



TO: THE CHAIRMAN AND MEMBERS OF
BABERGH DISTRICT COUNCIL

21 October 2016

PLEASE NOTE DATE AND TIME OF MEETING

Dear Sir/Madam

A Meeting of the Babergh District Council will be held in the Council Chamber, Council Offices, Corks Lane, Hadleigh on **Monday, 31 October 2016 at 9:30 a.m.**

For those wishing to attend, prayers will be said at 9:25 a.m. prior to the commencement of the Council meeting.

Yours faithfully

Deputy Chief Executive

The Council, members of the public and the press may record/film/photograph or broadcast this meeting when the public and the press are not lawfully excluded.

Any member of the public who attends a meeting and objects to being filmed should advise the Committee Clerk who will instruct that they are not included in the filming.

PART I

1 APOLOGIES FOR ABSENCE

To receive apologies for absence.

2 DECLARATION OF INTERESTS

Members to declare any interests as appropriate in respect of items to be considered at this meeting.

3 MINUTES

To confirm and sign the minutes of the meeting held on 20 September 2016 as a correct record (copy attached).

4 CHAIRMAN'S ANNOUNCEMENTS

Paper
S70

In addition to any announcements made at the meeting, please see Paper S70 attached, detailing events attended by the Chairman and Vice-Chairman.

5 LEADER'S ANNOUNCEMENTS

6 PUBLIC PARTICIPATION SESSION

Members of the public are able to ask a question or make a statement during this item – please refer to the 'Guide to the Procedure' – copy available on request.

Prior written notice of the intention to speak must be given to the Monitoring Officer by no later than 5.00 p.m. on Wednesday, 26 October 2016 (two clear working days before the meeting).

7 QUESTIONS FROM THE PUBLIC IN ACCORDANCE WITH COUNCIL PROCEDURE RULES

The Chairmen of Committees to answer any questions from the public of which notice has been given no later than midday two clear working days before the day of the meeting in accordance with Council Procedure Rules.

8 QUESTIONS FROM MEMBERS IN ACCORDANCE WITH COUNCIL PROCEDURE RULES

The Chairman of the Council, the Chairmen of Committees and Sub-Committees and Lead Members to answer any questions on any matters in relation to which the Council has powers or duties or which affect the District of which due notice has been given in accordance with Council Procedure Rules.

9 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH COUNCIL PROCEDURE RULES

In accordance with Council Procedure Rules, the Chief Executive will report the receipt of any petitions. There can be no debate or comment upon these matters at the Council meeting.

- 10 APPOINTMENT OF JOINT CHIEF EXECUTIVE ROLE TO BE DESIGNATED AS THE JOINT HEAD OF PAID SERVICE
- Paper S71 Report by the Assistant Director - Corporate Resources attached.
- Leader of the Council – Jennie Jenkins.
- 11 CONSTITUTIONAL UPDATE
- Paper S72 Report by the Interim Assistant Director – Law and Governance and Monitoring Officer attached.
- Leader of the Council – Jennie Jenkins.
- 12 APPOINTMENT OF COUNCILLORS TO COMMITTEES, JOINT COMMITTEES AND JOINT GROUPS AND PORTFOLIO HOLDERS
- Paper S73 Report by the Interim Assistant Director – Law and Governance and Monitoring Officer attached.
- Leader of the Council – Jennie Jenkins

For further information on any of the Part 1 items listed above, please contact Linda Sheppard on 01473 826610 or via email at committees@baberghmidsuffolk.gov.uk

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MINUTES OF THE MEETING OF THE BABERGH DISTRICT COUNCIL HELD IN
THE COUNCIL CHAMBER, COUNCIL OFFICES, CORKS LANE, HADLEIGH ON
TUESDAY, 20 SEPTEMBER 2016

PRESENT: Peter Burgoyne – Chairman

Clive Arthey	Richard Kemp
Sue Ayres	Frank Lawrenson
Melanie Barrett	James Long
Simon Barrett	Margaret Maybury
Tony Bavington	Alastair McCraw
Peter Beer	Mark Newman
Tom Burrows	John Nunn
Dave Busby	Adrian Osborne
Michael Creffield	Jan Osborne
Derek Davis	Lee Parker
Siân Dawson	Peter Patrick
Alan Ferguson	Stephen Plumb
Barry Gasper	Nick Ridley
Kathryn Grandon	David Rose
John Hinton	William Shropshire
David Holland	Harriet Steer
Michael Holt	Fenella Swan
Bryn Hurren	John Ward
Jennie Jenkins	Stephen Williams

The following Members were unable to be present:

Sue Burgoyne, Tina Campbell, Sue Carpendale and Ray Smith.

42 DECLARATION OF INTERESTS

None declared.

43 MINUTES

RESOLVED

That the Minutes of the Meeting held on [26 July 2016](#) be confirmed and signed as a correct record.

44 CHAIRMAN'S ANNOUNCEMENTS

The Chairman referred to [Paper S58](#) outlining recent events attended by the Chairman and Vice-Chairman.

45 PUBLIC PARTICIPATION SESSION

There were no questions or statements from the public.

46 QUESTIONS FROM THE PUBLIC

None received.

47 QUESTIONS FROM MEMBERS

None received.

48 PETITIONS

In accordance with Council Procedure Rules, the Deputy Chief Executive reported the receipt of a petition as detailed below:-

Application No. B/16/00903 - erection of 6 no. terraced two-storey dwellings; 4 no. detached two-storey dwellings; 2 no. semi-detached two-storey dwellings; and 2 no. detached three-storey dwellings with associated garages (14 no. dwellings proposed in total) (4 no. dwellings proposed as affordable housing). Construction of new estate road, footpaths, and access to Gallows Hill, land North of Castle Road, Hadleigh

Petition signed by approximately 131 residents of Babergh asking the Council to refuse the above application on the grounds of the objections made by local residents. The petition will be taken into account when the application is considered at a future meeting of the Planning Committee.

Members noted the position.

49 RECOMMENDATIONS AND REPORTS FROM JOINT AUDIT AND STANDARDS COMMITTEE

Changes to arrangements for appointment of External Auditors (Joint Audit and Standards Committee – 12 September 2016)

William Shropshire, Chairman of the Audit and Standards Committee, introduced the Committee's recommendation that the Council opts-in to the Local Government Association Sector Led Body as set out in [Paper JAC85](#) under Option 3.

RESOLVED

- (1) That the arrangements for appointing External Auditors at the end of the 2017/18 audit, as set out in paragraphs 10.1 and 10.2 of Paper JAC85 be noted.**
- (2) That the Council opts-in to the Local Government Association Sector Led Body (Public Sector Audit Appointments Ltd) for the independent appointment of the Council's External Auditor, beginning with responsibilities for the financial year 2018/19.**

50 RECRUITMENT OF THE ASSISTANT DIRECTOR – LAW AND GOVERNANCE (MONITORING OFFICER)

Jennie Jenkins, Leader, introduced [Paper S59](#), seeking Member approval for the Task and Finish Group that is overseeing the recruitment of the Joint Chief Executive post, to also undertake this function for the recruitment of the permanent Assistant Director – Law and Governance.

RESOLVED

That the Joint Task and Finish Group, which was formed to oversee and make recommendation to Council on the new Joint Chief Executive, also undertakes the same role for the Assistant Director – Law and Governance (Monitoring Officer).

51 EXTENSION OF THE APPOINTMENT OF INDEPENDENT PERSONS

Jennie Jenkins, Leader, introduced [Paper S60](#), seeking Member approval to an extension for a further two years of the current arrangement.

Suki Binjal, Monitoring Officer, also clarified the process is a statutory process under the Localism Act, and in response to a question, it was agreed that figures would be supplied outside of the meeting regarding how many times the Independent Persons have been called upon.

RESOLVED

That the appointment of the individuals listed in Appendix A to Paper S60, as Independent Persons for the Council, be extended for a further period of two years.

52 EAST BERGHOLT NEIGHBOURHOOD PLAN

Simon Barrett, Business Growth and Increased Productivity Portfolio Holder, introduced [Paper S61](#) advising Members of the outcome of the local referendum on the East Bergholt Neighbourhood Plan.

Members were asked to note a typographical error contained within the first paragraph of the Appendix to Paper S61, the reference to 'Lavenham Neighbourhood Plan' should read 'East Bergholt Neighbourhood Plan'.

Bill Newman, Corporate Manager – Strategic Planning, responded to Members' questions on the Neighbourhood Plan.

In response to a question regarding the turnout figures for the electorate, it was agreed that figures would be supplied outside of the meeting.

RESOLVED

That the East Bergholt Neighbourhood Plan be formally made (adopted) as part of Babergh District Council's Development Plan and used to help determine planning applications where relevant.

53 LAVENHAM NEIGHBOURHOOD PLAN

Simon Barrett, Business Growth and Increased Productivity Portfolio Holder, introduced [Paper S62](#) advising Members of the outcome of the local referendum on the Lavenham Neighbourhood Plan.

RESOLVED

That the Lavenham Neighbourhood Plan be formally made (adopted) as part of Babergh District Council's Development Plan and used to help determine planning applications where relevant.

54 FUTURE MODEL FOR PUBLIC ACCESS INCLUDING ACCOMMODATION

Prior to the Council's consideration of [Paper S63](#), the Chairman introduced the Strategic Director, Mike Evans and his Team who gave a short presentation on the Future Model for Public Access including Accommodation. Members then had the opportunity to ask questions and the following were among the matters raised:-

- Broadband in remote areas – can we deliver?
- Operation of the hub and spokes model
- Letter sent direct to all Councillors by Unison expressing its view that there had not been any meaningful staff consultation through Unison.

The Chairman thanked the officers and prior to asking Councillor Jennie Jenkins to present Paper S63, he indicated how he intended to take Members through their consideration of the report and its four recommendations, which would be the subject of separate votes. Members were aware that if they wished to discuss matters relating to the Confidential information under Item 17 of the agenda, it would be necessary to pass the standard resolution to exclude the public, as set out in Item 16. However, in the event, this was not considered to be necessary, and Paper S63 was considered in open session.

Members were asked to note a typographical error in Paragraph 4, page 3, where the paragraphs numbered as 7.6 – 7.8 should have been 4.6 – 4.8.

Jennie Jenkins, Leader, presented Paper S63 setting out the options and strategy to deliver a future Public Access operating model for the Councils, encompassing options for future accommodation and outlining options for the existing Headquarters sites in Hadleigh and Needham Market, should either or both be vacated. She referred to the current context which included the loss of the Government's Revenue Support Grant from 2020. Work had been ongoing for three years and had now come together in the proposals before Members. She referred to the need to be more responsive to the requirements of those who need us most by better targeting our limited resources, and commented that the status quo was not an option as pressure on budgets remains unrelenting.

As well as considering adoption of the Public Access Strategy, Members would be asked to choose one of the four options outlined in the report, all of which had been researched and costed, for locations from which to deliver our services. Members were advised that other options were not able to be considered at this meeting as any alternative proposals would not have had the benefit of a thorough assessment process.

Councillor Jenkins then moved recommendations 2.1 to 2.4 en bloc, which were duly seconded.

During the course of the ensuing debate, Officers responded to Members' questions on various matters including:-

- Digital technology and varying levels of public competence in its use;
- Ageing demographic;
- Public Consultation
- Broadband coverage
- Completion of benefit claims – percentages for online or other methods
- Single phone number;
- Access to officers and public

RESOLVED

- (1) That the principles of the emerging Public Access Strategy as set out in Section One, page 8 to 18 of Paper S63, be approved.**

The Chairman then moved on to consideration of the Options in Recommendation 2.2 of the report and at this point Councillor Tony Bavington put forward a motion to defer consideration of Recommendations 2.2 to 2.4. The wording of the motion was read out by the Chairman and formally proposed and seconded as follows:-

“That recommendations 2.2 to 2.4 be deferred until such time as:

- The staff through Unison and the Joint Staff Consultation Committee; and
- The public, who in Babergh voted in a 2011 Local Referendum by 61% - 39% on a relatively high turnout not to merge with Mid Suffolk

have been fully consulted, in order that the results of the consultation can be reported to the Council before a decision is taken.”

The Chairman then asked the Officers to respond with regard to the issue of staff consultation. Lindsay Barker referred to the significant staff engagement and consultation which had taken place, and Mike Evans outlined the work that had been done through employee forums, leadership teams and his meetings with Unison representatives. He also referred to the Joint Staff Consultative Committee meeting held in September where the opportunity for staff to raise related issues had not been taken. Councillor Jenkins added that she and Councillor Nick Gowrley had held two very well attended sessions with staff, with ‘no holds barred’ in relation to the questions which were put to the two Leaders.

During the course of the debate on the motion to defer, a demand for a recorded vote was received, in accordance with Council Procedure Rule No 23.6.

Note: William Shropshire and Harriet Steer left the meeting before the vote was taken.

The result of the recorded vote was as follows:-

<u>For the Motion to defer</u>	<u>Against the Motion to defer</u>
Clive Arthey	Sue Ayres
Tony Bavington	Melanie Barrett
Dave Busby	Simon Barrett
Derek Davis	Peter Beer
John Hinton	Peter Burgoyne
Bryn Hurren	Tom Burrows
Richard Kemp	Michael Creffield
James Long	Siân Dawson
Alastair McCraw	Alan Ferguson
John Nunn	Barry Gasper
Stephen Plumb	Kathryn Grandon
David Rose	David Holland
Stephen Williams	Michael Holt
	Jennie Jenkins
	Frank Lawrenson
	Margaret Maybury
	Mark Newman
	Adrian Osborne
	Jan Osborne
	Lee Parker
	Peter Patrick
	Nick Ridley
	Fenella Swan
	John Ward

The result of the recorded vote was 13 Members in favour of the motion to defer consideration of the report recommendations 2.2 to 2.4 with 24 Members against. The motion to defer was therefore declared lost.

It was then proposed and seconded that Option 3 (Recommendation 2.2(c) of Paper S63) be agreed.

However, after consulting with the Monitoring Officer, the Chairman asked Members to vote for whichever one of the four options they wished to support.

During the course of the subsequent debate, a demand for a recorded vote was received in accordance with Council Procedure Rule No 23.6.

The result of the recorded vote was as follows:-

<u>Option 1</u>	<u>Option 2</u>	<u>Option 3</u>	<u>Option 4</u>	<u>Abstentions</u>
Clive Arthey		Sue Ayres		Kathryn Grandon
Tony Bavington		Melanie Barrett		
Dave Busby		Simon Barrett		
Derek Davis		Peter Beer		
Siân Dawson		Peter Burgoyne		
John Hinton		Tom Burrows		

<u>Option 1</u>	<u>Option 2</u>	<u>Option 3</u>	<u>Option 4</u>	<u>Abstentions</u>
Bryn Hurren Richard Kemp James Long Alastair McCraw John Nunn Stephen Plumb David Rose Stephen Williams		Michael Creffield Alan Ferguson Barry Gasper David Holland Michael Holt Jennie Jenkins Frank Lawrenson Margaret Maybury Mark Newman Adrian Osborne Jan Osborne Lee Parker Peter Patrick Nick Ridley Fenella Swan John Ward		

The result of the recorded vote was 14 Members in favour of Option 1 – Locate to Hadleigh Offices and 22 Members in favour of Option 3 – Share accommodation in Endeavour House. There was one abstention.

RESOLVED

- (2) That Option 3 as set out in Recommendation 2.2 (c) in Paper S63, to share accommodation in Endeavour House with Suffolk County Council and other public sector partners, be approved.

Recommendations 2.3 and 2.4 were then voted upon.

RESOLVED

- (3) That the key information available including the indicative timetable relating to the development of the Hadleigh site, as contained in Paper S63, Agenda Item 17, be noted.
- (4) That the Strategic Director, in conjunction with the Leaders of the Councils, be authorised to make any minor changes to the recommendations as set out in Paper S63 as may be necessary.

Note: The meeting adjourned for a short comfort break between 7.10 p.m. and 7.20 p.m. to enable the proposer of the Motion to defer the opportunity to provide its content to the Chairman in writing.

The business of the meeting was concluded at 8.35 p.m.

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Chairman

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				S70
BABERGH DISTRICT COUNCIL CHAIRMAN'S ANNOUNCEMENTS				
COUNCIL - 31 OCTOBER 2016				
EVENT	LOCATION	DATE	CHAIRMAN	VICE CHAIR
SEPTEMBER 2016				
Hadleigh Town Mayor's Civic Service	St Mary's Church, Stowmarket	25-Sep	✓	
The Queen's Awards for Enterprise 2016 for ProSynth Ltd, Acton	Acton Village Hall, The Green, Acton	30-Sep	✓	
OCTOBER 2016				
University of Suffolk Graduation Ceremony	Athenaeum & Apex, Bury St Edmunds	01-Oct	✓	
Town Mayor of Sudbury Annual Civic Service	St Gregory's Church, Gregory Street, Sudbury	02-Oct	✓	
Suffolk Harvest Festival & Harvest Lunch	Athenaeum and St Edmundsbury Cathedral, Bury St Edmunds	09-Oct	✓	
Rural Summit for Suffolk	Trinity Park Conference Centre, Ipswich	11-Oct	✓	
St John Service of Celebration & Annual Awards Ceremony	St Mary Le Tower Church, Tower Street, Ipswich	16-Oct	✓	
RBL Sudbury & District Branch Festival of Remembrance	Ormiston Sudbury Academy	18-Oct		✓
Babergh & Mid Suffolk Funding Event	Village Hall, Lavenham	19-Oct	✓	
Mayor's Official Launch of the Poppy Appeal	Town Hall, Sudbury	29-Oct		✓

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Agenda Item 10

BABERGH DISTRICT COUNCIL and MID SUFFOLK DISTRICT COUNCIL

From: Assistant Director – Corporate Resources	Report Number: S71
To: Council (Babergh) Council (Mid Suffolk)	Date of meeting: 31 October 2016

APPOINTMENT OF JOINT CHIEF EXECUTIVE ROLE TO BE DESIGNATED AS THE JOINT HEAD OF PAID SERVICE

1. Purpose of Report

- 1.1 Following a robust recruitment process that involved final interviews held on 17th and 18th October 2016, this report recommends the outcome of the Joint Recruitment Task and Finish Group for the appointment of the statutory Head of Paid Service for both Councils and to also appoint the same officer to be the Joint Chief Executive for both Councils.

2. Recommendations

- 2.1 That Council agree the candidate recommended by the Joint Recruitment Task and Finish Group is designated (on a date to be informed at the Council meeting), to undertake the statutory role as the Head of Paid Service for Babergh and Mid Suffolk District Councils and is also appointed as the Joint Chief Executive for both Councils.
- 2.2 That the Monitoring Officer be given delegated authority to make any required changes to the Council's Constitution resulting from the resolution under recommendation 2.1 above.
- 2.3 That any designated Head of Paid Service be approved as the Proper Officer under S270(3) of the Local Government Act 1972.
- 2.4 That the appointed candidate (as in 2.1 above), will also be the Officer designated as the Returning Officer and Electoral Registration Officer.

3. Financial Implications

- 3.1 The costs incurred in advertising and recruiting to the Joint Chief Executive post have amounted to £33,000, which will be split equally between the two Councils and is being funded from the savings from the currently vacant post.

4. Legal Implications

- 4.1 Section 4 of the Local Government and Housing Act 1989 states that it shall be the duty of every Local Authority to designate one of their officers as the Head of its Paid Service and to provide that officer with such staff, accommodation and other resources as are, in his/her opinion, sufficient to allow his/her duties under this section to be performed.

- 4.2 It is common to designate the role of Head of Paid Service to the Chief Executive. The final decision to designate the Chief Executive as the Head of Paid Service is reserved to Council.
- 4.3 Section 7 of the Local Government and Housing Act 1989 provides that all appointments of officers are made on merit.

5. Risk Management

- 5.1 By carrying the strategic and corporate responsibility for service delivery the Joint Chief Executive will have oversight of all the Councils' significant risks. Specific risks are set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
Offer of employment is not accepted	Unlikely	Noticeable	Early discussions with candidate indicate that this will not be the case.
Candidate does not have the right skills and attributes to lead the organisation	Unlikely	Noticeable	Rigorous recruitment process to test required attributes

6. Consultations

- 6.1 The recruitment process for the Joint Chief Executive role included an external stakeholder engagement exercise and a presentation to a group of Councillors across the two Councils.

7. Equality Analysis

- 7.1 The selection process has been rigorous, transparent and documented to adhere to good practice and equalities legislation. All applicants completed an equalities monitoring information form, the summary of which was shared with the Task and Finish Group.

8. Shared Service / Partnership Implications

- 8.1 The Joint Chief Executive role is a key appointment to ensure the continuation of the successful integration between the two Councils and the wider working across Suffolk and beyond.

9. Links to Joint Strategic Plan

- 9.1 The Joint Chief Executive role is key (along with the Senior Leadership Team) to ensuring the successful delivery of the vision and ambition within the refreshed Joint Strategic Plan.

10. Key Information

- 10.1 That on 28th June 2016 (Report S31 Babergh) and 29th June 2016 (Report C/41/16 Mid Suffolk) the Councils approved the Joint Task and Finish Group to carry out the recruitment process for the new Joint Chief Executive.
- 10.2 The specialist recruitment agency, GatenbySanderson was commissioned to undertake the recruitment process for the Joint Chief Executive role in July 2016.

The Joint Chief Executive post was advertised in the Management Journal on 11th August and 8th September 2016 and the Guardian on 17th August and was available on their internet sites throughout the advertising period. In addition GatenbySanderson undertook a national search for potential candidates. A total of 22 applications were received. 11 candidates were invited to participate.

- 10.3 Council is invited to make the appointment, subject to the agreement of terms and conditions of employment (including salary) with the successful candidate.

11. Background Documents

- 11.1 Report S31 to Babergh Council on 28th June 2016
- 11.2 Report C/41/16 to Mid Suffolk Council on 29th June 2016

Katherine Steel
Assistant Director – Corporate
Resources

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Agenda Item 11

BABERGH DISTRICT COUNCIL

From: Interim Assistant Director – Law and Governance and Monitoring Officer	Report Number: S72
To: Babergh District Council	Date of meeting: 31 October 2016

CONSTITUTIONAL UPDATE

1. Purpose of Report

- 1.1 To consider as part of the review of the Constitution, the revised Rules of Procedure for Council, Committee and Sub-Committee meetings and to approve the recommendations set out below.

2. Recommendations that Council

- 2.1 Agree to adopt Appendix A attached to this report as the revised Procedure Rules for Council, Committee and Sub-Committee meetings (to replace pages 74 to 99 - Part 3 of the Council's Constitution) and
- 2.2 Agree to delegate responsibility to the Monitoring Officer to carry out any consequential changes to the Constitution that will be necessary following approval of recommendation 2.1 above.

3. Links to Joint Strategic Plan

- 3.1 The core of an Enabled and Efficient organisation is Good Governance. The Constitution is a key document reflecting the strength of our Governance.
- 3.2 It is recognised that the purpose of the Constitution is to set out clearly how the Council operates, how decisions are made and the procedures it follows to ensure it is well organised, transparent and accountable to local people

4. Financial Implications

- 4.1 None.

5. Legal Implications

- 5.1 Local Government Acts 1972 and 2000 (as amended) require all Local Authorities to have in place and maintain an updated written Constitution.
- 5.2 A Local Authority must prepare and keep up to date a document (referred to as its Constitution), which contains –
- (i) a copy of the authority's Standing Orders (to govern the general function of that authority).
 - (ii) to maintain Contract Standing Orders

- (iii) a copy of the authority's Code of Conduct for Members (under section 28 of the Localism Act 2011),
- (iv) such information as the Secretary of State may direct, and
- (v) such other information (if any) as the Authority considers appropriate.

6. Risk Management

Risk Description	Likelihood	Impact	Mitigation Measures
It is a high risk not to regularly review the Constitution and ensure it reflects current practice and Legislation.	Unlikely	Bad	As a core tenet of good governance the Council will keep its Constitution under regular review and amend it, both to reflect experience and changing circumstances.

7. Equality Analysis

7.1 There are no immediate equality issues.

8. Shared Service / Partnership Implications

8.1 The new Constitution has been implemented on the basis that the Constitution should be aligned across both Councils as far as possible.

9. Background and Key Information

9.1 The Council as part of its on-going Strengthening Governance review, earlier this year established a Task and Finish group consisting of the following Councillors:-

BDC

Jennie Jenkins
 Simon Barrett
 Clive Arthey
 Sue Carpendale
 Margaret Maybury

MSDC

Derrick Haley
 Nick Gowrley
 Andrew Stringer
 Penny Otton
 John Levantis

9.2 In June 2016, Council granted approval for further changes to be carried out to the Constitution under a delegation given to the Monitoring Officer. Accordingly, the Task and Finish group have continued to review the Constitution and since June has been focusing on revising the Council Procedure Rules (contained in Part 3 of the Constitution pages 74 to 99).

9.3 Following a session of the Task and Finish group held on the 10 October 2016, the group requested that a suite of revised documents highlighting the changes be circulated to all Councillors for their consideration and comments to be sent via Group Leaders to the Monitoring Officer.

9.4 The revised Council Procedure Rules (hereinafter referred to as the Rules), are attached as Appendix A to this report incorporating relevant comments and suggestions received.

- 9.5 The changes include an insertion of a glossary of terms used in Council meetings and flowcharts illustrating the process of dealing with Motions/Propositions including amendments. In addition to the new insertions, the Rules for Council and Committee meetings have been separated; a set of Rules relating solely to Council meetings and a set of Rules for Committee and Sub Committees meetings.
- 9.6 The Rules have also been revised and re-ordered to reflect good practice to provide clarity and to establish consistency. For example, currently the Rules have a reference to be able to hold a (secret) ballot which has now been removed as it undermines the principles of openness and transparency.
- 9.7 The current Rules vary with regard to the required notices for receipt of a motion on notice, questions from either a member of the public and/or Councillors, ranging from two to seven days. In order to provide consistency and to avoid confusion it has been suggested that all relevant notices are changed where possible to reflect the legal requirement of publishing agendas and papers to five clear working days. Required notices relating to items on a published agenda are now also consistent and where possible have been revised from two to three clear working days.
- 9.8 The Rules have been reviewed and revised to provide clarity to overcome the current cumbersome procedural issues which at times can be difficult to follow. For example, it can become difficult to distinguish between political debate and asking questions in Council meetings which also differs in Committee meetings.

10. Delegation to the Monitoring Officer

- 10.1 The Monitoring Officer seeks a delegation to carry out any consequential changes that will be required to put into effect the Council decision (set out in paragraph 2 of this report), without a referral back to Council as required under Article 12 of the Constitution.
- 10.2 As a result of approving Appendix A there will be a knock on effect on other parts of the Constitution. For example, a relevant explanatory paragraph will need to be inserted in the summary and explanation section. Relevant links, numbering and punctuation changes in the new iteration will need to be carried out before a revised Constitution is placed in the public domain.

11. Appendices

Title	Location
Appendix A - Revised Procedure Rules for Council, Committee and Sub-Committee meetings to replace current pages 74 to 99 contained in Part 3 of the Council’s Constitution.	Attached

12. Background Documents

None.

Authorship:

Suki Binjal
Interim Assistant Director – Law and
Governance and Monitoring Officer

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BABERGH DISTRICT COUNCIL

Date of meeting: 31 October 2016

Appendix A relating to Report Number S72

CONSTITUTIONAL UPDATE

Revised Procedure Rules for Council, Committee and Sub-Committee meetings to replace current pages 74 to 99 contained in Part 3 of the Councils Constitution.

PART 3

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DRAFT

GLOSSARY FOR COUNCIL, COMMITTEE AND SUB COMMITTEE MEETINGS

Access to Information Rules - Provisions that apply to all councils that provide the public and press with access to meetings and connected papers of the Council, its committees or sub committees unless confidential or exempt information is likely to be disclosed. **Page XXX Refer to link at page XXX.**

Agenda – The list of matters to be discussed at a meeting. Referred to as a Summons in respect of Council meetings.

Allocation of Seats – The allocation to different political groups of seats on a committee. **page XXX**

Annual Meeting of the Council – A meeting that happens every year when the Chairman and Vice Chairman are appointed and the membership of the Council's Committees is confirmed according to the political proportionality of the Council at that time. **page XXX**

Articles – The basic rules governing the Council's business.

Background Papers – The law says that report authors must list any papers used in compiling a report for decision, and these papers must be available for 6 years to anyone wishing to inspect them.

Chairman – The Chairman and Vice Chairman are elected at the Annual meeting of the Council and preside over all meetings of the Council. **page XXX**

Clear Working Days – All agendas and papers for decision in public must be available five clear working days before the decision is taken (special rules can apply to urgent late items). The five days does NOT include the day the papers are sent out or the date of the meeting (hence the use of 'clear'). 'Working' is taken to be Monday to Friday inclusive and excludes Saturdays, Sundays and Bank Holidays.

Committee – Council committees comprise a group of members appointed to perform some service or function on behalf of the Council. **page XXX**

Confidential Information – Information either given to the Council by the Government on terms which forbid its public disclosure or which cannot be publicly disclosed by Court Order. (See also 'Exempt Information' below).

Councillor – An elected Member of the Council.

Debate – The formal discussion between the elected Councillors of a Council or a Committee during a meeting according to the rules of procedure for that body. **page XXX**

Delegation of Functions – The Council can delegate the exercise of its statutory functions with express provision. A local authority is a multipurpose body responsible for delivering a broad range of services and undertaking functions defined in law across a range of legislation. **page XXX**

Exempt Information - Information, falling into one of 7 categories set out in the Local Authorities (Executive Arrangements) (Access to Information) (Amendment) (England) Regulations 2006 (as amended) which usually cannot be publicly disclosed – see the [Access to Information Procedure Rules in Part] of the Constitution.

Extraordinary Meeting – Is one called in accordance with the process as set out in the Constitution. This type of meeting is outside the regular timetable and has special requirements as to who can call this meeting. This is not to be confused with calling an Ordinary Meeting or an additional Council meeting. **page XXX**

Ordinary Meeting – Most Council meetings are ordinary or regular meetings (known as Ordinary meetings). These meetings are held on a regular basis and conduct the ordinary business of the Council. **page XXX**

Motion – A motion is a formal proposal put to Council or a Committee. The motion must be moved and then seconded before it can be debated. **page XXX**

“it must be expressed as a motion in positive terms to adopt a certain course of action or to do some act or to declare a particular attitude”

This should not be confused with a report recommendation and/or question from the floor of the Council Chamber or any committee.

There are two types of motion, formal on notice and procedural without notice. For the process please see link **page XXX**

Nomination – This means the act of officially suggesting someone to be on one of the Council’s Committees or outside bodies. **page XXX**

Personal Explanation – A personal explanation is when a Councillor wishes to clarify the meeting’s understanding of something they said in an earlier speech which appears to have been misunderstood by other Councillors in the current debate. For example, if another Councillor is taking what the Councillor raising the personal explanation has said in the wrong context or is deliberately misinterpreting it. This must relate to a material part of an earlier speech. **page XXX**

Petition – This is a formal written request, typically one signed by twenty people appealing to the Council in relating to the exercise or non- exercise of duties or powers of the Council. Signing a petition is one way for citizens who are resident in and/or who work or study in the District to express their concerns and priorities to the Council. Such a petition shall be referred to the next meeting of the Committee or Sub-Committee responsible for the administration of the powers in connection with the subject matter of the petition. In addition the Chief Executive shall report the receipt of such a petition to the next meeting of the Council where there shall be no comment or debate upon that fact.

Point of Order – A point of order may be raised by a Councillor who believes that there has been a breach of the Council procedure rules or the law. This is a very narrow definition, upon which the Chairman’s ruling is final. **page XXX**

Political Balance Rules – Sections 15-17 of the Local Government and Housing Act 1989 (“the Act”) require the Council to follow rules to secure the political balance on Committees and Sub Committees. Political groups for the purposes of the Act should not be confused with political parties. The formula for determining entitlement to seats is complicated but the number of seats on the main Committees allocated to a political group must bear the same relationship to the total membership of the Council. **page XXX**

Political Proportionality – A legal principle which dictates that Committees of the Council must include elected politicians in proportion to the size of their groups on the Council as a whole.

Powers – The Council provides a wide range of services either directly itself or by commissioning services from outside organisations. The Council largely works within powers laid down under Acts of Parliament but the Council also has a general power of competence (The Localism Act 2011). Most Council services are mandatory. This means that the Council must do them because they are under a duty to do so by law. Some Council services and functions are discretionary; these are services a Council can choose to provide. **page XXX**

Proper Officer – A senior officer of the Council who is given a set of responsibilities by statute.

Proposition/Proposal – A formal suggestion/motion put forward for consideration by the Committee or Council meeting. A proposition/proposal must be seconded before it can be debated or voted upon.

Questions – Questions at ordinary meetings of the Council can either be from the public or from Councillors. **page XXX** At some other Committees, for example Planning or Licensing, members of the public can make representations according to the rules of these Committees.

Quorum – The minimum number of Councillors that must be present at either a Council meeting or a Committee meeting to make the proceedings of that meeting valid. **page XXX**

Report – This is the written format of information put before the Council or a Committee. A report must provide sufficient information and detail for Councillors to take a lawful and informed decision on the subject matter. A report will have a form of action or a decision to take no action or note something.

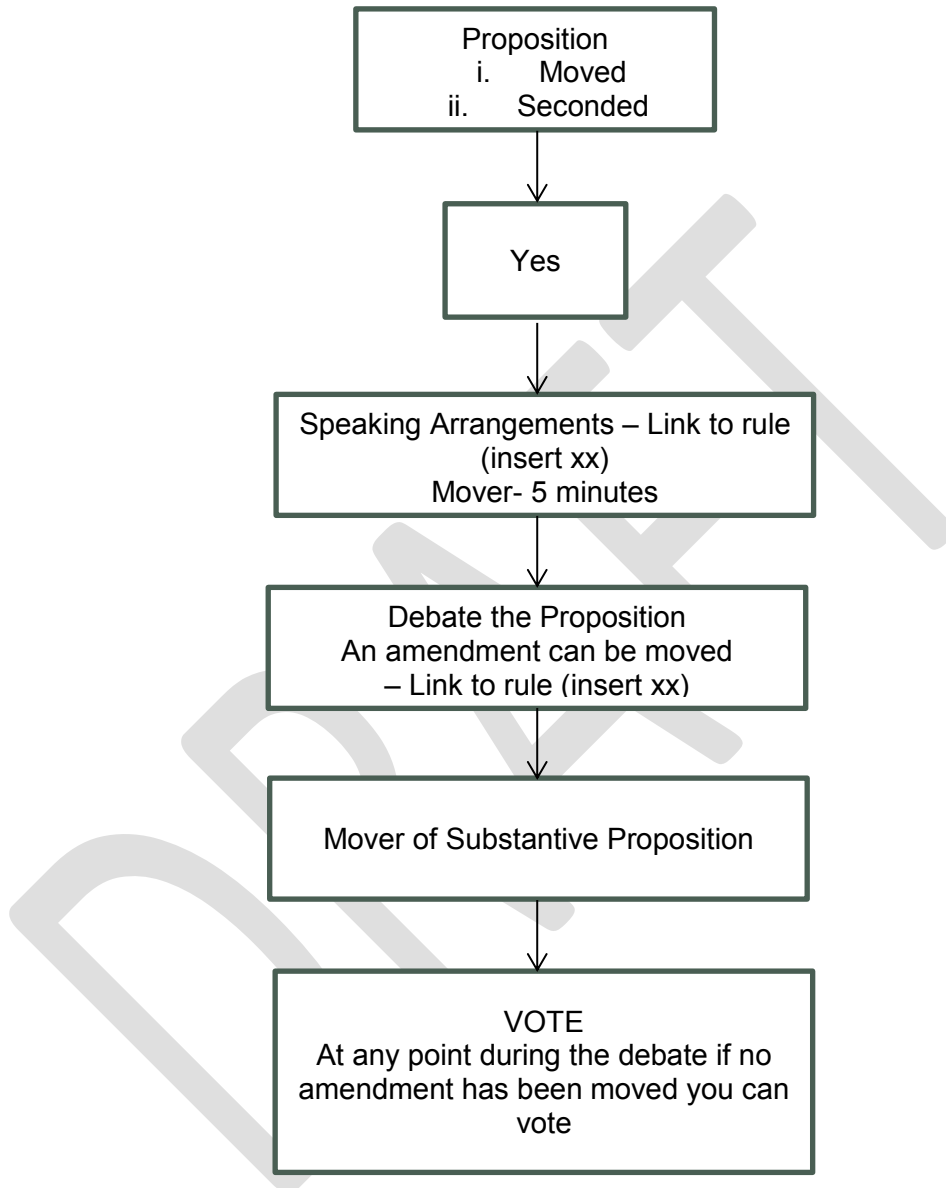
A report is prepared by Officers for and on behalf of elected Councillors. A report is not to be confused with laying down a formal motion. When a report is placed before Council or a Committee, a Councillor must move the recommendation(s) and they must be seconded before they can be debated. Any elected Councillor can put forward an amended recommendation and seek a seconder for that. **page XXX**

Requisition – This is a request or call for an additional Council (extraordinary) meeting.

Statute – This is an Act of Parliament.

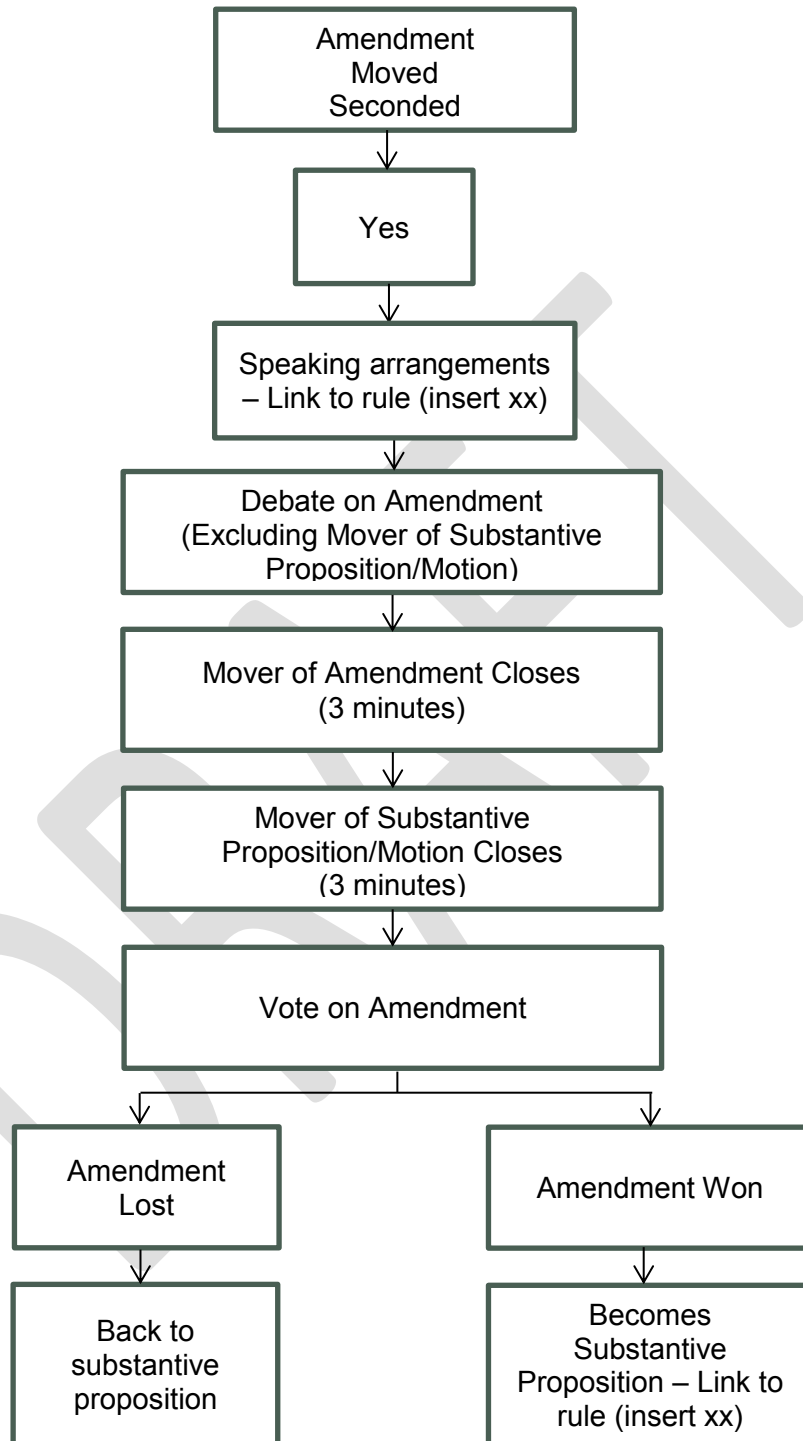
Substitute – A substitute on a Committee is a Councillor acting in the place of another Councillor.

Dealing with Main Substantive/Original Proposition/Motion



At any time after moved and seconded:
Point of Order – A point of order may be raised by a Councillor who believes that there has been a breach of the Council procedure rules or the law.

Dealing with Amendments



At any time after moved and seconded:
Point of Order – A point of order may be raised by a Councillor who believes that there has been a breach of the Council procedure rules or the law.

COUNCIL PROCEDURE RULES

1. INTRODUCTION

- 1.1 These rules are designed to ensure meetings of the Council run smoothly and are conducted properly.
- 1.2 So far as the law allows, any of these rules may be suspended at any meeting of Council, either for the whole meeting or for a particular item in the agenda. In order to achieve this at least one half of the whole number of Members of the Council should be present, a motion must be moved and seconded and a vote carried.
- 1.3 If any issues arise at a meeting in relation to interpretation of the procedure rules the Chairman's decision will be final.
- 1.4 Any motion (including received on notice) or proposition to add to, vary or revoke these Council meeting Procedure Rules, shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

2. ARRANGEMENTS FOR COUNCIL MEETINGS

- 2.1 Consideration and Signing of the Minutes
The Chairman will sign the Minutes of the proceedings at the next suitable meeting. The only part of the Minutes that can be discussed is their accuracy
- 2.2 Placards, banners, advertising materials and similar items are not permitted in any Council meeting.
- 2.3 Members of the public may record proceedings and report all public meetings, although oral commentary during meetings is not permitted as this would be disruptive to the good order of the meeting.
- 2.4 Mobile phones must be switched to silent.
- 2.5 The public may record (eg film, audio, tweet, blog) meetings which are open to the public.
- 2.6 The Chair of the meeting has the discretion to stop or suspend recordings by the public if in their opinion continuing to do so would disrupt proceedings at the meeting. The circumstances in which this might occur include:
 - (a) Excessive noise in recording or setting up and re-setting equipment
 - (b) Intrusive lighting and use of flash photography

- (c) Moving to areas outside the area designated for the public without the Chair's consent.
 - (d) Whilst taking a recording (eg film, audio, tweet, blog) you must not do so in a manner which constitutes an invasion of privacy.
- 2.7 Those recording meetings are strongly urged to respect the wish of any member of the public not to be recorded.
- 2.8 Agendas for and signage at meetings will make it clear that recording can take place. Anyone who does not wish to be recorded should let the Chair of the meeting know.
- 2.9 Recording and reporting the meetings is subject to the law and it is the responsibility of those doing the recording and reporting to ensure compliance; eg with the Human Rights Act, the Data Protection Act and the laws of libel, defamation and public order. Freedom of speech within the law should also be exercised with personal and social responsibility – showing respect and tolerance towards the views of others.
- 2.10 The Council has a protocol in place in respect of recording at meetings which is available on the Council's website. (insert link)
-

3. SUMMONS AND AGENDA

- 3.1 The time and place of meetings will be determined by the Chief Executive and notified in the summons which, at least five clear working days before a meeting will be signed by the Chief Executive and sent to every Member of the Council by electronic mail or left at his/her usual place of residence and to the public in accordance with the Access to Information Rules.
- 3.2 The agenda and papers for meetings of the Council must be available at least five clear working days before the meeting.
- 3.3 The duration of any meeting shall be at the absolute discretion of the Chairman. At any time during the meeting the Chairman can adjourn the meeting.
-

4. ORDER OF BUSINESS

4.1 Annual Meeting of Council

This is a statutory order of business and cannot be changed.

In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. (Councillors take office on the 4th day after the election) In any other year, the annual meeting will usually take place in May.

The annual meeting will:

- (a) elect a person to preside if the Chairman and Vice Chairman are not present;
- (b) elect the Chairman of Council for the administrative year;
- (c) elect the Vice-Chairman of Council for the administrative year;
- (d) receive apologies;
- (e) receive declarations of interest;
- (f) deal with any item required by statute to be dealt with before any other item;
- (g) approve the minutes of the last meeting;
- (h) receive any announcements from the Chairman, Leader and/or Head of Paid Service;
- (i) elect a Leader;
- (j) elect a Deputy Leader;
- (k) appoint Committees and Sub-Committees as the Council considers appropriate;
- (l) elect Chairmen and Vice-Chairmen of Committees and Sub Committees;
(re-ordered no change)
- (m) decide the allocation of seats to Committees and substitutes of political groups in accordance with the political balance rules.
- (n) receive nomination and appoint Councillors to serve on each Committee and outside body/partnership.
- (o) consider any business set out in the notice convening the meeting;

4.2 Election of Chairman of Council

The Term of Office of the Chairman of Council shall be for one year with the retiring Chairman and previous Chairmen being eligible for re-election.

4.3 **Holding of Office**

Any Member of the Council appointed to a Committee or other body shall not hold office later than the next Annual Meeting of the Council.

4.4 **Dissolution of Committee**

The Council may at any time dissolve a Committee or alter its Membership.

5. **ORDINARY MEETINGS**

The following order of business does not have to be followed and can be changed at the Chairman's discretion before the agenda/summons is sent out or during the meeting itself by a resolution following a motion that has been moved, seconded and put to the meeting without debate.

Ordinary meetings will:

- (a) elect a person to preside if the Chairman and Vice-Chairman are not present;
- (b) receive apologies;
- (c) receive declarations of interest;
- (d) deal with any item required by statute to be dealt with before any other item;
- (e) approve the minutes of the last meeting;
- (f) receive any announcements from the Chairman, Leader and/or Head of Paid Service;
- (g) receive notification of petitions;
- (h) deal with any business from the last Council meeting;
- (i) consider questions from, and provide answers to, the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting;
- (j) consider questions from, and provide answers to, Councillors on any matter in relation to which the Council has powers or duties or which affects the District;
- (k) receive reports about, and receive questions and answers on, the business of joint arrangements and external organisations;

- (l) receive reports from the Leader and/or when necessary from relevant Portfolio Holders;
- (m) receive reports from the Chairman of Joint Scrutiny Committee;
- (n) consider any other business specified in the summons to the meeting;
- (o) consider motions received on Notice.

6. EXTRAORDINARY MEETINGS

The following may request the Chief Executive to call Council meetings in addition to ordinary meetings:

- (a) the Council by resolution;
- (b) the Chairman of Council;
- (c) the Monitoring Officer;
- (d) the Chief Finance Officer; and
- (e) where at least one-third (rounded up) Members of the Council have signed a requisition presented to the Chairman of 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.

7. STATE OF THE DISTRICT DEBATE

7.1 Calling of State of the District Debate

The Chairman of Council may call a State of the District debate on a date and in a form to be agreed.

7.2 Form of the State of the District Debate

The Chairman of Council will decide the form of the debate with the aim of enabling the widest possible public involvement and publicity.

7.3 Chairing of the State of the District Debate

The debate will be chaired by the Chairman of Council.

7.4 Results of the State of the District Debate

The results of the debate will be:

- (a) disseminated as widely as possible within the community and to relevant agencies and organisations in the area; and

- (b) considered by the Strategy Committee in proposing the budget and policy framework to the Council for the coming year.
-

8. QUORUM

- 8.1 The quorum of a meeting will be one quarter of the whole number of Councillors (for the avoidance of doubt this will be rounded up to the next whole number). During any meeting if the Chairman counts the number of Councillors present and declares there is not a quorum present, then the meeting will adjourn immediately.
- 8.2 Remaining issues will be considered at a time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.
-

9. URGENT ITEMS

- 9.1 No business shall be transacted at a meeting of the Council other than that specified in the agenda except business brought before the meeting as a matter of urgency as certified by the Chairman for specific reasons which are to be included in the Minutes.
-

10. PETITIONS

- 10.1 If any petition is submitted to the Chief Executive, either directly or indirectly, relating to the exercise or non-exercise of duties or powers of the Council and signed by at least twenty persons who are resident in the District or who work or study in the District it shall be referred to the next meeting of the Committee or Sub-Committee responsible for the administration of the powers in connection with the subject matter of the petition. In addition the Chief Executive shall report the receipt of such a petition to the next meeting of the Council where there shall be no debate or comment thereon.

The petition scheme is available on the Council website. (insert link xx)

11. QUESTIONS BY THE PUBLIC

11.1 General

Members of the public may ask questions of the Chairman in accordance with the provisions of this rule.

11.2 Order of Questions

Questions will be asked in the order notice of them was received, except that the Chairman may group together similar questions.

11.3 Notice of Questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Chief Executive no later than midday three clear working days before the day of the meeting. Each question must give the name and address of the questioner and must name the relevant Chairman to whom it is to be put.

11.4 Number of Questions

At any one meeting no person may submit more than one question (plus a supplementary question) and no more than one question (plus a supplementary question) may be asked on behalf of one organisation. The Chairman shall also have the discretion to limit the number of questions received at any one meeting.

11.5 Scope of Questions

The Chief Executive may reject a question if it:

- (a) is not about a matter for which the Local Authority has a responsibility or which affects the district;
- (b) is defamatory, frivolous, vexatious or offensive;
- (c) is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- (d) requires the disclosure of confidential or exempt information.
- (e) relates to a regulatory matter which the relevant committee has determined.

11.6 Asking a Question at the Meeting

The Chairman will invite the questioner to put the question to any Councillor who may be named in the question. If a questioner who has submitted a written question is unable to be present, he or she may ask the Chairman to put the question on his/her behalf. The Chairman may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

11.7 **Supplementary Question**

A questioner who has put a question in person may also put one supplementary question without notice to the Councillor who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Chairman may reject a supplementary question on any of the grounds in Rule XXX above.

11.8 **Written Answers**

Any question which cannot be dealt with during the public question time, either because of lack of time or because of the non-attendance of the Councillor to whom it was to be put, will be dealt with by a written answer and be made available on request.

11.9 **Reference of Question to a Committee**

Unless the Chairman decides otherwise, no discussion will take place on any question, but any Councillor may move that a matter raised by a question be referred to the appropriate Committee or Sub-Committee.

12. **QUESTIONS BY COUNCILLORS**

12.1 **General**

Councillors may ask questions of the Chairman of the Council in accordance with the meeting Agenda.

12.2 **Questions on Notice at Council**

Subject to Rule XXX a Member of the Council may ask:

- (a) the Chairman; or
- (b) the Chairman of any Committee or Sub-Committee
- (c) Portfolio Holder

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

12.3 **Notice of Questions**

A Councillor may only ask a question under this Rule if either:

- (a) he/she has given by noon at least three clear working days' notice in writing or by electronic mail of the question to the Chief Executive.

- (b) if the question relates to an urgent matter, then with the consent of the Council Chairman provided that the question is given to the Chief Executive by 4 p.m. on the working day prior to the meeting it can be put to Council.

12.4 **Response**

An answer may take the form of:

- (a) a direct oral answer given at the meeting;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

12.5 **Supplementary Question**

A Councillor asking a question under Rule 12.2 may ask one supplementary question without notice to the Councillor to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply.

13. **MOTIONS ON NOTICE**

13.1 **Notice**

Except for motions which can be moved without notice under Rule 14, written notice of every motion, signed by at least two Councillors, must be delivered to the Chief Executive no later than five clear working days (that is not counting either the day of the meeting or the day of receipt) before the date of the meeting.

13.2 **Motion on Notice**

Motions for which notice has been given will be listed on the Council Agenda in the order in which notice was received, unless the Councillor giving notice states, in writing, that he/she proposes to move it to a later meeting or withdraws.

13.3 **Scope**

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

13.4 **Circumstances when a Motion on Notice will not be accepted**

The Chief Executive may reject any motion if she/he considers that it:-

- (a) does not relate to the business of the Council or affect the District;
- (b) is defamatory, frivolous or offensive; or
- (c) is a motion which the Council has no power to pass or which contravenes any provision in these Rules of Procedure.

13.5 At the meeting a valid motion on notice must be moved and seconded before any consideration or debate can take place. The Councillor proposing the motion must move and explain the purpose of it. No speeches or debate can take place until the motion has been seconded.

13.6 If the subject matter of any motion in respect of which notice has been duly given falls within the terms of reference of any Committee the Chairman may without any discussion or debate determine that it will be referred to the relevant Committee or to such other Committee or Committees for initial consideration and/or investigation. If the motion stands referred then a report will be provided to the Council as soon as possible informing Council of the outcome

13.7 If the motion stands referred to a Committee the Chairman may use his/her discretion and allow the motion to be dealt with at the meeting at which it is brought forward. If the Councillor giving notice of the motion is not on the Committee then he/she should be invited to the relevant meeting.

13.8 **Alteration of Motion**

A Councillor may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.

A Councillor may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

Only alterations which could be made as an amendment may be made.

14. **PROPOSITION/PROPOSALS AND MOTIONS WITHOUT NOTICE**

14.1 Motions and/or propositions without any notice can be moved and seconded then voted upon at meetings.

The following motion may be moved without notice:

- (a) to appoint a Chairman of the meeting at which the motion is moved;

- (b) in relation to the accuracy of the Minutes;
- (c) to change the order of business in the Agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a Committee or Councillor arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of Committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) to suspend a particular Council Procedure Rule other than Council Procedure Rules 18.5 (recorded vote) and 2.1 (signed minutes);
- (n) to exclude the public and press in accordance with the Access to Information Rules;
- (o) to not hear further a Councillor named under Rule 19.3 or to exclude him or her from the meeting under Rule 19.4;
- (p) to give the consent of the Council where its consent is required by this Constitution.
- (q) To amend or accept the recommendation contained in a report under consideration by the Council.

15. AMENDMENTS TO PROPOSITIONS/PROPOSALS AND MOTIONS ON NOTICE

- (a) An amendment to a proposal/motion must be relevant to the motion and will either be:

- (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others; or
 - (iv) to insert or add words
- as long as the effect of (ii) to (iv) is not to negate the motion.
- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
 - (c) The mover of the amendment has no right of reply to the debate on his or her amendment.
 - (d) If an amendment is not carried, other amendments to the original proposal/motion may be moved.
 - (e) If an amendment is carried, the proposal/motion as amended takes the place of the original proposal/motion. This becomes the substantive proposal/motion to which any further amendments are moved.
 - (f) After an amendment has been carried, the Chairman will read out the amended proposal/motion before accepting any further amendments, or if there are none, put it to the vote.
- 15.1 If an amendment to a proposal/motion has been moved and seconded, the mover of the original proposal/motion has a right of reply at the close of the debate on the amendment following the mover of the amendment's closing remarks but may not otherwise speak on it.

15.2 **Withdrawal of Motion**

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

16. **RULES OF DEBATE**

- 16.1 If a Councillor wishes to speak they should indicate their intention by raising their hand.
- 16.2 The Chairman will decide the order in which speakers will be heard.
- 16.3 Councillors will stand when speaking and must address the Chairman.

- 16.4 Speeches must be directed to the subject under discussion or to a personal explanation or point of order. The speech of a proposer of any motion or amendment shall not exceed 5 minutes and no other speech may exceed 3 minutes without the consent of the Chairman.
- 16.5 When seconding a motion or amendment, a Councillor may reserve his/her speech until later in the debate.
- 16.6 Unless notice of the motion has already been given, the Chairman may require it to be written down and handed to him/her before it is discussed.
- 16.7 Councillors may speak once on any motion. However, if a motion is amended Councillors may speak once on each amendment.
- 16.8 If the motion has been amended since the Councillor last spoke, that Councillor may move a further amendment to the motion.
- 16.9 The Councillor who moved the original motion has a right of reply at the close of the debate on that motion or any agreed amendment.
- 16.10 A Councillor may raise a point of order at any time. The Chairman will hear him/her immediately. A point of order may only relate to an alleged breach of these Council Procedure Rules or the law. The Councillor must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Chairman on the matter will be final.
- 16.11 A Councillor may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Councillor which may appear to have been misunderstood in the present debate. The ruling of the Chairman on the admissibility of a personal explanation will be final.
- 16.12 **Bringing Debate to Early Closure**
- (a) A Councillor who has not already spoken in the matter may orally move a motion (which must be seconded and voted upon):
- (i) To proceed to the next business;
 - (ii) That the question be now put;
 - (iii) To adjourn a debate;
 - (iv) To adjourn a meeting which shall not be put to the vote until it has been seconded.
- (b) If a motion/proposition to proceed to next business is seconded and the Chairman thinks the item has been sufficiently discussed, he or she will give the mover of the original motion/proposition / a right of reply and then put the procedural motion to the vote.

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

17. PREVIOUS DECISIONS AND MOTIONS

- 17.1 Council decisions are final and should normally not be altered or amended for six months.
- 17.2 A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 14 Councillors.
- 17.3 A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 14 Councillors. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

18. VOTING

18.1 Majority

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

18.2 Chairman's Casting Vote

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

18.3 Budget Meetings

Immediately after any vote is taken at a budget decision meeting of the Council the names of Councillors who cast a vote for the decision or against the decision or who abstained from voting shall be recorded in the Minutes of that meeting.

18.4 **Show of Hands**

Unless a recorded vote is demanded under Rules 20.2, the Chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

18.5 **Recorded Vote**

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

18.6 **Right to Require Individual Vote to be Recorded**

Where any Councillor requests it immediately after the vote is taken, his/her vote will be so recorded in the Minutes to show whether he/she voted for or against the motion or abstained from voting.

18.7 **Voting on Appointments**

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

19. **COUNCILLORS' CONDUCT**

19.1 **Standing to Speak**

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

19.2 **Chairman Standing**

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

19.3 **Councillor not to be Heard Further**

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

19.4 Councillor to Leave the Meeting

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

19.5 General Disturbance

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

20. DISTURBANCE BY PUBLIC

20.1 Removal of Member of the Public

If a Member of the public interrupts proceedings, the Chairman will warn the person concerned. If he/she continues to interrupt, the Chairman will order his/her removal from the meeting room.

20.2 Clearance of Part of Meeting Room

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

21. APPOINTMENT/DELEGATIONS TO COMMITTEES

21.1 Delegation of Functions

The Council shall delegate its functions to such Committees and Sub-Committees as it deems appropriate.

22. RECORD OF ATTENDANCE

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

23. EXCLUSION OF PUBLIC

23.1 Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 3 of this Constitution or Rule 20 (Disturbance by Public).

24. If any question arises at a meeting of the Council as to the appointment, promotion, salary, dismissal, pension entitlement or conditions of service or the conduct of a Council employee, such questions shall not be discussed until the Council has considered whether or not to exclude the press and public under Part 1 Paragraph 1 of Schedule 12A of the Local Government Act 1972.

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COMMITTEE AND SUB COMMITTEE PROCEDURE RULES

1. INTRODUCTION

- 1.1 These rules are designed to ensure meetings run smoothly and are conducted properly.
 - 1.2 So far as the law allows, any of these rules may be suspended at any meeting, either for the whole meeting or for a particular item in the agenda. In order to achieve this at least one half of the whole number of Members of the committee or Sub Committee should be present, a motion must be moved and seconded and a vote carried.
 - 1.3 If any issues arise at a meeting in relation to interpretation of the procedure rules the Chairman's decision will be final.
 - 1.4 Any motion (including received on notice) or proposition to add to, vary or revoke these Committee meeting Procedure Rules, shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Committee.
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2. ARRANGEMENTS FOR COMMITTEE AND SUB COMMITTEE MEETINGS

- 2.1 The agenda and papers, including such reports as are available, for meetings must be available at least five clear working days before the meeting.
 - 2.2 The duration of any meeting shall be at the absolute discretion of the Chairman.
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3. ORDER OF BUSINESS

- 3.1 The order of business will usually be:
 - (a) elect a person to preside if the Chairman and Vice-Chairman are not present;
 - (b) receive apologies;
 - (c) receive declarations of interest;
 - (d) deal with any item required by statute to be dealt with before any other item;
 - (e) approve the minutes of the last meeting;

- (f) consider any relevant petitions
 - (g) deal with any business from the last meeting of the Committee;
 - (h) consider questions from, and provide answers to, the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting;
 - (i) consider questions from, and provide answers to, Councillors on any matter in relation to which the Committee has powers or duties;
 - (j) receive reports for decision by Committee;
 - (k) receive reports for information;
 - (l) consider any other business specified on the agenda;
 - (m) consider motions referred by Council
- 3.2 This order of business does not have to be followed and can be changed at the Chairman's discretion before the agenda is sent out or during the meeting itself.
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4. REMOVAL OF CHAIRMAN OF COMMITTEE

- 4.1 At any meeting of a Committee or Sub-Committee a Councillor may propose that "the meeting has no confidence in the Chairman", the question shall after debate be put and if carried by a majority of at least two thirds of the Councillors present the Chairman shall stand down and the remainder of the meeting shall be chaired by the Vice-Chairman or in his or her absence by a Councillor elected for that purpose by the meeting.
- 4.2 Following a successful vote of no confidence in the elected Chairman he or she shall not officiate at any subsequent meeting of the Committee or Sub-Committee prior to the next meeting of the Council. At that meeting the Council shall consider whether to confirm or not the vote of no confidence. If by a simple majority the Council shall decide to confirm the vote the office of Chairman of the relevant Committee shall be declared vacant and a new Chairman shall be elected by the Council.
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5. QUORUM

- 5.2 The quorum of a meeting will be one quarter of the whole number of Councillor on that Committee (for the avoidance of doubt this will be rounded up to the next whole number). During any meeting if the Chairman counts the number of Councillor present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining issues will be considered at a time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next meeting of that Committee.
- 5.2 The quorum of the Regulatory Sub Committee and the Licensing Sub Committee will be 3 members
- 5.3 At any time during the meeting the Chairman can adjourn the meeting.
- 5.4 The order of business can be varied at the discretion of the Chairman or by a resolution following a motion moved, seconded and put to the meeting without debate.
- 5.5 The person presiding at the meeting may exercise any power or duty of the Chairman.
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6 URGENT ITEMS

No business shall be transacted at a meeting of the Committee other than that specified in the agenda except business brought before the meeting as a matter of urgency as certified by the Chairman for specific reasons which are to be included in the Minutes.

7 QUESTIONS BY THE PUBLIC

7.1 General

Members of the public may ask questions of any Chairman of a Committee in accordance with the meeting agenda.

7.2 Order of Questions

Questions will be asked in the order notice of them was received, except that the Chairman may group together similar questions.

7.3 Notice of Questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Chief Executive no later than midday five clear working days before the day of the meeting. Each question must give the name and address of the questioner and must name the relevant Chairman to whom it is to be put.

7.4 Number of Questions

At any one meeting no person may submit more than one question (plus a supplementary question) and no more than one question (plus a supplementary question) may be asked on behalf of one organisation. The Chairman shall also have the discretion to limit the number of questions received at any one meeting.

7.5 Scope of Questions

The Chief Executive may reject a question if it:

- (a) is not about a matter for which the Committee has a responsibility;
- (b) is defamatory, frivolous, vexatious or offensive;
- (c) is substantially the same as a question which has been put at a meeting of the Committee in the past six months; or
- (d) requires the disclosure of confidential or exempt information.

7.6 Asking the Question at the Meeting

The Chairman will invite the questioner to put the question to the Member named in the notice. If a questioner who has submitted a written question is unable to be present, he or she may ask the Chairman to put the question on his/her behalf. The Chairman may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

7.7 Supplementary Question

A questioner who has put a question in person may also put one supplementary question without notice to the Member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Chairman may reject a supplementary question on any of the grounds in Rule XXX above.

7.8 Written Answers

Any question which cannot be dealt with during the public question time, either because of lack of time or because of the non-attendance of the Member to whom it was to be put, will be dealt with by a written answer and be made available on request.

8 QUESTIONS BY COUNCILLORS

8.1 Questions on Notice at Committees and Sub-Committees

Subject to Rule XXX a Member of a Committee or Sub-Committee may ask the Chairman a question on any matter in relation to which the Council has powers or duties or which affect the District and which falls within the terms of reference of that Committee or Sub-Committee.

8.2 Notice of Questions

A Member may only ask a question under Rule 8.1 if either:

- (a) he/she has given by noon at least three clear working days' notice in writing or by electronic mail of the question to the Chief Executive.
- (b) if the question relates to an urgent matter, then with the consent of the Committee Chairman provided that the question is given to the Chief Executive by 4 p.m. on the working day prior to the meeting it can be put to Council.

8.3 Response

An answer may take the form of:

- (a) a direct oral answer given at the meeting;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

8.4 Supplementary Question

A Member asking a question under Rule 7.1 may ask one supplementary question without notice to the Member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply.

9 CONSIDERATION OR RECOMMENDATIONS IN REPORTS

- 9.1 The report recommendation should be moved by one Committee member and seconded by another Committee member. It then becomes a motion which may be debated before a vote is taken.
- 9.2 Motions relating to the following may be moved and seconded without notice but must be provided in writing to the Chairman when being moved:
- (a) an alternative to a recommendation in the report
 - (b) amendments to motions

10 MOTIONS WITHOUT NOTICE

Motions can be moved and seconded orally at meetings to ensure meetings run smoothly and are conducted properly. The following motions may be moved without notice:

- (a) to appoint a Chairman for the meeting in the absence of the Chairman and Vice Chairman;
- (b) in relation to the accuracy of the Minutes;
- (c) to change the order of business in the Agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a Sub Committee arising from an item on the agenda for the meeting;
- (f) to withdraw a motion;
- (g) to amend a motion;
- (h) to proceed to the next business;
- (i) that the question be now put;
- (j) to adjourn a debate;
- (k) to adjourn the meeting;
- (l) to suspend a particular Committee Procedure Rule other than Committee Procedure Rules 13.4 (recorded vote) and 2.1 (signed minutes);

- (m) to exclude the public and press in accordance with the Access to Information Rules;
 - (n) to not hear further a Member named under Rule 15.2 or to exclude him or her from the meeting under Rule 15.3;
 - (o) to give the consent of the Committee where its consent is required by this Constitution.
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11 RULES OF DEBATE

- 11.1 If a Councillor wishes to speak they should indicate their intention by raising their hand.
- 11.2 The Chairman will decide the order in which speakers will be heard.
- 11.3 Councillors will remain seated when speaking and must address the Chairman.
- 11.4 Speeches must be directed to the subject under discussion or to a personal explanation or point of order. The speech of a proposer of any motion or amendment shall not exceed 5 minutes and no other speech may exceed 3 minutes without the consent of the Chairman
- 11.5 When seconding a motion or amendment, a Member may reserve his/her speech until later in the debate.
- 11.6 Councillors may speak once on any motion. However, if a motion is amended Councillors may speak once on each amendment.
- 11.7 If the motion has been amended since the Councillor last spoke, that Councillor may move a further amendment to the motion.
- 11.8 The Councillor who moved the original motion has a right of reply at the close of the debate on that motion or any agreed amendment.
- 11.9 If an amendment to a motion has been moved and seconded, the mover of the original motion has a right of reply at the close of the debate on the amendment following the mover of the amendment's closing remarks but may not otherwise speak on it.
- 11.10 A proposition/motion may be altered with the consent of the mover and the seconder

11.11 A Member may raise a point of order at any time. The Chairman will hear him/her immediately. A point of order may only relate to an alleged breach of the Committee and Sub Committee Procedure Rules or the law. The Member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Chairman on the matter will be final.

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

11.13 Amendments to Recommendations and Motions

- (a) An amendment to a motion must be relevant to the motion and will either be:
 - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others; or
 - (iv) to insert or add wordsas long as the effect of (ii) to (iv) is not to negate the motion.
- (b) An amendment may be accepted by the mover of the original motion.
- (c) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (d) The mover of the amendment has no right of reply to the debate on his or her amendment.
- (e) If an amendment is not carried, other amendments to the original motion may be moved.
- (f) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (g) After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

11.14 Propositions or Motions Which May be Moved During Debate

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

- (a) to withdraw a motion or proposition;
- (b) to amend a motion or a proposition;
- (c) to proceed to the next business; must be seconded and vote has to take place - see below
- (d) that the question be now put; must be seconded and vote has to take place - see below
- (e) to adjourn a debate; must be seconded and a vote has to take place see below
- (f) to adjourn a meeting; must be seconded and a vote has to take place see below
- (g) to exclude the public and press in accordance with the Access to Information Rules; must be seconded and a Council resolution has to be passed
- (h) to not hear further a Member named under Rule 15.2 or to exclude him or her from the meeting under Rule 15.3.
- (i) To amend or accept the recommendation contained in a report under consideration by the Committee.

11.15 Withdrawal of Motion

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

11.16 Bringing Debate to Early Closure

- (a) A member who has not already spoken in the matter may orally move a motion:
 - (i) To proceed to the next business;
 - (ii) That the question be now put;
 - (iii) To adjourn a debate;

- (iv) To adjourn a meeting.
- (b) If a motion/proposition to proceed to next business is seconded and the Chairman thinks the item has been sufficiently discussed, he or she will give the mover of the original motion/proposition / a right of reply and then put the procedural motion to the vote.
- (c) If a motion/proposition that the question be now put is seconded and the Chairman thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote.
- (d) If it is passed he/she will give the mover of the original motion/proposition a right of reply before putting his/her motion/proposition to the vote
- (e) If a motion/proposition to adjourn the debate or to adjourn the meeting is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion/proposition the right of reply.

12 MATTERS AFFECTING EMPLOYEES

If any question arises at a meeting of the Committee as to the appointment, promotion, salary, dismissal, pension entitlement or conditions of service or the conduct of a Council employee, such questions shall not be discussed until the Committee has considered whether or not to exclude the press and public under Part 1 Paragraph 1 of Schedule 12A of the Local Government Act 1972.

13 VOTING

13.1 Majority

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

13.2 Chairman's Casting Vote

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

13.3 Show of Hands

Unless a recorded vote is demanded under Rule 19.4, the Chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

13.4 Recorded Vote

If three Councillor present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the Minutes.

13.5 Right to Require Individual Vote to be Recorded

Where any Member requests it immediately after the vote is taken, his/her vote will be so recorded in the Minutes to show whether he/she voted for or against the motion or abstained from voting.

13.6 Voting on Appointments

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

14 MINUTES

14.1 Signing the Minutes

The Chairman will sign the Minutes of the proceedings at the next suitable meeting. The only part of the Minutes that can be discussed is their accuracy.

14.2 Form of Minutes

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

14.3 Record of Attendance

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

14.4 **Exclusion of Public**

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 3 of this Constitution or Rule 16.

15 **COUNCILLORS CONDUCT**

15.1 **Chairman Standing**

When the Chairman stands during a debate, any Councillor speaking at the time must stop. The meeting must be silent.

15.2 **Councillor not to be Heard Further**

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

15.3 **Councillor to Leave the Meeting**

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

15.4 **General Disturbance**

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

16 **DISTURBANCE BY PUBLIC**

16.1 **Removal of Member of the Public**

If a Member of the public interrupts proceedings, the Chairman will warn the person concerned. If he/she continues to interrupt, the Chairman will order his/her removal from the meeting room.

16.2 **Clearance of Part of Meeting Room**

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

17 OTHER

- 17.1 Placards, banners, advertising materials and similar items are not permitted in any Committee meeting.
- 17.2 Mobile phones must be switched to silent.
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18 RIGHTS TO RECORD COMMITTEE AND SUB COMMITTEE MEETINGS (ie the proceedings at a meeting)

- (a) The public may record (e.g. film, audio, tweet, blog) meetings which are open to the public.
- (b) The Chairman of the meeting has the discretion to stop or suspend recordings by the public if in their opinion continuing to do so would disrupt proceedings at the meeting. The circumstances in which this might occur include:
- Excessive noise in recording or setting up and re-setting equipment
 - Intrusive lighting and use of flash photography
 - Moving to areas outside the area designated for the public without the Chairman's consent.
 - Whilst taking a recording (e.g. film, audio, tweet, blog) you must not do so in a manner which constitutes an invasion of privacy.
- (c) Those recording meetings are strongly urged to respect the wish of any member of the public not to be recorded.
- (d) Agendas for and signage at meetings will make it clear that recording can take place. Anyone who does not wish to be recorded should let the Chairman of the meeting know.
- (e) Recording and reporting the meetings is subject to the law and it is the responsibility of those doing the recording and reporting to ensure compliance; e.g. with the Human Rights Act, the Data Protection Act and the laws of libel, defamation and public order. Freedom of speech within the law should also be exercised with personal and social responsibility – showing respect and tolerance towards the views of others.
- (f) The Council has a protocol in place in respect of recording at meetings which is available on the Council's website.
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19. PUBLIC SPEAKING AT DEVELOPMENT CONTROL/ PLANNING COMMITTEES

Public speaking at the Planning Committees [and Planning Referrals Committee] is allowed in accordance with the Charter on Public Speaking at Planning Committee. The practical arrangements on the day remain at the discretion of the Chairman of the meeting whose decision on arrangements is final.

20. SUBSTITUTIONS

20.1 Substitutes for Committees shall be as follows:-

COMMITTEE	SUBSTITUTES
Strategy	Any Member of the same political group except members of the Scrutiny Committee.
Planning	Any Member from the same political group, providing the substitute has undertaken the requisite planning training. None.
Regulatory	Any Member of the same political group, providing the substitute has undertaken any requisite training.
Licensing Act 2003	Any Member of the same political group, providing the substitute has undertaken any requisite training.
Joint Audit and Standards	Any Member from the same political group and Council, except members of the Strategy Committee.
Audit	Any Member from the same political group, except members of the Strategy Committee.
Joint Scrutiny	Any Member from the same political group and Council, except members of the Strategy Committee.
Scrutiny	Any Member from the same political group, except members of the Strategy Committee.
Joint Appointments	Any Member from the same political group and Council.

The Monitoring Officer shall determine whether any Member has undertaken the requisite training.

20.2 Powers and duties

Substitute Members will have all the powers and duties of any ordinary Member of the Committee/Sub-Committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

20.3 Substitution

Substitute Members may attend meetings in that capacity only:

- (a) to take the place of the ordinary Member;
- (b) or where the ordinary member will be absent for the whole of the meeting;
- (c) and after the Chief Executive has been notified by 1.00 p.m. on the previous working day before the commencement of the meeting of a named substitute Councillor that will attend in the place of an ordinary member.

20.4 Members of Strategy Committee cannot be substitute Members for Scrutiny Committees, or vice versa.

20.5 No Councillor may be involved in scrutinising a decision in which he or she has been directly involved. Councillors acting as substitute Members on the Joint Scrutiny Committee and Babergh Scrutiny Committee should not take part in any business being considered by the Joint Scrutiny and Babergh Scrutiny Committee in circumstances where the substitute Member has been directly involved in determining the issue under scrutiny.

20.6 Substitutes for Planning Committee must undertake requisite training before participating in any meeting to the same extent required of a Member of the Committee. The Monitoring Officer shall determine whether the Councillor has undertaken the requisite training.

21. COUNCILLOR ATTENDING / SPEAKING AT A COMMITTEE WHERE NOT A MEMBER OF THE COMMITTEE

A Councillor not serving on a particular Committee may request permission from the Chairman to attend in respect of a matter to be considered at the meeting. At the meeting of the Committee the Councillor shall have the opportunity to speak on the relevant matter, but may not put any motions or amendments, nor vote on the matter.

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