillor who submitted it or another Councillor nominated by the same Political Group, or the Mayor shall treat the motion as withdrawn.

4.105 The mover of a motion may withdraw their motion:

4.105.1 By notice in writing to Democratic Services **up to 5pm the day before meeting**; or,

4.105.2 At the meeting before the item is proposed with the consent of the seconder or during the debate with the consent of full Council and without further debate.

#### Alteration of motions

4.106 A Councillor may seek to alter a motion directly after (s)he has moved the motion and at no other time.

4.107 Only alterations that could be moved as amendments can be sought and, for the avoidance of doubt, alterations may include an alteration to accept one or more proposed amendments.

4.108 The Mayor must seek the meeting's consent to the alteration, which will be signified without discussion.

4.109 The Mayor may require a written copy of the altered motion to be drafted and circulated to all Councillors, and may adjourn the meeting for this purpose.

4.110 Minor alterations to correct typographical errors or other minor errors that do not impact on the meaning of the motion may be moved by the Mayor and will be agreed with the consent of the meeting without debate.

#### **Amendments to Motions**

4.111 Amendments to motions must be submitted by a Councillor.

4.112 Only one amendment may be received in the name of a Councillor.

4.113 Amendments must be submitted to Democratic Services at least **2 days before the day of the meeting** and:

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- 4.113.1 Must be in writing and signed by two Councillors as proposer and seconder;
- 4.114 An Amendment must be relevant to the motion and must not negate the motion or replace the notice of motion with a completely new motion, and can:
- 4.114.1 Refer the matter to an appropriate body or individual for consideration or reconsideration;
- 4.114.2 Leave out words;
- 4.114.3 Leave out words and insert or add other words; or
- 4.114.4 Insert or add words.
- 4.115 The Monitoring Officer may reject an amendment if it does not comply with these Rules. The Monitoring Officer may provide advice to the Councillor or Political Group submitting the amendment but it is the sole responsibility of the Councillor or Political Group to ensure that the amendment complies with these Rules.

### Moving and seconding an amendment

- 4.116 An amendment must be moved and seconded before it can be debated.
- 4.117 A Councillor seconding an amendment may formally second the amendment and reserve their right to speak to later in the debate. It is a matter of discretion for the Mayor to determine if there is sufficient time to allow
- 4.118 the seconder to speak.
- 4.119 The mover of an amendment may seek permission to alter their amendment after they have moved the amendment and before it is seconded and at no other time.
- 4.120 Only alterations that could be moved as amendments can be sought and, for the avoidance of doubt, alterations may include alteration to accept one or more other proposed amendments.
- 4.121 The Mayor must seek the meeting's consent to the alteration, which will be signified without discussion.
- 4.122 The Mayor may require a written copy of the altered amendment to be drafted and circulated to all Councillors and may adjourn the meeting for this purpose.
- 4.123 Minor alterations to correct typographical errors or other minor errors that do not impact on the meaning of an amendment may be moved by the Mayor and will be agreed with the consent of the meeting without debate.
- 4.124 The mover of an amendment may withdraw their amendment:
- 4.124.1 By notice in writing to Democratic Services **up to 5pm on the day of the meeting**; or
- 4.124.2 At the meeting with the consent of full Council and without debate.

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## The Debate

4.125 After the motion and any amendments have been moved and, where necessary, seconded, the Mayor will invite Councillors who have not moved or seconded the motion or an amendment to speak on the motion and any amendments **as a single debate**.

4.126 Councillors wishing to speak must raise their hands at this time so that their names can be taken by the Mayor. No other speakers will be allowed except seconders who have reserved their right to speak.

4.127 The selection of speakers is at the Mayor's discretion who will have regard to the desirability of the following:

4.127.1 Reflecting the overall political proportionality of the Council and the consideration of different points of view so far as is reasonable in the time available;

4.127.2 Hearing from a diversity of speakers over the course of the meeting; and

4.127.3 Where there is sufficient time to hear from all those wishing to speak.

4.128 The Mayor may alter the length of speaking time in time limited debates where the estimated time to be taken by the number of Councillors wishing to speak exceeds the time available.

4.129 The Mayor may, if (s)he considers it conducive to effect debate, allow for debates on any amendments or the substantive motion separately and take a vote on each amendment after it is debated before debating and voting on the original motion (or if any amendments are passed, the amended substantive motion).

### When a Councillor may speak again

4.130 A Councillor may only speak **once** on an item of business or a motion except:

4.130.1 To move or second a procedural motion which may be moved during a debate;

4.130.2 To make a point of order or personal explanation as defined by these Rules; and,

4.130.3 To exercise a right of reply.

### Right of reply

4.131 The mover of the motion has a right of reply at the close of the debate. The right of reply must be restricted to replying to issues raised by other Councillors in moving amendments or in the course of the debate.

## Voting

4.132 Where there are no amendments, a vote is taken on the motion only.

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4.133 Where an amendment or amendments are moved and seconded, they shall be voted on first and the voting shall take place as set out below in Rules 4.151 – 4.155.

### Voting where there is one amendment

4.134 If the amendment is not carried, the Council will then vote on the original motion.

4.135 If the amendment is carried, the motion is amended and becomes the “substantive motion”.

4.136 A second vote is then held as the substantive motion and if carried it becomes a decision of full Council.

### Voting on multiple amendments

4.137 If there is more than one amendment they shall be voted upon in order, and:

4.137.1 The voting shall move to the next amendment without amending the motion.

4.137.2 Where they are carried, they shall amend the motion or amended motion to become the substantive motion; and

4.137.3 There shall be a final vote on the substantive motion.

4.138 If the Mayor considers it necessary (s)he may require an amended motion and / or the final substantive motion to be drafted and circulated to all Councillors and / or read out to all Councillors at any stage before a vote is taken.

### **Motions which may be Moved Without Notice**

4.139 The following motions may be moved without notice:

4.139.1 To appoint a Chair of the meeting where the Mayor and Deputy Mayor are not available to chair the meeting;

4.139.2 To change the order of business of the meeting;

4.139.3 To refer a matter to the appropriate body or individual;

4.139.4 To appoint a Committee or a member of a Committee;

4.139.5 To withdraw a motion

4.139.6 To proceed to the next item of business;

4.139.7 That the question be now put;

4.139.8 To adjourn a debate;

4.139.9 To adjourn a meeting;

4.139.10 To suspend one or more these Council Procedure Rules so far as is permitted in these Rules and only in the meeting or for part of a meeting;

4.139.11 To exclude the public and press in accordance with the Access to Information Procedure Rules set out under Part 1 of this Constitution; and

4.139.12 To not hear further a Councillor named under these Rules or to exclude the Councillor from the meeting.

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## Closure Motions

4.140 The following closure motions may only be moved when the motion and any amendments have been moved and, where required, seconded.

### To proceed to the next item of business

4.141 If a Councillor moves a motion to proceed to next business, the Mayor will:

- 4.141.1 Ask if the motion is seconded and if so;
- 4.141.2 Consider whether the item has been sufficiently discussed and if so;
- 4.141.3 Will put the procedural motion to the vote.

4.142 If the procedural motion is carried, the Mayor will give the mover of the original motion a right of reply, and then move to next business without a vote.

### To put questions to the vote

4.143 If a Councillor moves a motion that the question is now put, the Mayor will:

- 4.143.1 Ask if the motion is seconded and if so;
- 4.143.2 Consider whether the item has been sufficiently discussed and if so;
- 4.143.3 Will put the procedural motion to the vote.

4.144 If the vote is passed, the Mayor will give the mover of the original motion a right of reply before putting her/his motion and / or any amendments to the vote.

### To adjourn the debate

4.145 If a Councillor moves a motion to adjourn the debate, the Mayor will:

- 4.145.1 Ask if the motion is seconded and if so;
- 4.145.2 Consider whether the item has been sufficiently discussed or cannot reasonably be sufficiently discussed on that occasion and (s)he considers this is the case, the Mayor will put the procedural motion to the vote.

4.146 If the vote is passed, the Mayor will give the mover of the original motion a right of reply and the motion will be adjourned to the next meeting or such other meeting as agreed.

## Point of Order

4.147 Any councillor may make a point of order to the Mayor alleging that there has been a breach of these Council Procedure Rules or any other statutory provision.

4.148 A councillor making a point of order must rise to speak stating to the Mayor that:

- 4.148.1 S/he wishes to make a point of order; **and**,
- 4.148.2 Specifying the Council Procedure Rule or statutory provision that has been breached and the way in which s/he considers it has been broken.

4.149 The Mayor shall consider whether a valid point of order has been raised and:

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4.149.1 If so, take any necessary action;

4.149.2 If not, continue with the business of the meeting.

4.150 The Mayor's ruling is final.

### **Point of Personal Explanation**

4.151 A Councillor who has already spoken in a debate may make a personal explanation where the Mayor agrees that the Councillor:

4.151.1 Has been named by another Councillor during the debate; and

4.151.2 In a manner which reflects adversely upon the reputation of the named Councillor.

4.152 A Councillor who wishes to make a personal explanation must make the request at the end of the current Councillor's speech in accordance with following procedure:

4.152.1 The Councillor must rise (unless the Councillor considers they are unable to stand to speak due to disability or other mobility issues, and in such a case no explanation need be provided by the Councillor) to indicate to the Mayor that they wish to make a personal explanation specifying the grounds for the request;

4.152.2 The Mayor will either agree or refuse the request and the Mayor's decision is final; and

4.152.3 In making a personal explanation, the Councillor must only address the comment in respect of the Councillors' reputation.

### **Press and Public: Access and Exclusion**

4.153 Members of the press and public are permitted to attend all meetings in accordance with the Access to Information Procedure Rules set out under Part 1 of this Constitution.

4.154 Members of the press and public may only be excluded from a meeting in accordance with the Access to Information Procedure Rules set out under Part 1 of this Constitution.

### **Recording and Filming**

4.155 Any person, including Councillors, may record or film Council proceedings when the meeting is held in public subject to the following:

4.155.1 Filming or recording must not disrupt the business and conduct of the meeting;

4.155.2 In the case of filming, the person filming must remain in the allocated area for filming or a place otherwise agreed by Democratic Services;

4.155.3 Refrain from filming or recording any member of the public, except where part of the formal proceedings; and



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4.155.4 During a private session of the meeting must not leave any form of recording device in the meeting room, and Councillors remaining in the meeting must not record or film any private session of the proceedings.

4.156 Permission to film or record Council meetings does not extend to filming or recording of any matter outside of the formal proceedings or before or after the meeting.

4.157 Councillors must ensure that they remain able to fully participate in the meeting whilst filming or recording the meeting.

### **Councillor Misconduct During Meetings**

4.158 If during the course of a meeting a Councillor who fails to comply:

4.158.1 With these Rules; or,

4.158.2 An instruction of the Mayor; or,

4.158.3 A decision of the Council;

or when speaking uses offensive, intimidatory or abusive language towards any Councillor, Officer or other person, the Mayor may instruct the Councillor to be seated and not to speak.

4.159 If the Councillor continues to misbehave or otherwise refuses to comply with the Mayor's instructions, the Mayor may:

4.159.1 Move without debate that the Councillor be suspended from and must leave the meeting, and

4.159.2 If the motion is seconded, the Council shall vote on the motion.

4.160 If the motion is carried but the offending Councillor refuses to leave the meeting, the Mayor may take steps to remove the Councillor from the meeting.

### **Disturbance by a Member of the Public**

4.161 Members of the public shall not interrupt with the effective conduct or business of a meeting.

4.162 Mobile phones and similar devices shall be placed on 'silent' and shall not be used during a meeting otherwise than as permitted elsewhere in these Rules.

### **Removal of a Member of the Public**

4.163 If one or more members of the public interrupts the effective conduct of the business of a meeting the Mayor may warn him/her, and s/he interrupts again, the Mayor may order his/her removal from the meeting.

### **General Disturbance**

4.164 In case of a general disturbance in any part of the chamber open to the public for the purpose of attending a meeting, the Mayor may order that part of the chamber to be cleared.

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## **Notification of Cancellation of a Meeting**

4.165 The Chief Executive after consultation with the Mayor may issue, owing to exceptional circumstances, a Public Notice of Cancellation of Meeting. The notice must state reasons for cancellation.

## **Application of the Council Procedure Rules**

4.166 These Council Procedure Rules apply to all meetings of the Council.

4.167 The Cabinet Procedure Rules set out under Part 4 of this Constitution apply only to meetings of the Cabinet.

4.168 The Committee Procedure Rules are set out under Part 3 of this Constitution and identify which of these Council Procedure Rules are incorporated into the Committee Procedure Rules.

## **Suspension or Amendment of the Council Procedure Rules**

4.169 Any or all of these Council Procedure Rules except the Rules set out below may be suspended by a majority if at least **one half of the whole number of Councillors who are physically present in the room and eligible to vote**.

4.170 Any suspension of these Rules will only be for the item or meeting specified in the motion. Motions to suspend the Council Procedure Rules must specify the Rule or Rules the motion seeks to suspend.

4.171 The Council Procedure Rules which cannot be suspended are:

4.171.1 Annual Meeting (Rules 4.12 – 4.14)

4.171.2 Council Tax Setting Meeting (Rules 4.24 – 4.29)

4.171.3 Extraordinary Meetings – right of five Councillors to requisition a meeting and the Mayor's power to call the meeting (Rule 4.30.1 and 4.30.3)

4.171.4 Requirements for a summons (Rules 4.38 – 4.39)

4.171.5 Duration of the meeting (Rules 4.43 – 4.50)

4.171.6 Quorum for a meeting (Rules 4.40 – 4.42)

4.171.7 Voting (Rules 4.51 – 4.61)

4.171.8 Exclusion of the press and public (Rule 4.171)

4.171.9 Rules as to conduct and removal (Rules 4.175 – 4.181 )

4.172 Any motion to add to, vary or revoke these Council Rules of Procedure will, if proposed and seconded, stand adjourned without discussion to the next Ordinary Meeting of the full Council.

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## 5. THE BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

### The Budget and Policy Framework

- 5.1 The Budget and Policy Framework refers to the financial and policy decisions of the Council where:
- 5.1.1 The Leader and Cabinet makes recommendations for the policy or budget decision to full Council; and,
  - 5.1.2 The full Council makes the final decision to adopt the Leader and Cabinet's recommendations. If full Council does not accept or fully accept the Leader and Cabinet's recommendations, the procedure set out below must be followed.
- 5.2 The Leader and Cabinet is responsible for the implementation of the Budget and Policy Framework.
- 5.3 The following Budget and Policy Framework Procedure Rules (hereinafter in this section 5 the Rules) are mandatory standing orders required to be adopted by the Council under the Local Authorities (Standing Orders) (England) Regulations 2001, to set out how the Budget and Policy Framework will be agreed.

### Policy Framework Decisions

#### Leader and Cabinet policy proposals

- 5.4 The Leader and Cabinet will formulate draft plan or strategy decisions with the support of Officers and will determine whether to:
- Undertake public or other stakeholder engagement and / or consultation; and / or,
  - Proactively engage with a Select Committee for the purpose of scrutiny, including as part of the annual overview and scrutiny work plan.
- 5.5 The Leader and Cabinet will take into account the outcome of these processes in the formulation of the draft plan or strategy made to full Council.
- 5.6 The Leader and Cabinet will submit the draft plan or strategy to full Council of adoption.

#### Council's Consideration of Leader and Cabinet draft plan or strategy

- 5.7 Full Council will consider the draft plan or strategy and take one of the following decisions:
- 5.7.1 Adopt the Leader and Cabinet's proposals and if so the draft plan or strategy is agreed as Council policy; or,
  - 5.7.2 Inform the Leader of any objections it has to the Leader and Cabinet's draft plan or strategy, including any amendments to the proposals.
- 5.8 If the Council has objections to the Leader and Cabinet's initial proposals, it must:

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- 5.8.1 Give the Leader instructions requiring the Cabinet to reconsider, in the light of those objections, the draft plan or strategy submitted to it; and,
- 5.8.2 Specify a period (“the relevant period”) of **at least 5 working days** beginning on the day after the date on which the Leader receives the instructions on behalf of the Cabinet within which the Leader may reconsider the draft plan or strategy.

### Leader’s consideration of the Council’s objections

- 5.9 The Leader may, within the relevant period, give notice in writing to the Monitoring Officer of her/his intention to:
  - 5.9.1 Submit a revised draft plan or strategy to full Council including the reasons for any amendments; or,
  - 5.9.2 Inform full Council of its disagreement with the Council’s objections to the draft plan and strategy and the reasons for the disagreement.
- 5.10 If the Leader does not take the above action within the relevant period, the Council’s decision on the draft plan or strategy (with any amendments) will become effective at the expiry of the relevant period, and notice will be given in accordance with the Access to Information Rules Procedure Rules set out under Part 1 of this Constitution.

### Full Council’s final decision

- 5.11 If the Leader gives notice in writing to submit a revised draft plan or strategy, or disagrees with the Council’s objections to the original draft plan or strategy, either:
  - 5.11.1 At the next Ordinary Meeting; or,
  - 5.11.2 At an Extra Ordinary Meeting, meeting for the purpose, if a decision needs to be made at an earlier date.
- 5.12 The Council’s final decision to adopt the plan or strategy must take into account, where applicable, the Leader and Cabinet’s revised draft plan or strategy, or disagreement with the Council’s objections.

## **The Budget Framework: Setting the Annual Council Tax and Budget**

### The formation of budget proposals

- 5.13 In the financial year, the Leader and Cabinet with the support of Officers will formulate draft budget proposals and will:
  - Determine the process for any public or other stakeholder engagement and / or consultation; and / or,
  - Agree with a Select Committee a process for the scrutiny of the proposals.
- 5.14 The Leader and Cabinet will take into account the outcome of these processes in the formulation of the draft budget made to full Council.
- 5.15 The Leader and Cabinet will submit its draft budget proposals to full Council in accordance with the procedure set out below.

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## Leader and Cabinet's budget estimates or amounts

5.16 Subject to the provisions of Rule 5.26, in any financial year the Leader and Cabinet shall submit to full Council for its consideration in relation to the following financial year:

5.16.1 Estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 – 49 of the Local Government Finance Act 1992;

5.16.2 Estimates of other amounts to be used for the purposes of such a calculation;

5.16.3 Estimates of such a calculation; or,

5.16.4 Amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992.

5.17 The proposals submitted in accordance with Rule 5.18 shall be called collectively the "budget estimates or amounts".

## The budget setting meeting: full Council's consideration of the budget estimates or amounts

5.18 The full Council shall consider the Budget Estimates or Amounts at its annual budget setting meeting.

5.19 If the Full Council approves the budget estimates or amounts without amendment, this decision will be final.

5.20 If the Full Council has any objections to the Budget Estimates or Amounts, it must:

- Before it makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in Rule 5.18 above, or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992;
- Inform the Leader of any objections which it has to the budget estimates or amounts; and,
- Give the Leader instructions requiring the Cabinet to reconsider, in the light of those objections, those budget estimates and amounts in accordance with the Council's requirements.

## Leader and Cabinet's revised budget estimates and amounts

5.21 Where the Council gives instructions in accordance with Rule 5.22 above, it must specify a period ("the relevant period") of **at least five working days** beginning on the day after the date on which the Leader receives the instructions on behalf of the Cabinet, within which the Leader may:

5.21.1 Submit a revision of the estimates or amounts as amended by the Cabinet ("revised estimates or amounts"), which have been reconsidered in accordance with full Council's requirements, with the Cabinet's reasons for any amendments made to the estimates or amounts, to full Council's consideration; or,

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- 5.21.2 Inform the full Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.

### Council's consideration of the Leader and Cabinet's revised budget estimates or amounts

- 5.22 The full Council must meet after the expiry of the relevant period to make calculations (whether originally or by way of substitute) in accordance with the sections 32 – 37, or 43 – 49 of the Local Government Finance Act 1992, or issue a precept under Chapter IV of Part I of the Local Government Finance Act 1992.
- 5.23 When making the decisions in accordance with Rule 5.24 above, full Council must take into account the Leader's submissions under Rules 5.23.1 or 5.23.2 above including:
- Any amendments to the estimates or amounts that are included in any revised budget estimates or amounts;
  - The Cabinet's reasons for those amendments;
  - Any disagreement that the Cabinet has with any of the Council's objections, the Cabinet's reasons for that disagreement.

### **The Exclusion of these Rules**

- 5.24 Rules 5.18 – 5.25 shall not apply in relation to:

- 5.24.1 Calculations or substitute calculations which an Authority is required to make in accordance with Section 52I, 52J, 52T or 52U of the Local Government Finance Act 1992; and,
- 5.24.2 Amounts stated in precept issued to give effect to calculations or substitute calculations made in accordance with Section 52J or 52U of the Local Government Finance Act 1992.

### **Recorded Vote**

- 5.25 A recorded vote will be held for any vote taken at the Council's budget setting meeting, including in respect of amendments.

### **Decisions Outside of the Budget or Policy Framework**

- 5.26 Subject to the provisions of the Financial Procedure Rules set out under Part 7 of this Constitution when discharging executive functions, the Leader or the Cabinet may only take decisions which are in line with the approved Budget and Policy Framework.
- 5.27 If decision needs to be made outside of the approved Budget or Policy Framework the decision may only be taken by full Council, subject to the Rule 5.33 and 5.34 below in respect of urgent decisions outside the Budget and Policy Framework.
- 5.28 If decision is, or may be, may be contrary to the Budget and Policy Framework the advice of the Monitoring Officer and / or the Chief Financial Officer shall be obtained

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as to whether the decision made would be contrary to the approved Budget and / or Policy Framework.

- 5.29 If the advice of the Monitoring Officer or the Chief Finance Officer is that the decision would not be in line with the approved Budget and/ or Policy Framework, the decision must be referred to full Council unless the decision is a matter of urgency, in which case the provisions of Rules 5.33 and 5.34 below (urgent decisions outside the Budget and Policy Framework) shall apply.
- 5.30 Full Council may either:
- 5.30.1 Endorse a decision or proposal of the Leader or Cabinet that falls within the approved Budget and / or Policy Framework, in which case no further action is required save for the decision of full Council be minuted and circulated to all Councillors; or,
  - 5.30.2 Amend the budget and / or the policy or concerned to encompass the decision or proposal of the Leader or Cabinet and agree to the decision with immediate effect, in which case no further action is required save that the decision of full Council be minuted and circulated to all Councillors; or,
  - 5.30.3 Where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to, or not wholly in accordance with the budget, and does not amend the approved budget or policy framework to accommodate the proposed decision, require the Leader or Cabinet to reconsider the matter in accordance with the advice of either the Monitoring Officer and / or the Chief Finance Officer within seven clear working days of the Council meeting and,
  - 5.30.4 Whatever decision the Leader or Cabinet takes at that meeting is final, bearing in mind that a decision taken outside the approved Budget or Policy Framework will be unlawful.

### **Urgent Decisions Outside the Budget and / or Policy Framework**

- 5.31 The Leader or Cabinet may make a decision which is contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the Budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken if:
- Any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interest;
  - It is not practical to convene a quorate meeting of the full Council within the requirements of the Access to Information Procedure Rules; and,
  - The Chair of the relevant Select Committee (or in the absence of the Chair, the Vice-Chair) agrees that the decision is a matter of urgency.

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5.32 The reasons why it is not practical to convene a quorate meeting of full Council and the consent of the Chair of the relevant Select Committee (or in the absence of the Chair, the Vice-Chair) to the decision being taken as a matter of urgency must be noted on the record of the decision.

### **Virement**

5.33 Virement is the ability to meet increased expenditure or reduced income under one expenditure code from savings in another expenditure code. The Council's Rules on virement are detailed in the Financial Procedure Rules set out under Part 7 of this Constitution.

### **In-Year Changes to the Policy Framework**

5.34 No changes to any policy and strategy which make up the Policy Framework may be made except those changes:

- 5.34.1 Which will result in the closure, amendment or discontinuance of a service or part of a service to meet a budgetary constraint;
- 5.34.2 Which are necessary to ensure compliance with the law, ministerial direction, or government guidance; and
- 5.34.3 Which are within the scope set out for in-year changes in the policy document in question, or when the policy document was approved by full Council.



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## 6. THE HONORARY ALDERMAN SCHEME

### Background

- 6.1 Under section 249 of the Local Government Act 1972 (the Act) the Council has the power to confer the title of 'Honorary Alderman' on persons who have, in the opinion of the Council, rendered eminent services to the Council as past Councillors of Council, but who are no longer Councillors of the Council. The Act does not specify how eminent services are defined, and this is left as a matter of local interpretation.
- 6.2 The Act also provides that in order to confer the title of Honorary Alderman on a former Councillor, a meeting of the full Council needs to be convened specifically for this purpose, and the resolution to confer the title of Honorary Alderman must be passed by not less than two thirds of the Councillors physically present at the meeting and entitled to vote.
- 6.3 This is the Council's Honorary Alderman Scheme (Scheme).

### Process for Nomination

- 6.4 Nominations shall only be made in the year of the Council elections.
- 6.5 Any nomination must be proposed and seconded by existing, serving Councillors of the Council.
- 6.6 Nominations received will be submitted to the Monitoring Officer who will then liaise with the Political Group Leaders and the Mayor to consider the nomination.
- 6.7 A report will then be presented to full Council to consider conferring the Honorary Alderman status on the nominated former Councillor.

### Alderman Status

- 6.8 Formal election to the Roll of Honorary Alderman is by a resolution of the full Council, passed by not less than two thirds of those Councillors physically present and entitled to vote at the meeting specifically convened for purpose.

### Criteria

- 6.9 A person shall be deemed eligible to be enrolled as an Honorary Alderman provided that the person has served as a Councillor of the Council for a minimum of ten years in total.
- 6.10 Honorary Alderman is an apolitical role so a former Councillor appointed as an Honorary Alderman should not hold political office.
- 6.11 For the purposes of this Scheme, the term "eminent service" is left undefined to allow flexibility when determining nominations.

### Term of Office

- 6.12 All Honorary Aldermen shall be lifetime appointments subject to the withdrawal of the title / rights and privileges set out below.

# APPENDIX E

## **Rights and Privileges**

6.13 An Honorary Alderman is entitled to the following rights and privileges:

- 6.13.1 To be presented with an Honorary Aldermen badge.
- 6.13.2 To receive the link to the electronic version of the full Council summons and agenda;
- 6.13.3 Free parking at each of the Council's Offices when undertaking duties;
- 6.13.4 To receive invitations to all civic / ceremonial and social events to which Members of the Council are invited;

## **Withdrawal of Title / Rights and Privileges**

- 6.14 If an existing Honorary Alderman stands for election and is not elected, s/he shall continue in the role of Honorary Alderman. If s/he is elected to the Council as a Councillor, the title and rights shall be withdrawn from the individual for such time as s/he is serving as an elected Councillor.
- 6.15 It shall be competent for the Council in any other particular case to withdraw the title of Honorary Alderman and the attached rights and privileges. Such withdrawal of the title shall be by way of formal motion to a meeting of the full Council, (the summons to which contains special notice that such withdrawal is proposed and the reason therefor) and a subsequent resolution of the Council passed by not less than two thirds of the Councillors physically present at the meeting and entitled to vote on the matter. On the passing of such resolution, the Monitoring Officer shall delete the name of the person concerned from the Roll of Honorary Aldermen and advise that person accordingly.

## **Application of this Scheme**

6.16 This Scheme shall apply to all Honorary Aldermen of the Council.