Part 4A: Council Procedure Rules

1. Definitions

1.1 In this section, words are only defined where their meaning is not otherwise obvious or where their meaning might be unclear or ambiguous.

1.2 “Committee” shall include scrutiny committees and the Standards Committee, in addition to other committees unless the sense requires otherwise.

1.3 References to the “Executive” include the Leader and collective references to the Executive include individual Executive Councillors in relation to matters within their individual responsibility.

2. Annual Meetings And Ordinary Meetings

2.1 In addition to the annual meeting of the Council and any meetings convened by the Mayor, or by members of the Council, meetings for the transaction of general business shall be held on four other occasions in each year on such Thursdays as the Council decides.

2.2 The annual meeting of the Council at which the Mayor is elected shall be held at 11 am.

2.3 Other meetings of the Council shall be held at 6 pm at the Guildhall.

2.4 The Chief Executive shall keep an account of the attendances of members at the meetings of the Council and committees, and draw up the same in a tabular form to be appended to the minutes of the Civic Affairs Committee and submitted annually to the Council.
3. **Annual Meeting of the Council**

3.1 **Timing**

3.1.1 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. In any other year, the annual meeting will take place in May.

3.2 **Order of business**

3.2.1 The annual meeting will, before moving on to other business:

1. elect a person to preside if the Mayor and Deputy Mayor are not present;
2. elect the Mayor;
3. elect the Deputy Mayor;
4. approve the minutes of the last meeting;
5. receive the report (if any) of the Returning Officer;
6. receive any announcements from the Mayor;
7. agree any changes to the Council’s constitution;
8. elect the Leader;
9. agree the number of members to be appointed to the executive and appoint those members;
10. agree any changes to the terms of reference of committees of the Council (as set out in Part 3 of this Constitution);
11. appoint members to those committees;
12. appoint members to outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the executive.
13. agree any changes to the scheme of delegation set out in Part 3 of this Constitution, where changes are reserved to the full Council;
14. receive Annual Statements from each Group Leader (who wishes to make a statement) on his/her Group’s priorities for action and objectives for the forthcoming municipal year, in accordance with the Scheme in Appendix A
15. consider any business set out in the notice convening the meeting.

3.2.2 Following the conclusion of the special business of the Annual Meeting, it shall continue as an ordinary meeting.

3.2.3 **Changing the Order of business.** Rule 4.2 shall apply to the Annual Meeting except with regard to items 1 to 4 of Rule 3.2.1.
4. **Ordinary Meetings**

4.1 **Order of business**

4.1.1 Ordinary meetings of the Council will take place in accordance with a programme agreed by the Council. The order of business will be to:

1. choose a person to preside if the Mayor and Deputy Mayor are not present;
2. deal with any business required by statute to be done before any other business;
3. approve as a correct record and sign the minutes of the last meeting of the Council;
4. deal with any business expressly required by statute to be done;
5. receive any announcements from the Mayor;
6. receive any declarations of interest from members;
7. receive petitions from the public in accordance with the Council’s scheme for petitions set out in Appendix B;
8. receive questions from, and provide answers to, the public in accordance with the Council’s scheme for questions set out in Appendix C;
9. dispose of business (if any) remaining from the last meeting;
10. consider reports and recommendations from the executive and the Council’s committees including consideration of proposals from the executive in relation to the Council’s budget and policy framework and reports of the overview and scrutiny committees for debate;
11. receive, for up to half an hour, oral questions from members to the Chair (or nominee) of any Committee or to any member of the executive on any matter in accordance with the Guidance Note at Appendix D;
12. consider motions in the order in which notice has been received;
13. receive reports and minutes of the committees which are "for information", such minutes to be taken en bloc;
14. consider any other business specified in the summons to the meeting.

4.2 **Changing the order of business**

4.2.1 Business falling under items 1, 2 and 3 of Rule 4.1.1 shall not be displaced, but subject thereto, and subject to any statutory requirements governing the order of business, the foregoing order of business may be varied:

1. by the Mayor at his/her discretion, or
2. by a resolution passed on a motion (which need not be in writing) duly moved and seconded, which shall be moved and put without discussion.

5. **Extraordinary Meetings**

5.1 **Calling extraordinary meetings.**
5.1.1 Those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings:
1. the Council by resolution;
2. the Mayor;
3. the monitoring officer; and
4. any five members of the Council if they have signed a requisition presented to the Mayor 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.

5.2 Business

5.2.1 The business at extraordinary meetings shall be confined to consideration of the matter or matters in respect of which the meeting has been called, unless the Mayor agrees to the consideration of other matters where, in his or her view it is expedient to do so.

5A Budget Meetings

5A.1 Business at meetings to consider the Executive’s budget recommendations shall be conducted in accordance with the provisions of Appendix A2.

6. Appointment Of Alternate Members Of Committees And Sub-Committees

6.1 Allocation

6.1.1 As well as allocating seats on committees and sub-committees, the Council will allocate seats in the same manner for alternate members.

6.2 Number

6.2.1 For each committee or sub-committee, the Council (or committees in respect of sub-committees) will appoint one alternate member in respect of each political group represented on that committee or sub-committee and two in the case of the major Scrutiny Committees for groups with more than one committee member, but shall not appoint an alternate member for a political group which declines to nominate an alternate member.

6.3 Powers and duties

6.3.1 Alternate members will have all the powers and duties of any ordinary member of the committee. For the purposes of briefing meetings and circulation of papers, alternate members shall be treated in the same manner as ordinary members.

6.4 Attendance at meetings
6.4.1 Alternate members may attend meetings in that capacity only to take the place of a member of the same political group who is an ordinary member of the relevant committee or sub-committee. The alternate member should withdraw from participation as a member of that committee or sub-committee in the business at that meeting during any period during which the principal member is in fact in attendance.

7. Notice Of And Summons To Meetings

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

8. Chair Of Meeting

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

9. Quorum

9.1 The quorum of a meeting will be one quarter of the whole number of members. During any meeting if the Mayor counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

10. Duration Of Meeting

10.1 When a meeting of the Council, on a Thursday evening, lasts to 10.30 pm a vote shall be taken as to whether or not the meeting be adjourned; on a decision to adjourn the adjournment shall be until 6 pm on the following Monday.
11. **Questions from the Public**

11.1 Members of the public may ask questions of members of the Council in accordance with the scheme set out in Appendix C.

12. **Questions from Councillors**

12.1 Any member of the Council may ask an Executive Councillor or the Chair of a committee any question upon an item of the report of that Executive Councillor or of that committee when that item is under consideration by the Council.

12.2 Any member of the Council may at any meeting address a written question (maximum of two) to the Chair of any committee relating to matters within the province of his/her committee, or to an Executive Councillor relating to matters within the responsibility of that Executive Councillor, providing s/he has sent a copy of such question to the Chief Executive by 12 noon, the Friday before such meeting. No speech or motion shall be made and no discussion shall take place upon any question or the answer given thereto. Such question shall be put and replied to immediately before the reception or approval of the minutes of the committee concerned, and the questions and answers shall be circulated to members of the Council and others present in duplicated form whenever possible.

12.3 Any member of the Council may address an oral question to a member of the Executive or to a chair of a committee in accordance with the scheme at Appendix D.

13. **Notices of Motion**

13.1 **Notice**

13.1.1 Notices of every motion, other than a motion which under Rules 4.2 or 14 may be moved without notice, shall be given in writing, bearing the names of the member or members of the Council giving the notice, and received not later than 10 am on the Tuesday preceding the usual day for issuing the summons for the next meeting of the Council, at the office of the Chief Executive by whom it shall be dated, numbered in the order in which it is received, and entered in a book which shall be open to the inspection of every member of the Council.
13.2 **Motion set out in agenda**

13.2.1 The Chief Executive shall set out in the summons for every meeting of the Council all motions of which notice has been duly given in the order in which they have been received but will consult the Mayor on the order prior to publication. This applies unless the member giving such a notice intimated in writing, when giving it, that s/he proposed to move it at some later meeting, or has since withdrawn it in writing. If the order is changed it will be made clear on the agenda. The original order of motions in the order received may be restored by a resolution passed on a motion (which need not be put in writing) duly moved and seconded.

13.2.2 If the Mayor considers that notice of two or more motions with similar effect have been given then, if those giving notice agree, a combined or consolidated motion may be included in the Council agenda in their place.

13.3 **Withdrawal of motions upon not being moved**

13.3.1 If a motion thus set out in the summons be not moved either by a member who gave notice thereof or by some other member on his/her behalf it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.

13.4 **Electronic notice of motions**

13.4.1 For the purposes of this Rule electronic mail communications will be treated as being in writing (Guidelines for the use of E-mail in connection with meetings of the Council are set out in Appendix E.)

13.5 **Scope**

13.5.1 Every motion shall be relevant to some matter which affects the City.

13.6 **Rescission of preceding resolution**

13.6.1 No motion or amendment to rescind any resolution passed within the preceding six months, and no motion or amendment to the same effect as one which has been rejected within the preceding six months, shall be proposed unless the notice thereof given in pursuance of Council Procedure Rule 13.1 bears the names of at least five members of the Council who are giving notice. When any such motion or amendment has been disposed of by the Council, it shall not be open to any member to propose a similar motion or amendment within a further period of six months.
Provided that this Standing Order shall not apply to motions moved in pursuance of a recommendation of a committee.

13.7 **Consideration of motions**

Motions set out in the summons for a Council meeting shall be debated at that meeting unless:
- (a) the motion is withdrawn upon not being moved under Rule 13.3; or
- (b) the motion is withdrawn by the mover under Rule 27; or
- (c) the motion is *ultra vires* (i.e. it proposes a course of action that is unlawful or beyond the Council’s powers); or
- (d) the motion is referred to a committee or to the Executive for determination under the procedure in Rule 13.8.

In all cases, the mover of the motion shall speak to the motion and the person seconding the motion shall then indicate his/her support for the motion.

13.8 **Reference of Motions to Committees or to the Executive**

(a) Once a motion has been moved and formally seconded (but before the seconder has spoken) a member may propose that the motion is referred for decision or recommendation by the committee or the Executive Councillor within whose powers of determination the subject of the motion falls. The member proposing referral shall identify one or more of the grounds for referral set out in paragraph (f).
- (b) Other members may then speak for or against the proposal to refer.
- (c) At the conclusion of debate on referral, the mover of the motion has a right to respond.
- (d) The Council will then vote on the proposal to refer.
- (e) Speaking rights under this procedure are limited to one minute per member.
- (f) A proposal for referral may only be made on one or more of the following grounds:
  - (i) There is an overriding need for further information, research or professional advice before the motion can be properly considered;
  - (ii) The scope of the motion falls outside the Council’s budgetary or policy framework;
  - (iii) The matter is already listed in the Forward Plan for consideration by a committee or by the Executive;
  - (iv) It would be expedient to consider the matter in conjunction with another matter already listed in the Forward Plan for consideration by a committee or by the Executive scheduled.
- (g) The Chief Executive shall ensure that the mover and seconder of the motion are advised promptly of the Executive Councillor or committee decision or recommendation.
- (h) The decision of the Executive Councillor or committee shall be reported to either the next, or the next but one, subsequent ordinary
meeting of the Council. The Executive Councillor or Committee Chair and the mover of the motion (in that order) shall be entitled to speak on the decision but there will be no further debate.

(i) The Council shall consider any recommendation by an Executive Councillor or a committee following referral in the usual way.

14. **Motions Without Notice**

14.1 The following motions may be moved without notice:

1. to appoint a Chair of the meeting at which the motion is moved;

2. in relation to the accuracy of the minutes;

3. to change the order of business in the agenda;

4. to refer something to an appropriate body or individual;

5. to appoint a committee or member arising from an item on the summons for the meeting;

6. to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;

7. to withdraw a motion;

8. to amend a motion subject to Council Procedure Rule 23;

9. to proceed to the next business;

10. that the question be now put;

11. to adjourn a debate;

12. to adjourn a meeting;

13. to suspend a particular Council Procedure Rule;

14. to exclude the public and press in accordance with the Access to Information Rules;

15. to not hear further a member named under Rule 34.1 or to exclude them from the meeting under Rule 34.2; and

16. to give the consent of the Council where its consent is required by this Constitution.
RULES OF DEBATE

15. **Moving of committee reports**

15.1 When the Mayor calls the report of any committee, the report, minutes and recommendations of that committee shall be deemed to have been moved and seconded for adoption or reception, as appropriate, and the the Chair of the committee (or other member of the Council acting for him/her) shall not speak in introduction of the report, or of a particular minute or recommendation, except with the consent of the council.

16. **Moving of Executive reports and proposals**

16.1 When the Mayor calls the report or proposals of the Executive, the report (if requiring a decision) and the proposals shall be deemed to have been moved as a recommendation and shall not require to be seconded. The Executive Councillor with responsibility for the subject of the report or proposal may address the Council.

17. **Motions and amendments**

17.1 A motion or amendment shall not be discussed unless it has been proposed and seconded (except as provided in Rules 15 and 16), and, unless notice has already been given in accordance with Rule 13, it shall, if required by the Mayor, be put into writing and handed to the Mayor or Chief Executive before it is further discussed or put to the meeting.

17.2 An amendment of which notice has been given in accordance with Rule 13 shall be considered in debate at the same time as the motion which it seeks to amend. To this end, and without prejudice of the right of the mover and seconder to speak, such an amendment shall be deemed to been formally moved and seconded at the commencement of the debate, subject to the requirement that a seconder for the amendment is identified.

18. **Secnder's Speech**

18.1 A member when seconding a motion or amendment may, if s/he then declares his/her intention to do so, reserve his/her speech until a later period of the debate.

19. **Only one member to stand at a time**

19.1 A member when speaking shall stand and address the Mayor. If two or more members rise, the Mayor shall call on one to speak; the other or others shall then sit. While a member is speaking the other members shall remain seated, unless rising to a point of order or in personal explanation.
20. **Content of speeches**

20.1 A member shall direct his/her speech to the question under discussion or to a personal explanation or to a point of order.

21. **Length of speeches**

**Generally**

21.1 Except for Executive Councillors, Chairs and spokespersons who may speak for up to 5 minutes, no speech shall subject to the exceptions provided in 21.2 or elsewhere in Council Procedure Rules exceed 3 minutes length without the consent of the Council given by reason of the exceptional importance of the subject and which consent shall be ascertained by the Mayor either on his/her own initiative or on a motion made which shall be put without amendment or discussion. Provided that it shall be within the discretion of the Mayor to permit up to a further five minutes beyond the time so mentioned without the necessity for any such consent.

**Motions**

21.2 Movers and seconders of motions may speak for a total of 10 minutes between them, as may movers and seconders of amendments to motions. Other speeches shall not exceed 3 minutes without the consent of the Council or the Mayor given in accordance with 21.1

22. **When a member may or may not speak again**

22.1 A member shall not address the Council more than once on any motion or amendment except -

(a) in exercise of a right of reply under Rules 22.2, 22.3 or 22.4 below, or

(b) to speak to a point of order or in explanation of some material part of a speech made by him/her which s/he believes to have been misunderstood.

22.2 Where an Executive Councillor or the Chair of a committee (or other member acting for him/her) is deemed to have moved a report, minutes or recommendations under Rules 15 or 16 s/he is deemed to be the mover of an original motion and may reply to any debate on such report, minutes or recommendations and may also reply to any amendment which is moved thereto.

22.3 Where the mover of an original motion is not the Executive Councillor or the Chair referred to in Rule 22.2 above, both the Executive Councillor or Chair of the Committee concerned (or, if there is more than one Executive portfolio concerned, the Leader) and the mover of the original motion may reply in that sequence to any debate on the motion and may also reply in that sequence to any amendment which is moved thereto. The mover of an amendment shall not be entitled to any reply.
22.4 Any members exercising a right of reply under Rules 22.2 or 22.3 above shall strictly confine him/herself to answering previous speakers, and shall not introduce any new matter into the debate.

22.5 When the right or rights of reply under Rules 22.2 or 22.3 above have been exercised the motion or amendment as the case may be shall be put to the vote.

23. Amendments to motions and recommendations

23.1 An amendment shall be relevant to the motion and shall be either -

1. to refer back a subject of debate to a committee or to an Executive Councillor for consideration or re-consideration;
2. to leave out words
3. to leave out words and insert or add others;
4. to insert or add words:

but such omission, insertion or addition of words shall not have the effect of negating the motion before the Council.

(NOTE: Although a member may not move as an amendment the insertion or the deletion of the word "NOT", if s/he is opposed to the motion before the Council but does not wish to move reference back or other amendment it is open to him/her to require the Mayor to put the motion to the vote and then vote against the motion).

23.2 Subject to Rule 5A (Budgets Meetings) and to the exceptions in Rule 23.4, amendments to recommendations or motions set out in the Council Agenda for a meeting shall only be considered if they have been delivered in writing to the Chief Executive by noon on the day preceding the meeting (or 9.00 am in the case of the Annual Meeting). (This rule does not apply to meetings of the Executive or to meetings of committees.)

23.3 The Council may, by a simple majority, suspend Rule 23.2 to permit amendments to be moved where no, or inadequate, notice has been given.

23.4 The exceptions to Rule 23.2 are:

1. Technical amendments may be moved to correct arithmetical or factual errors or to improve the wording of a motion or recommendation.
2. The Mayor shall have discretion to permit amendments from members when satisfied that the need for the amendment could not have been anticipated before the deadline. The Mayor should also be satisfied that advance notice of such amendments was given as soon as reasonably practical, and not left to the day of the meeting unless this was unavoidable.
3. Members may submit amendments where the Mayor is satisfied that
they do not make substantive changes to motions or recommendations, or to amendments of which notice has been given in accordance with rule 23.2.

24. **One amendment at a time**

24.1 Whenever an amendment upon an original motion has been moved and seconded no second or subsequent amendment shall be moved until the first amendment shall have been disposed of, provided that notice of any number of amendments may be given and the Mayor may permit two or more amendments to be discussed (but not voted upon) together, if circumstances suggest that this course would facilitate the proper conduct of the Council's business.

25. **Further amendments**

25.1 If an amendment be lost, other amendments may be moved on the original motion. If an amendment be carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved, except in the case of such an amendment as is referred to in Rule 22.1 (reference back) when no further amendment may be moved.

26. **Alteration of motion**

26.1 A member may with the consent of the council signified without discussion -

1. alter a motion of which s/he has given notice; or
2. with the further consent of his/her seconder alter a motion which s/he has moved if (in either case) the alteration is one which could be made as an amendment thereto.

27. **Withdrawal of motion**

27.1 A motion or amendment may be withdrawn by the mover with the consent of his/her seconder and of the Council, which shall be signified without discussion, and no member may speak upon it after the mover has asked permission for its withdrawal, unless such permission shall have been refused.

28. **Closure motion**

28.1 A member may move without comment at the conclusion of a speech of another member, "That the Council proceed to the next business", "That the question be now put", "That the debate be now adjourned", or "That the
Council do now adjourn", on the seconding of which (without a speech) the Mayor shall proceed as follows:-

1. on a motion to proceed to next business: unless in his/her opinion the matter before the meeting has been insufficiently discussed, s/he shall give the mover of the first original motion a right of reply, and then put to the vote the motion to proceed to next business;

2. on a motion that the question be now put: unless in his/her opinion the matter before the meeting has been insufficiently discussed, s/he shall first put to the vote the motion that the question be now put, and if it is passed then give the Executive Councillor or the Chair of the committee concerned, or if there is more than one committee or Executive Councillor concerned the Leader, and the mover of the original motion a right to reply in that sequence under Rule 21 before putting his/her motion to the vote;

3. on a motion to adjourn the debate or the meeting: if in his/her opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion s/he shall put the adjournment motion to the vote without giving the mover of the original motion his/her right of reply on that occasion.

4. A second motion "That the Council proceed to the next business", "That the debate be now adjourned" or "That the Council do now adjourn" shall not be made within one half-hour unless it be moved by the Mayor.

29. Points of order

29.1 A member may rise on a point of order or in personal explanation, and shall be entitled to be heard forthwith. A point of order shall relate only to an alleged breach of a Rule or statutory provision and the member shall specify the Rule or statutory provision and the way in which s/he considers it has been broken. A personal explanation shall be confined to some material part of a former speech by him/her which may appear to have been misunderstood in the present debate.

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

30. Respect for chair

30.1 Whenever the Mayor rises during a debate a member then standing shall resume his/her seat and the Council shall be silent.

31. Motions affecting persons employed by the Council
31.1 If any question arises at a meeting of the Council or an Executive meeting or a committee as to the appointment, promotion, dismissal, salary, superannuation or conditions of service, or of the conduct of any person employed by the Council, such question shall not be the subject of discussion until the Council, the Executive or committee, as the case may be, has decided whether or not the power of exclusion of the public under Section 100A (4) of the Local Government Act 1972 shall be exercised.

32. **Mode of voting**

32.1 Every question shall be decided by a show of hands, the members standing up if so required by the Mayor; subject to Rule 32.2.

32.2 If any member demands a division and is supported by two other members rising in their places, the question shall be determined by a vote by roll-call and the Chief Executive shall record and enter in the minutes the names of each member present and whether s/he voted for or against or abstained.

32.3 Any Member may, immediately after any vote is taken at a Council meeting, require a record to be made in the minutes of whether s/he voted for or against or abstained.

32.4 If there are equal numbers of votes for and against, the Mayor will have a second or casting vote.

32.5 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 fewest 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.

32.6 The procedure in Rule 32.5 shall also be followed where more than one position of a similar nature falls to be filled and more people are nominated than there are positions.

32.7 Immediately after any vote is taken at a budget decision meeting of the Council there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting. A “budget decision meeting” means a meeting of the Council at which it:(i) makes a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49,52ZF, 52ZJ of the Local Government Finance Act 1992; or (ii) issues a precept under Chapter 4 of Part 1 of that Act, and includes a meeting where making the calculation or issuing the precept as the case may be was included as an item of business on the agenda for that meeting; References to a vote are references to a vote on any decision related to the making of the calculation or the issuing of the precept as the case may be.
33. Minutes

33.1 Signing the minutes The Mayor will sign the minutes of the proceedings at the next suitable meeting. The Mayor will move that the minutes of the previous meeting be signed as a correct record.

33.2 No requirement to sign minutes of previous meeting at extraordinary meeting. Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

34 Exclusion Of Public

34.1 Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 35 (Disturbance by Public).
35 Disorderly Conduct: Misconduct Of A Member

35.1 If at any meeting of the Council or the Executive or a committee any member, in the opinion of the Mayor, or Chair, notified to the Council or committee, misconducts him/herself by persistently disregarding the ruling of the chair, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the Council or the committee, the Mayor, Chair, or any other member may move "That the member named be not further heard", and the motion if seconded shall be put and determined without discussion.

35.2 If the member named continues his/her misconduct after a motion under the foregoing Rule has been carried, the Mayor or Chair shall either move "that the member named do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion); or adjourn the meeting of the Council or committee for such period as s/he is in his/her discretion shall consider expedient.

35.3 In the event of a general disturbance which in the opinion of the Mayor or Chair renders the due and orderly despatch of business impossible, the Mayor or Chair, in addition to any other power vested in him/her, may adjourn the meeting of the Council or committee for such period as s/he is in his/her discretion shall consider expedient.

36 Disorderly Conduct: Disturbance by members of the public

36.1 If a member of the public interrupts the proceedings at any meeting the Mayor or Chair shall warn him/her. If s/he continues the interruption the Mayor or Chair shall order his/her removal from the Council Chamber or Committee Room.

36.2 In case of a general disturbance in any part of the Chamber or Room open to the public the Mayor or Chair shall order that part to be cleared.

37 Suspension And Amendment Of Council Procedure Rules

37.1 Suspension Any of these Council Rules of Procedure except Rules 32.3 and 33.2 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Any motion to suspend any part of these rules shall specify the purpose of their suspension. Any suspension shall only be to the extent and for the length of time necessary to achieve the stated purpose.

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

38  Appointment of committees

38.1  The Council shall at the annual meeting appoint such committees as they are required to appoint by or under any statute or under the Council’s constitution, and may at any time appoint such other committees as are necessary to carry out the work of the Council but, subject to any contrary statutory provision, and subject in particular sections 15 to 17, Local Government and Housing Act, 1989:

1.  the term of appointment of any member of a committee (other than of a special committee appointed for a particular purpose) shall not extend beyond the next annual meeting of the Council;

2.  The Council may at any time dissolve a committee or alter its membership.

39  Attendance at committees by members of the Council

39.1  The Leader of the Council, the Deputy Leader and other Executive Councillors shall be entitled ex-officio to attend and speak at meetings of committees and sub-committees of which they are not members.

39.2  Subject to Rules 39.1 and 40, a member of the Council shall not be entitled to speak at a meeting of any committee or sub-committee unless -

1.  s/he is a member of that committee or sub-committee; or

2.  s/he has moved a motion which has been referred automatically to that committee or sub-committee for consideration and report under Rule 13 (and then s/he may only speak but not vote while that matter is being considered).

3.  A member of the Council may speak at a meeting of a committee or sub-committee of which s/he is not a member at the request or with the permission of that committee or of its Chair made or obtained before the meeting but may not vote at such meeting and such request or permission shall specify the matters in respect of which the member shall be permitted to speak.
40 Attendance of Mayor at Civic Affairs Committee

40.1 The Mayor shall be entitled ex-officio to attend and speak, but not to vote, at meetings of the Civic Affairs Committee.

41 Standing committees

41.1 Part 3 of this Constitution sets out the standing committees and sub-committees of the Council which shall consist of the number of members from time to time determined by the Council or the parent committee, as appropriate.

42 Appointment of Chairs and Vice-Chair

42.1 The Council may appoint the Chair or Vice-Chair of each Committee and Sub-Committee for the year. If the Council does not appoint the Chair and/or Vice-Chair of any Committee or Sub-Committee then, in the case of a committee, that Committee shall, at its first meeting of the municipal year, elect a Chair and Vice-Chair and, in the case of a sub-committee, the Chair and Vice-Chair shall be appointed by the parent committee (or, in default of such appointment, shall be elected by the Sub-Committee).

42.2 In the absence from any meeting of the Chair and Vice-Chair, a Chair for that meeting shall be appointed by the meeting, but shall relinquish the chair if the Chair or Vice Chair subsequently arrives at the meeting.

43 Special meetings of committees

43.1 The Chair of a committee or the Mayor may authorise the Chief Executive to call a special meeting of the committee at any time. A special meeting shall also be called on the requisition of a quarter of the whole number of the committee, delivered in writing to the Chief Executive but in no case shall fewer than two members requisition a special meeting. The summons to the special meeting shall set out the business to be considered thereat, and no business other than that set out in the summons shall be considered at the meeting. (See also paragraph 9.2.7 of Part 3 relating to consulting members about the dates of special meetings.)

44 Appointment of sub-committees

44.1 Every committee appointed by the Council may appoint sub-committees for purposes to be specified by the committee.
45  **Quorum of committees and sub-committees**

45.1 Except where authorised by a statute or ordered by the Council, business shall not be transacted at a meeting of any committee unless at least three members of the committee are present.

45.2 Except as aforesaid or otherwise ordered by the committee which has appointed it, business shall not be transacted at a sub-committee unless at least two members of the sub-committee are present.

46  **Voting in committees and sub-committees**

46.1 Every matter brought before a committee shall be decided by a majority of those present and voting. The voting shall be by show of hands.

46.2 Any two members of a committee present and voting on any matter may require the names of the persons voting for, the persons voting against and the persons abstaining to be recorded in the minutes.

46.3 Any member of a committee or sub-committee may, immediately after any vote is taken at a meeting, require a record to be made in the minutes of whether s/he voted for or against or abstained.

47  **Attendances of members to be recorded in minutes**

47.1 The names of members present each day at the sitting of any committee shall be entered in the minutes of the proceedings and reported to the Council on the report of such committee.

48  **Circulation of reports of the Executive and committees**

48.1 All proposals, reports, minutes and recommendations of the Executive or committees intended to be laid before the Council shall be printed and circulated to members of the Council five clear days at least before the meeting of the Council to which the same are to be submitted.
50  Paragraphs to be numbered

50.1  All reports, minutes and recommendations of a committee dealing with two or more subjects shall be divided into numbered paragraphs.

51  General Instructions to Regulatory Committees

51.1  If a regulatory committee (as defined by Section 5 of Part 3 of this Constitution) is unwilling or unable to take a final decision on any matter within its terms of reference, the committee may decide to refer the matter to the Civic Affairs Committee (for decision or reference on to full Council) or direct to the Council.

51.2  Any matter on which a committee is empowered to take a decision shall be referred to the Civic Affairs Committee (for decision or reference on to full Council) if a member of that committee who has been nominated by his/her political group as the spokesperson for that committee, or any two other members, so requests. Any such request must be made immediately at the conclusion of the consideration of that matter. If a matter is so referred to the Civic Affairs Committee, then the Civic Affairs Committee shall have power to take a decision on it, even if the matter is not expressly within the terms of reference of that Committee.

51.3  Any matter which is referred to the Civic Affairs Committee or on which that Committee is empowered to take a decision shall be referred to the Council if at least two members of that Committee so request. Any such request must be made immediately at the conclusion of the consideration of that matter.

51.4  Any matter in respect of which a regulatory sub-committee is empowered to take a decision shall be referred for consideration by the parent committee if, in the opinion of the sub-committee it is appropriate to do so or if a member of that sub-committee who has been nominated by his/her political group as the spokesperson for that sub-committee, or any two other members, so requests. Any such request must be made immediately at the conclusion of the consideration of that matter.

51.5  The provision in Paragraph 51.4 shall not apply to the Taxi Regulatory Sub-Committee and the Employment Appeals Sub-Committee.

52  Council Conventions

52.1  The business of the Council shall be conducted in accordance with the Conventions set out in Appendix F to these Rules.
Appendix A: Scheme For Annual Statements

1. For the annual meeting of the Council, the Leader of the Group with the largest number of members on the Council shall produce a written or electronic version of his/her Annual Statement. This written or electronic version shall be supplied to the Committee Managers by 10.00 am on the Tuesday nine days before the Annual Meeting of the Council and shall be circulated with the agenda for that meeting.

2. The Leader(s) of the other political Group(s) may (but are not obliged to) produce a written version of their Statement(s) for the annual Council meeting. If a written version is supplied to the Committee Managers by the deadline referred to in 1 above, it shall be circulated with the Council agenda.

3. At the annual meeting of the Council, each Group Leader shall be entitled to speak for not more than 15 minutes to present their Annual Statement. The Group Leaders shall speak in the order following the relative strength of Group numbers on the Council.

4. Provided paragraph 1 has been complied with, at the annual Council meeting the written Annual Statement of the Leader of the Group with the largest number of members on the Council shall be deemed to be a motion for adoption which has been duly moved and seconded. Council Procedure Rule 13 shall not apply to this motion. After debate in the normal way, the Council shall vote on the motion. If the vote is carried, that Statement (as amended, if relevant) shall be adopted Council policy for the municipal year, subject to paragraph 6 below.

5. An Annual Statement adopted as Council policy (or adopted as amended) shall be published by the Council as such, provided such publication would not contravene section 2 of the Local Government Act 1986 (prohibition on publicity designed to affect support for a political party). The Chief Executive may make any changes to the text he considers necessary to put the Statement into a form suitable for publication, but must consult the Leader of the Group with the largest number of members on the Council before doing this. (If the Statement of the Leader of the largest Group was subject to other than minor successful amendments(s) before adoption, the Chief Executive shall consult all Group Leaders). Only an Annual Statement adopted by the Council will be published by the Council, although the Groups may arrange for publication of their own Statements at their own expense.

6. If the adopted Annual Statement contains proposals which fall outside the Council’s budgetary or policy framework, the proposals shall not be acted upon until there has been a report to the relevant scrutiny committee(s) and executive councillors in the normal way and approval at a subsequent meeting of the Council.
7. If the two largest Groups on the Council have an equal number of members at the time of the annual meeting, then the Leaders of both Groups shall comply with paragraph 1. The order in which the Statements shall be presented and debated as motions for adoption at the annual meeting shall be decided by the Mayor drawing lots before the Council agenda is published. That order will be noted in the agenda.

8. If a Group Leader does not submit a written version of his/her Group's Annual Statement in advance of the annual meeting as required by paragraph 1, then that Statement shall not be considered as a motion for adoption.
Appendix A2 - Council Procedure Rules – Budget Recommendations and Amendments

1. These rules supplement the Budget and Policy Framework Procedure Rules contained in Part 4C of this Constitution. They also modify the Council Procedure Rules as follows.

2. Subject to the provisions contained in this paragraph, only amendments submitted in accordance with the Budget and Policy Framework Procedure Rules shall be considered at the Budget Council Meeting.

2.1 The Executive may introduce amendments at the Council meeting or give advance notice of revised recommendations. This might be necessary, for instance, in response to changed circumstances, or in the light of scrutiny of amendments or to correct technical errors. The Leader must explain why it has proved necessary to introduce any amendment. This is to be done at the beginning of the budget item.

2.2 The Executive may make changes to the budget recommendations to give effect to decisions by precepting authorities.

2.3 Further amendments may be moved by any member in direct response to amendments made by the Executive at the meeting.

2.4 Technical amendments may be made by leaders of minority groups or proposers of amendments to correct arithmetical or factual errors.

2.5 The Mayor shall have discretion to permit amendments from members when satisfied that the need for the amendment could not have been anticipated before the deadline. The Mayor should also be satisfied that advance notice of such amendments was given as soon as reasonably practical, and not left to the day of the meeting unless this was unavoidable.

2.6 Members may submit revised amendments where the Mayor is satisfied that the substantive issues have been considered at the Strategy & Resources Scrutiny Committee meeting.

2.7 The Executive may amend its budget recommendations in the light of amendments moved at the Strategy & Resources Scrutiny meeting or at the Council meeting.

2.8 If the Executive fails to secure Council adoption of its budget, further amendments may be moved, and these rules will not apply;
2.9 The Council may, by a simple majority, suspend these rules and permit further amendments.

3. The rules of debate contained in the Council Procedure Rules shall be modified in respect of the Budget Council Meeting as follows:

3.1 The Executive shall present its budget recommendations. A period of 45 minutes is allowed for this, extendable at the discretion of the Mayor. The format and mode of the presentation is for the Executive to decide.

3.2 Minority groups may then present alternative budgets, subject to compliance with the provisions of this Appendix. A period of 45 minutes is allowed for each alternative budget, extendable at the discretion of the Mayor. The format and mode of the presentation is for the minority group to decide.

3.3. Alternative budgets will then be moved in turn as amendments to replace the Executive recommendation. They will be debated in the usual way, although replacement budgets will be deemed to have been moved and seconded.

3.4 At the conclusion of each debate, a vote will be taken for and against the alternative budget.

3.5 If the alternative budget is voted down, the Leader of the proposing Group may ask for separate votes to be taken on individual proposals within the alternative budget, but there shall be no further debate.

3.6 Where individual amendments have been submitted by councillors, these will then be debated in the usual way. However, where they are to the same effect as something in an alternative budget, they shall be considered at the same time as the alternative budget, with the proposer being able to ask for a separate vote in accordance with paragraph 3.5.

3.7 After consideration of amendments the Executive’s budget proposals will be debated in the usual way but, subject to paragraph 3.8 below, no amendments may be moved.

3.8. If the Executive’s budget is rejected, amendments and alternative proposals may be made as under the present rules, subject to the dispute resolution provisions set out in the Budget and Policy Framework Procedure Rules contained in Part 4C of this Constitution.
Appendix B1: Petitions

Cambridge City Council – Petition Scheme

The council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the council will receive an acknowledgement from the council within 7 working days of receipt. This acknowledgement will set out what we plan to do with the petition. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.

Paper petitions can be sent to:

Chief Executive Cambridge City Council The Guildhall Market Square Cambridge CB2 3QJ

Or be created, signed and submitted online.

Petitions can also be presented to a meeting of the council. Dates and times can be found here www.cambridge.gov.uk/democracy. If you would like to present your petition to the council, or would like your councillor or someone else to present it on your behalf, please contact Committee Managers on 01223 457169 at least 6 working days before the meeting and they will talk you through the process. If your petition has received 500 signatures or more it can be scheduled for a council debate (we will need 10 working days notice). If this is the case we will let you know whether this will happen at the same meeting or a later meeting of the council.

What are the guidelines for submitting a petition?

Petitions submitted to the council must include:

• a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the council to take

• the name and address and signature of any person supporting the petition who lives, works or studies in Cambridge.

Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition.

1 Petitions relating to planning applications are dealt with by the Development Control Forum. Please refer to that procedure listed on page xxx of Chapter 2 - The Public.
The contact details of the petition organiser will not be placed on the website. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.

Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply. If a petition does not follow the guidelines set out above, the council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

**What will the council do when it receives my petition?**

An acknowledgement will be sent to the petition organiser within 7 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website.

If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a council debate, or a senior officer giving evidence, then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

If the petition does not contain enough signatures to trigger a council debate or a senior officer giving evidence then the acknowledgement will tell you this and will explain when you can expect to receive a response from us.

If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply.

We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.

To ensure that people know what we are doing in response to the petitions we receive the details of all the petitions submitted to us will be published on our website, except in cases where this would be inappropriate. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed).

When you sign an e-petition you can elect to receive this information by email. We will not send you anything which is not relevant to the e-petition you have signed, unless you choose to receive other emails from us.
How will the council respond to petitions?

Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- taking the action requested in the petition
- considering the petition at a council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by the council’s overview and scrutiny committee*
- calling a referendum
- writing to the petition organiser setting out our views about the request in the petition

*Overview and scrutiny committees are committees of councillors who are responsible for scrutinising the work of the council – in other words, the overview and scrutiny committee has the power to hold the council’s decision makers to account.

In addition to these steps, the council will consider all the specific actions it can potentially take on the issues highlighted in a petition.

If your petition is about something over which the council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The council works with a large number of local partners and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with council policy), then we will set out the reasons for this to you.

You can find more information on the services for which the council is responsible here. If your petition is about something that a different council is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other council, but could involve other steps. In any event we will always notify you of the action we have taken.

Full council debates

If a petition contains more than 500 signatures it will be debated by the full council unless it is a petition asking for a senior council officer to give evidence at a public meeting.

This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend. The council will endeavour to consider the
petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. The petition organiser will be given 5 minutes to present the petition at the meeting and the petition will then be discussed by councillors for a maximum of 15 minutes.

The council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. Where the issue is one on which the council executive are required to make the final decision, the council will decide whether to make recommendations to inform that decision.

The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

**Officer evidence**

Your petition may ask for a senior council officer\(^2\) to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision.

If your petition contains at least 50 signatures, the relevant senior officer will give evidence at a public meeting of the council’s relevant overview and scrutiny committee.

You should be aware that the overview and scrutiny committee may decide that it would be more appropriate for another officer to give evidence instead of the officer named in the petition – for instance if the senior officer has changed jobs. The committee may also decide to call the relevant councillor to attend the meeting. Committee members will ask the questions at this meeting, but you will also be able to ask a question and be able to suggest questions to the chair of the committee by contacting a committee manager up to three working days before the meeting.

**E-petitions**

In addition to the guidance above, your e-petition will also need to include:

1. A date for when you wish your e-petition to go live on the website. Please bear in mind that it may take officers up to five working days to process your e-petition request.
2. A closing date for your e-petition when the petition will stop collecting signatures. We will host your e-petition for up to 12 months but expect that most petitions to be shorter than this (3 months is usual).

**How to start an e-petition:**

1. To create an e-petition, you will need to provide us with your name, postal address and email address. This will be done by registering via

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\(^2\) Defined as either the Chief Executive, a Director or a Head of Service.
2. On the e-petitions homepage, select the ‘submit a new e-petition’ option.
3. You will be prompted to enter a title which the system will automatically check against existing e-petitions.
4. A drop down box allows you to link your petition with any existing issue in the council’s Forward Plan, which details all forthcoming key decision within the council.
5. Fill in the online form which will be submitted to Democratic Services.

**How to sign an e-petition:**
1. Go to [www.cambridge.gov.uk/democracy](http://www.cambridge.gov.uk/democracy)
2. Click on “E-petitions”
3. Choose the petition which you wish to support and click on ‘sign a petition’
4. You will need to provide contact details in order to sign the petition. Once you have signed an e-petition, your name will be displayed on the website but your contact details will not be displayed.

A petition may gather names and addresses both in electronic and paper form, although repeat names will still be removed. Both forms must run for the same time and must be submitted together.

For further information on how to submit an e-petition, please contact Democratic Services on 01223 457169 or democratic.services@cambridge.gov.uk

If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish.

If you do not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be published under the ‘rejected petitions’ section of the website.

When an e-petition has closed for signature, it will automatically be submitted in the same way as a paper petition. You will receive an acknowledgement within 7 working days. If you would like to present your e-petition to a meeting of the council, please contact the Democratic Services Manager on 01223 457011 or democratic.services@cambridge.gov.uk within 10 working days of receipt of the acknowledgement or within 6 working days of the meeting.

A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgment and response will also be published on this website.

The council accepts no liability for the petitions published on its website and the views expressed in the petitions do not necessarily reflect those of the council.

**What can I do if I feel my petition has not been dealt with properly?**

If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the council’s overview and scrutiny committee review the steps that the council has taken in response to your petition. It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the council’s response is not considered to be adequate.

The committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take
place at the following meeting. Should the committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the council executive and arranging for the matter to be considered at a meeting of the full council.

Once the appeal has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on our website.
Appendix B2: Development Control Forums

**DEVELOPMENT CONTROL FORUM**

**OPERATIONAL GUIDELINES**

**Receipt of Petitions and Notification of Development Control Forum**

1. Neighbour consultation letters on planning applications draw attention to the possibility of a Development Control Forum being held on an application. There is a further reference in a ‘Your Chance to Comment’ leaflet and there is also a separate ‘Development Control Forum’ leaflet. The information is also available on the Council’s website.

2. Petitions requesting a Development Control Forum should be sent to the Committee Section, who should then send a copy to the development control support team in the Planning Department. In the event of petitions being sent directly to the Planning Department, the Planning Department should retain a copy and send the original to the Committee Section.

3. On receipt, the Committee section in liaison with the planning case officer, will check that the petition meets all the eligibility criteria for a Development Control Forum to be held. Senior officer advice will be taken where necessary. If the petition does not meet the eligibility criteria the Committee section will contact the lead petitioner(s) immediately to let them know that a Development Control Forum will not be held and that the petition will be reported direct to the relevant Committee through the officer’s report on the application.

4. The eligibility criteria are:

- A petition that solely relates to comments on an eligible planning application that is under consideration. The petition must state clearly what the planning concerns are about the application and whether it is an outright in principle objection to the development or not. If it is not the petitioners are encouraged in the petition to briefly say in their own words what changes might be made to the development to overcome their concerns. Petitioners will be expected to explain what changes they are seeking at the Development Control Forum meeting itself.

- A petition containing at least 25 signatures and addresses of Cambridge City residents

- A petition of objection that is received within the initial 21 day consultation period

- A petition of support but only if there is also a qualifying petition of objection to be considered. It must be received within 7 days of the
close of the initial 21 day consultation period

5. Applications that are not eligible to be considered at a Development Control Forum are:

- Applications to alter, extend or carry out other works to a house and its surroundings (‘householder applications’)
- Applications to create a new single house or other single residential unit
- Applications for a change of use of an existing building(s)
- Applications for works or alterations to existing buildings or other structures creating no additional floor space
- Applications for new commercial development of less than 200 square metres (gross) additional floor space
- Applications for advertisements
  - Applications to determine whether a use of land or buildings needs planning permission (‘lawful development certificate’)
  - Applications for works or alterations to listed buildings (applications for Listed Building Consent)
  - Applications to demolish a building(s) in a conservation area (applications for Conservation Area Consent)
  - Applications by telecommunications code system operators asking whether the local authority’s ‘prior approval’ is needed to the sitting and appearance of works that would otherwise be ‘permitted development’ not requiring planning permission (Prior Approval notification)
- Petitions expressing an outright in principle objection to the application with no suggestions for a compromise solution
- Petitions not received within the above timescales

Normally a Forum will not be held for a petition relating to an amendment to a current application or where a Forum has already been held on the current application. Senior officers and Chair and Spokesperson(s) of the relevant Committee that will determine the application have the final decision on such requests.

6. If the request is eligible, the Committee section will liaise with the planning case officer about the date of the Development Control Forum. It will normally be on the next available reserved Wednesday in the week after a Planning Committee meeting provided that:
The 21 days consultation period has elapsed

At least 7 days (not working days) notice is given to all those who are entitled to attend and take part in the Forum.

7. The Committee section will contact the lead petitioner(s) and the applicant (or the agent where there is one) to confirm the date of the Forum meeting. Petitioners and applicants will be expected to meet the next available date, because of the tight deadlines the Council has in determining planning applications.

8. If two or more petitions are received for the same application the petitioners will be encouraged to make a joint presentation. If this is not possible they will normally share the overall time allocation set out in the meeting procedure.

9. The Committee section will send written invitations to:

- The lead petitioner(s)
- The applicant and agent
- Members of the Committee that will be responsible for determining the application
- Ward Councillors
- Planning Officers

All other City Councillors will also be informed that the meeting is taking place. The press too will be informed.

The invitations to the meeting should include:

- Application details
- Planning case officer and Committee section contact details for further information and advice
- Brief summary of purpose of the Forum and meeting details

The Development Control Forum Meeting

10. The Press and Public are entitled to attend meetings as observers.

11. A senior officer in the Planning Department will chair the meeting. Normally this will be the Head of Development Services or his deputy.

12. The style of the Forum will be informal, but the authority of the Chair must be recognised. The decision of the Chair on any question of procedure will be final. No votes will be taken.

13. The format of the Forum will be as follows:

- Introduction by Chair and declaration of Councillor interests – up to 5 minutes
- Presentation of the application by the applicant/agent (up to 3 representatives) – **up to 15 minutes**
- Presentation of the views of the petitioners against the application (up to 3 representatives) – **up to 15 minutes**
- Presentation of the views of the petitioners in support of the application (where applicable) (up to 3 representatives) – **up to 15 minutes**
- Presentation by the planning officer – **up to 10 minutes**
- Member questions and issues arising – **up to 30 minutes**
- Summing up by the petitioners against the application – **up to 5 minutes**
- Summing up by the petitioners in support of the application – **up to 5 minutes**
- Final comments of the Chair

In exceptional circumstances the order of proceedings may be changed at the discretion of officers and the Chair and Spokesperson(s) of the relevant Committee.

**After the Meeting of the Forum**

14. The Committee Section representative will take notes of the meeting. The notes will be a summary of the proceedings. Nothing said by Councillors at the meeting will in any way be binding on the Committee that subsequently determines the application. The draft notes will be circulated to the Chair and the planning case officer for agreement. The finalised notes will be sent to the following, normally within 7 working days of the Forum meeting:

- The petitioners’ representatives
- The applicant’s representatives
- All Councillors of the relevant decision making Committee
- Ward Councillors
- Any other Councillor who attended

The notes of the meeting will be appended to the Committee report.

15. The planning case officer should contact the applicants/agent after the meeting to discuss the outcome of the meeting and to follow up any further action that is necessary. The applicant will be encouraged to keep in direct contact with the petitioners and to seek their views on any proposed amendment/s.

16. The Council will follow its normal neighbour notification procedures on any amendments to the application.
17. Along with other individuals who may have made representations on the application, the petitioners' representatives will be informed of the date of the meeting at which the application is to be considered by Committee and of their public speaking rights. The Committee report will be publicly available five clear days before the Committee meeting.
Appendix C: Questions from Members of the Public

See Part 4B
Appendix D: Oral Question Time For Councillors At Council Meetings

1. **Introduction**

1.1 Oral Question time will be taken immediately after the minutes of Committee for adoption and will last for a maximum period of 30 minutes.

2. **Content of oral questions**

2.1 All questions must be relevant to some matters in relation to which the Council has powers or duties.

2.2 Questions which relate to any matter which appears elsewhere on the City Council Agenda e.g. in the “adoption minutes” or a Notice of Motion, will not be accepted.

2.3 The purpose of the question should be limited to obtaining information or pressing for action.

2.4 Members should not ask questions which: (a) seek solutions to hypothetical propositions; (b) cannot be adequately answered in two minutes; (c) seek information on past history which has no current relevance; (d) contain offensive or defamatory expressions or (e) divulge or would require the answer to divulge confidential or exempt information.

2.5 Any facts or background papers on which a question is based should be identified briefly when the question is submitted.

3. **Procedure at Council meetings**

3.1 Every member who wishes to put an oral question at a Council meeting must inform the Chief Executive in writing, electronic mail by noon on the day preceding the day of the meeting (or by noon two days preceeding the Annual Meeting) with the full text of the questions to be asked. A member may notify the Chief Executive that they wish to ask up to two oral questions at any meeting but they must indicate which question they wish to put first. [Guidelines on how to send your oral question by electronic mail is set out below].

3.2 The Chief Executive will produce a list of members wishing to put oral questions and the subject matter. The list will, if necessary, be divided into two parts the first part will contain those questions which are members’ first or only question, the second part will contain members' second questions. Questions contained on the second part of the list will only be asked if all the questions on the first part have been dealt with and there is still time within the allocated 30 minutes.
3.3 The order in which questions shall be put shall be determined by the Mayor drawing them at random.

3.4 Questions must be put to the relevant Executive Councillor or Chair who may either answer personally or nominate another member to answer on her/his behalf. The Chief Executive in producing a list of questions will indicate the appropriate Executive Councillor or Chair to whom the question should be put and answered without discussion.

3.5 Each Questioner when putting the question shall read the number of the question to be asked and shall not at that time say anything more. The Executive Councillor or Chair (or nominee) shall have up to two minutes in which to reply. Answers must be confined to the points contained in the question.

3.6 If the relevant Executive Councillor or Chair (or nominee) has answered a question the questioner may have a further two minutes in which to put a supplementary question or seek clarification of what has been said in response to the original question. The supplementary question must refer to the previous answer and must not introduce new material. The Executive Councillor or Chair (or nominee) shall then have up to a further two minutes in which to reply to the supplementary question. No further supplementary question on the issue from any other member will be allowed.

3.7 The Mayor shall have discretion in exceptional circumstances, to extend the time of either question or answer.

3.8 At the conclusion of the 30 minutes set aside for questions and answers those members whose questions were not put shall not have any further opportunity to ask their question at that meeting. The Mayor's ruling on any matter in relation to this procedure shall be final. Executive Councillors or Chairs may provide a written answer to any member whose question was not put by reason of time.

3.9 Oral questions and answers given at the meeting will be minuted. Supplementary questions put and answers given will not be minuted.
Appendix E: Guidance for councillors using electronic mail in connection with council meetings

This is what councillors need to know and do to be sure that their motions, amendments or questions for council meetings are electronically mailed successfully:

1. **What the guidance covers**

   Councillors can use electronic mail to:
   - give notice of a motion to be put to council under Rule 13
   - give notice of the intention to withdraw a motion
   - give notice of a motion which would rescind any resolution passed within the preceding six months under Rule 13.6
   - submit an amendment to a council motion
   - give notice of a written question under Rule 12
   - give notice of an oral question.

2. **Who to send your message to**

   - Address your electronic mail to Democratic.Services@cambridge.gov.uk

3. **What to include in your message**

   3.1 Notice of motion under Rule 13

      A notice of motion does not have to be signed but it must bear the names of the councillors proposing it. Please state clearly in your message that:

      “The following motion is to be put to the council meeting on (give the date).... in the names of councillors ... (list the councillors):

      [set out motion].”

   3.2 Notice of motion under Rule 13.6

      If the motion amends or rescinds a council resolution passed within the preceding 6 months your message should include the names of at least 5 supporting councillors.

4. **When to send your message**

   When communicating by electronic mail you must comply with the same deadlines as those given in the Constitution. However, you are advised to allow some time in case your communication is unsuccessful and you need to re-send it.
Here is a reminder of the deadlines for ordinary council meetings:

- Notice of motion - 10am on the Tuesday nine days before the council meeting
- Written questions - Noon on the Friday before the council meeting
- Oral questions - Noon on the day before the council meeting (noon two days before the Annual Meeting).

5. **How to be sure your electronic mail has been received**

The officer who receives your electronic mail during working hours will acknowledge receipt.

If you do not receive an acknowledgement within half a working day you should telephone the officers on either 01223 457013 to establish whether your communication has been received. It is important that you do this in case a problem occurs such as your mail not being opened in time or an equipment or communication failure. Otherwise you could lose the opportunity to take a motion or question to council.

6. **Who can help**

If you need any further help telephone Committee Services on 01223 457013 or e-mail.

7. **Other communications - electronic mail**

- For council

It is helpful if councillors use electronic mail to send any proposed amendments to be put to a council meeting. If you do this, please follow the guidelines above. There is no deadline for amendments but you should still allow plenty of time to send your communication before the council meeting.

- General communications

You can use electronic mail for other communications to the council including responses to consultation under the scheme of delegations.
Appendix F: Conventions For The Conduct Of Council Business

A - Protocol on media relations and filming, recording and photography at council meetings

1. News releases sent to the media

News releases may be used to publicise executive councillor decisions, new council policies or projects, major, sensitive or controversial issues or other initiatives.

All news releases should be issued proactively and in a timely way to capture media attention. A well-timed news release is more likely to engage reporters and to set the tone for positive media coverage. News releases issued before or immediately after a decision or event will be of more interest to reporters and therefore have greater impact.

News releases issued by the council should adhere to the following protocol:

1. Officers draft the news release to include a quote attributed to the appropriate executive councillor(s) or chair of the scrutiny committee or chair of the regulatory committee and director or head of service(s);

   Note: Generally executive councillors will be quoted although the council’s constitution also allows for news releases arising from scrutiny committee decisions and also regulatory committee decisions. In these instances the chair of the scrutiny committee or regulatory committee may be quoted and be consulted to approve the final draft. Directors or head of service quotes may be included in addition to, but not instead of, a councillor quote.

2. Consult corporate marketing if advice on content and format is needed;
3. Draft news release to include contact details for the appropriate officer, executive councillor or chair of the scrutiny committee or chair of the regulatory committee and minority group spokesperson(s);
4. Draft must be agreed by head of service or director;
5. Draft must then be agreed by executive councillor or chair of the scrutiny committee or chair of the regulatory committee;
6. Final version issued to media;
7. Final version sent to all councillors by email immediately after release;
8. Final version sent to corporate marketing for inclusion on council’s website immediately after release.

   Note: News releases publicising event programmes for the Corn Exchange do not require executive councillor agreement.

2. Responding to media enquiries
The media may make contact with officers on issues. Officers should give factual information and should refer the media to the executive councillor and minority group spokesperson(s) for opinion and further comment.
Request for interviews
The media may approach officers for interview on a particular issue. The opportunity to take part in an interview should first be offered to the relevant executive councillor or chair of the scrutiny committee or chair of the regulatory committee. If the councillor is not available officers may conduct the interview only after gaining director or head of service level permission to do so.

If an interview request is declined the media should be notified in good time. Saying “no comment” is not an acceptable response. The media must be provided with a written news statement on the issue as a minimum (see process below). Consult corporate marketing if further advice is needed.

News statements
These are issued in response to media enquiries and may often address specific or sensitive issues requiring a quick reply in order to meet media deadlines. News statements issued by the council should adhere to the following protocol:

1. Officers draft news statement to include a quote attributed to the appropriate executive councillor(s) or chair of the scrutiny committee or chair of the regulatory committee and/ or director or head of service(s);
2. Consult corporate marketing if advice on content and format is needed;
3. Draft news statement to include contact details for the appropriate officer, executive councillor or chair of the scrutiny committee or chair of the regulatory committee and minority group spokesperson(s);
4. Draft must be agreed by head of service or director;
5. Draft must then be agreed by executive councillor or chair of the scrutiny committee or chair of the regulatory committee;
6. Final version issued to media;
7. Final version sent to corporate marketing for information.

Note: Generally executive councillors will be quoted although the council’s constitution also allows for news statements arising from scrutiny committee decisions and also regulatory committee decisions. In these instances the chair of the scrutiny committee or regulatory committee may be quoted and be consulted to approve the final draft. Directors or head of service quotes may be included in addition to, but not instead of, a councillor quote.

If an executive councillor or chair of the scrutiny committee or chair of the regulatory committee is unavailable to approve the news statement and there is a risk of the media deadline being missed the director and/ or head of service has discretion to have the quote attributed to themselves and to issue the news statement without approval from the relevant councillor.

3. Letters to media organisations
Occasionally it may be appropriate to send a letter to a media organisation for example to respond to an inaccurate report or to clarify the council’s position on a sensitive issue. Letters sent to media organisations should adhere to the following protocol:
1. Officers should discuss with corporate marketing the reasons for writing the letter;
2. Officers draft the letter and attribute it to the appropriate executive councillor(s) or chair of the scrutiny committee or chair of the regulatory committee and/or director or head of service(s) including contact details;
3. Draft must be agreed by head of service or director;
4. Draft must then be agreed by executive councillor or chair of the scrutiny committee or chair of the regulatory committee;
5. Final version issued to media;
6. Final version sent to corporate marketing for information.

4. Party political publicity
All news releases, news statements and letters to the media issued by the council must adhere to the code of recommended practice on local authority publicity. This means councillors must not produce party political publicity on council paper or using council facilities (including officer assistance). Publicity material must comply with the relevant restrictions on political publicity which are contained in section 2 of the Local Government Act 1986, as amended by section 27 of the Local Government Act 1988. This states councils shall not publish any material, which, in whole or in part, appears to be designed to affect support for a political party. The Head of Legal Practice may be consulted for further advice.

5. Publicity in the run-up to elections
The council’s employee code of conduct stresses that staff must be, and be seen to be, politically neutral at all times. In the run-up to an election it is essential that officers do not act in any way that could call into question their political neutrality, or give the impression that they are offering assistance to a political party in its election campaign.

The run-up to an election formally starts when the notice of election is published. The Head of Legal Practice will circulate detailed guidance to staff in good time before the notice of election to explain the publicity restrictions.

B. Agenda planning and preparation and pre-decision briefings/member access to information

1 Matters for decision by the Executive

1.1 Fourteen days before the beginning of each month all Members of the Council will be sent a copy of the Forward Plan. The Forward Plan covers a four month period and contains all Executive (key and non-key) decisions that will be taken at Scrutiny Committees. It will also list agenda items for Area Committees, Civic Affairs Committee, Licensing Committee.

1.2 Leaders, Executive Councillors, Chairs or group spokespersons may then request further information, policy or procedural advice or other briefing from relevant
officers on these items. All such information, advice or briefing will remain confidential between the officers and the political groups requesting it and will not be disclosed to or shared with the other groups (unless they have made a similar request).

1.3 Prior to each scrutiny committee cycle, two separate briefings, one for the Executive and Chairs of Scrutiny and one for opposition spokespersons and other opposition councilors, will be arranged by officers for round table discussion of the Forward Plan. These briefings will usually be chaired by the Chief Executive and attended by the Council’s Strategic Leadership Team. These briefings are not open to the public.

1.4 Arrangements will be made for officers to brief Executive Councillors and Chairs of Scrutiny Committees when the draft agenda and reports have been circulated.

1.5 Between the issue of the final agenda and the meeting, the relevant officers will arrange a separate briefing for the minority group spokesperson(s) and other opposition members.

2 Matters for decision by scrutiny committees and by regulatory committees.

2.1 The process described under B1 above in relation to matters for executive decision shall apply to matters for decision by scrutiny committees or by regulatory committees with the following changes:

1. References to an Executive Councillor shall be read as referring to the Chair of the relevant committee.

2. The forward plan shall include major or sensitive items for decision by scrutiny committees and regulatory committees.

2.2 Matters for executive decision which are considered by scrutiny committees as part of the pre-scrutiny process are not to be treated as matters for decision by scrutiny committees however, scrutiny committees may opt to vote on any recommendations for the Executive or on any decisions proposed by the Executive.

3 Principles common to Executive, Scrutiny and Regulatory decisions.

3.1 No member shall have the right to veto an item from appearing on a committee agenda, nor to require an item or report to be re-worded (although requests for more information to be included may be made).

3.2 Any member of the Council shall be entitled to give notice to the Chief Executive that he/she wants an item relevant to the functions of a committee or sub-committee to be included on the agenda for the next available meeting
of that committee or sub-committee. On receipt of such a request the Democratic Services Manager will ensure that it is included on the next available agenda.

Any member may request the preparation of an officer report for consideration by a committee or sub-committee. If preparation of the report requested would involve a significant amount of officer work, the Director responsible for the function to which the request relates shall, after consulting the relevant Chair, decide whether to prepare the report or whether to place the request before the committee or sub-committee.

Elected tenant and leaseholder representative members on the Housing Scrutiny Committee shall have similar rights to request agenda items and reports which relate to the Council’s housing functions. Other co-opted members of these or other committees shall have similar rights in respect of the committee of which they are members, to the extent that the request relates to their role as a co-opted member.

3.3 A seconder (for amendments etc.) is not required at any of the Council’s scrutiny and regulatory committees.

4. Minutes of Meetings

4.1 Draft minutes of all committee meetings will be circulated firstly for comment on accuracy to the relevant council officers. Then, with any officer amendments, draft minutes will be sent to the relevant Chair for comment on accuracy. Upon agreement with the Chair, the draft minutes will be published to the Council’s website (with a target of within 10 working days) as unconfirmed and formally presented to the next available committee meeting for confirmation.

Minutes should be:
- brief ie precise and concise, recording exactly what was done and no more;
- self contained
- decisive

Minutes are not a verbatim record but a summary of the proceedings that includes only the essence of the discussion – not always that – and the decision. It is rarely necessary to reproduce, however summarily, what a particular speaker said; but helpful, as a rule, to pick up the main threads of the discussion that led to the conclusion: indeed there is a danger in recording individual contributions since all members are likely to want the same treatment.

Names and posts of all officers present are to be recorded as are any members of the public who ask questions.

4.2 The officers’ view on the accuracy of the minutes shall be final, subject to the right of a committee or sub-committee to amend minutes presented to it for approval.
5 **Factual Information**

5.1 All members of the Council are entitled to request factual information from officers about a Council department or service and the information will be provided unless

- there is a legal reason why it should not be disclosed (eg. the information is confidential under section 100F(2) of the Local Government Act 1972, or the member in question has a pecuniary interest in relation to it)

- the relevant Chief Officer considers the request to be unreasonable in terms of the resources required to provide the information and is supported in this view by the relevant Chair. If information is refused in these circumstances and the member wishes to pursue the request, the request will be referred to the relevant committee for a decision on whether or not the information should be provided. (If a member wishes the fact that s/he has requested the information to be kept confidential from other members, the Chief Executive shall take the final decision on whether or not the information should be provided).

5.2 Where an officer sends information on his/her own initiative to the Chair, copies will be provided to the other group spokesperson(s).

C **Consultation with members before exercising delegated powers**

1 There are several references in the Constitution to officers having delegated authority to take action after consultation with the Executive Councillor or the Chair. This section sets out the procedure to be followed in such cases. The procedure is subject to the exception set out below for cases of urgency or emergency.

2 Where the delegation relates to an executive function, the appropriate Executive Councillor and the minority group spokesperson(s) should be consulted. If the Executive Councillor objects to the proposed course of action (but not if one or both of the minority group spokespersons objects), the Chief Officer shall not be authorised to exercise the delegated power without formal reference to the Executive Councillor following pre-scrutiny by the relevant scrutiny committee.

3 Where the delegation relates to a regulatory function, the Chair and the minority group spokesperson(s) should be consulted. If the Chair objects to the proposed course of action (but not if one or both of the minority group spokespersons objects), the Chief Officer shall not be authorised to exercise the delegated power without formal reference to the regulatory committee.

4 In exercising the delegation in paragraph 33 of Section 9.3 in Part 3 of this Constitution (cases of urgency or emergency), a Chief Officer shall either consult:
members, in which case the Executive Councillor (in respect of executive functions) or the Chair (in respect of regulatory functions) and, so far as practical in the time available, spokesperson(s); or

the Chief Executive (if available) before taking action.

If only the Chief Executive is consulted, the Chief Officer shall, as soon as possible after taking the action in question, inform the Executive Councillor, Chair and spokesperson(s) of what has happened. (This shall be in addition to reporting the action taken to the next meeting of the relevant committee or sub-committee).

D Changes to committee membership

1 The Local Government and Housing Act 1989 (and Regulations made under it) obliges the Council, in making appointments to committees, to give effect to the wishes of the political group to whom the seat has been allocated in accordance with the rules on political balance.

2 It has been this Council’s practice to interpret the legislation flexibly to allow a group to change its membership on a committee or sub-committee during the municipal year by notice from the Group Leader to the Chief Executive. This procedure is available as a result of paragraph 9.2.6 in Part 3 of this Constitution.

3 This procedure shall be operated by the political groups so that:

   1. As the Council does not operate a system of substitutes, any change made by any political group to its representation on a committee should not be for the duration of one meeting, unless it is the last meeting in the municipal year;
   2. a change can only be effected by the Group Leader (or Deputy - the ‘Representative’ according to the Regulations) giving the Chief Executive at least five clear working days’ notice in writing before the first meeting for which the change is to be operative. ‘Clear working days’ means excluding the day of the meeting, the day on which notice is given, Saturdays, Sundays & Bank Holidays and any other day when the Guildhall is closed for business.

E Honorary Membership

(By minute 73/51, as amended by minute 88/M/14, it was resolved that any former member who had given a long period of service to the City Council should be eligible for appointment as an Honorary Councillor under the following scheme).

1. This Council may in accordance with the provisions of this scheme, elect a person who has been a member of the City Council, and ceases to be such a member, to the position of “Honorary Councillor”.
2. No rights or privileges other than those conferred by this scheme shall be enjoyed by an Honorary Councillor.
3. No person shall be eligible normally for election as an Honorary Councillor unless s/he has served as a Councillor at least 10 years (or a person who has been Mayor, for 8 years) whether continuously or not.

4. Application for election as an Honorary Councillor shall be made either by the applicant him/her self or by some member of the Council on his/her behalf. Such application shall be submitted to the Chief Executive for consideration by the Civic Affairs Committee of the Council. It shall be in the discretion of the Civic Affairs Committee to make or withhold a recommendation to the Council. The names of those applicants who are not recommended by the Civic Affairs Committee shall not be recorded in the report of that Committee to the Council.

5. Election to the position of Honorary Councillor shall be by a resolution of the Council passed on the recommendation of the Civic Affairs Committee by not less than two-thirds of the members present and voting thereon at a meeting of the Council, the summons to which contains special notice that included in the business to be transacted is the election of an Honorary Councillor.

6. In the event of an Honorary Councillor resuming membership of the Council, s/he shall cease to hold the position of Honorary Councillor and such rights and privileges as attach to that position; and the Chief Executive shall make a suitable alteration to the Roll of Honorary Councillors.

7. An Honorary Councillor shall be entitled to the following rights and privileges –
   a) In civic processions, Honorary Councillors shall take precedence immediately after serving Councillors and shall have precedence amongst themselves according to the number of years service on the Council.
   b) On request to receive a copy of the Council summons, together with Council and Committee minutes.
   c) At each meeting of the Council to have a seat in a block reserved for the use of Honorary Councillors.
   d) The use, in common with members of the Council, of the Members’ Rooms in the Guildhall.
   e) To be invited, where circumstances permit, to those civic functions to which all members of the Council are invited.
   f) To receive a copy of the Diary and Year Book issued by the Council.
   g) On death, to have a flag flown above the Guildhall at half-mast.

8. It shall be competent for the Council in any particular case to withdraw Honorary Membership and the attached rights and privileges on the recommendation of the Civic Affairs Committee. Such withdrawal of Honorary Membership shall be by resolution of the Council passed by not less that two-thirds of the members present and voting thereon at a meeting of the Council, the summons to which contains special notice that included in the business to be transacted is the withdrawal of Honorary Membership. On the passing of such resolution the Chief Executive shall delete the name of the person concerned from the Roll of Honorary Councillors.