

WOKING BOROUGH COUNCIL

CONSTITUTION

## **Part 4**

# **Council Procedure Rules**

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# Standing Orders

## **1. MEETINGS OF THE COUNCIL**

- 1.1 Unless the Council otherwise directs, all meetings of the Council shall be held in the Council Chamber, Civic Offices, Gloucester Square, Woking on a Thursday commencing at 7 pm.
- 1.2 The date of the annual meeting and those of ordinary meetings shall be fixed by the Council in, or about, December of the preceding municipal year. The annual meeting shall be on a day fixed in accordance with the provisions of the Local Government Act 1972.
- 1.3 Any power or duty of the Mayor in relation to the conduct of a meeting shall, in his/her absence, be exercised by the Deputy Mayor or, in his/her absence, the person presiding at the meeting.

## **2. QUORUM FOR COUNCIL MEETINGS**

- 2.1 No business may be transacted at a Council meeting unless at least one-quarter of Councillors (eight) are present.
- 2.2 If there is no quorum present at the beginning of a meeting, there shall be a wait of up to fifteen minutes. If there is still no quorum at the end of fifteen minutes, the Chief Executive shall record the fact in the Minute Book and the names of the members then present.
- 2.3 During the course of a meeting, the Mayor, or any member, may call for a count. If there is no quorum, there shall be a wait of up to five minutes. If there is still no quorum at the end of five minutes, the Chief Executive shall record the fact in the Minute Book and the names of the members then present.
- 2.4 If there is no quorum at the end of the wait referred to in Standing Orders 2.2 or 2.3, any business not dealt with shall stand adjourned to the next ordinary meeting, or to an extraordinary meeting, of Council.
- 2.5 It shall not be necessary for the wait to run its course if, in the meantime, a quorum is present.

## **3. COUNCIL MEETINGS - ORDER OF BUSINESS**

- 3.1 Subject to Standing Order 3.2, the order of business at every meeting of the Council shall be:
  1. To choose a person to preside if the Mayor and Deputy Mayor are absent.
  2. To approve the Minutes of the last Council meeting.
  3. To receive apologies for absence.
  4. To receive the Mayor's communications.
  5. To consider any urgent business.
  6. To receive declarations of interest.
  7. Written questions under Standing Order 8.1.

8. To receive, and consider, recommendations or other matters referred to Council by the Leader/Executive, Overview and Scrutiny Committee, Standards and Audit Committee, Planning Committee, or Licensing Committee.
  9. To receive and consider reports from Council officers.
  10. To deal with notices of motion under Standing Order 5 in the order in which they were received.
  11. Any other business of which notice has been given in the summons.
- 3.2 With the exception of items 1, 2 and 3 in Standing Order 3.1, the Mayor may vary the order of business if he/she considers it desirable to do so.

#### **4. MOTIONS AT COUNCIL MEETINGS**

- 4.1 Motions may be made either with notice under Standing Order 5 or without notice under Standing Order 6, but not otherwise.

#### **5. NOTICES OF MOTION**

- 5.1 Any member may move a motion at a meeting of the Council if notice has been given under this Standing Order.
- 5.2 The subject matter of such a motion shall be relevant to the Borough and/or its residents.
- 5.3 Notices of motion under this Standing Order shall be in writing and delivered to the Chief Executive's office by noon on the day, seven days before the meeting of the Council at which the motion is intended to be moved.
- 5.4 A notice of motion may not be given by a Member with a disclosable pecuniary interest in the subject matter of the motion. If the disclosable pecuniary interest arises after a notice of motion has been given, the notice shall be of no further effect, and no further action shall be taken in respect of the notice or the motion under Standing Order 5.
- 5.5 Notices delivered in accordance with Standing Order 5.3 shall be dated and numbered in the order in which they were received. The record of receipt shall be open to inspection by any member of the Council.
- 5.6 Every valid notice of motion shall be included in the summons for the next meeting of the Council unless:
  - a) the member who gave it has indicated that it is to be moved at some later meeting; or
  - b) it is withdrawn in writing.
- 5.7 If the member who gave the notice, or some other member on his/her behalf, does not move the motion when called to do so, then unless the Council otherwise directs, the motion shall fail. The motion may be moved at a later meeting if fresh notice is given under this Standing Order.
- 5.8 After a motion under this Standing Order has been moved and seconded, it shall, unless Standing Order 5.9 is applied, be referred without debate to a meeting of the Executive falling before the next ordinary meeting of Council for consideration and report.

- 5.9 Notwithstanding Standing Order 5.8, the Mayor may allow a motion under this Standing Order to be debated and determined at the meeting at which it is first moved, if that would be convenient and conducive to the despatch of business. Council may also proceed to debate and determine a motion if it considers (on a motion to that effect moved and seconded and (without debate) carried by a majority of the members present and voting) that it would be convenient and conducive to the despatch of business.
- 5.10 If a motion is referred to the Executive for consideration and report, the member who moved it shall (if he/she is not a member of the Executive) be entitled to receive notice of the meeting when the motion is to be considered, and to attend and speak on it (but not to vote).
- 5.11 The Executive shall report back to the Council and shall recommend the Council either to adopt the motion as originally moved or subject to some amendment or otherwise as it thinks fit. A motion may be referred by the Executive to another Committee for consideration.
- 5.12 If a motion is recommended for adoption with amendments, or is recommended to have no action taken on it, the member who gave the notice may, at the meeting of the Council at which it is considered, pursue his/her motion in its original form (provided it is moved and seconded). The member who gave the notice may speak twice; once to move his/her original motion, and secondly to have the right of reply to the debate. The Leader/member in charge of the Executive recommendation may only speak once (immediately before the member who gave the notice).

## **6. MOTIONS WITHOUT NOTICE**

- 6.1 The following motions may be moved without notice: that the Council:
1. Appoint a Chairman for the meeting.
  2. Correct the Minutes.
  3. Proceed to next business.
  4. Adjourn further consideration of the matter.
  5. Alter the order of business.
  6. Refer the matter to a Committee.
  7. Appoint a Committee, or representatives, where this arises from an item in the Summons or from a Committee report.
  8. Adopt the report of a Committee or of an officer.
  9. Give leave to withdraw a motion.
  10. Amend a motion.
  11. Seal a document.
  12. Extend the time limit for speeches.
  13. Suspend Standing Orders.
  14. Exclude press and public (subject to the provisions of sections 100A-100K of the Local Government Act 1972).

15. Approve a motion under Standing Order 13.20 (closure).
16. Approve a motion under Standing Order 13.28 (misconduct).
17. Give consent where consent is required by any Standing Order.

## **7. PETITIONS**

- 7.1 Petitions to the Council shall be dealt with in accordance with the Scheme for Petitions (see Part 4 of the Constitution).

## **8. COUNCIL MEETINGS - QUESTIONS BY MEMBERS**

- 8.1 A member may ask the Leader any question relating to the business of the Council provided written notice of the question is given to the Chief Executive's office not later than 12 noon two working days before the meeting of the Council at which the question is due to be asked.

- 8.2 The procedure for dealing with written questions shall be as follows:

- The questions and draft replies shall be tabled at the Council meeting;
- Each question shall be dealt with serially and taken as read;
- The draft reply shall (without further comment) be taken to be the reply to the question unless the Leader (or member answering on his/her behalf) indicates otherwise.
- A member may ask one supplementary question.
- The total time for written questions shall be 15 minutes, or such longer time as the Mayor may allow.

- 8.3 A question and answer shall not be the subject of discussion or debate.

- 8.4 The person to whom a question, or a supplementary question, is put may:

1. decline to answer.
2. refer the questioner to a Council document or publication where the answer may be found.
3. undertake to supply an answer (either to the questioner or to all the members of the Council) if an answer cannot conveniently be given when it is asked.
4. refer the question for answer to another member of the Executive.

- 8.5 Notice of a question may not be given by a Member with a disclosable pecuniary interest in the subject matter of the question. If the disclosable pecuniary interest arises after notice has been given, the notice shall be of no further effect, and no further action shall be taken in respect of the notice or the question under Standing Order 8.

## **9. COUNCIL MEETINGS - MINUTES**

- 9.1 The Minutes of the last meeting of the Council shall be taken as read if a copy has been circulated to each member of the Council not later than the day the summons to attend is issued.

- 9.2 As soon as the Minutes have been read or taken as read (as the case may be), the Mayor shall seek the authority of the Council to sign them as a correct record.
- 9.3 There shall be no debate or discussion on the Minutes except on their accuracy. Any question of accuracy shall be raised by motion to correct them.
- 9.4 If there is no such question, or as soon as any such question is disposed of, the Mayor shall sign the Minutes.
- 9.5 Where, in relation to a meeting of Council (“Meeting A”), the next meeting is an extraordinary meeting (“Meeting B”), the minutes of Meeting A shall be signed at the next ordinary or special meeting of Council, not at Meeting B.

## **10. METHOD OF VOTING**

### **10.1 Show of Hands**

Unless a named vote is taken, voting at Council meetings shall be by a show of hands, or by such electronic system as the Council may approve.

### **10.2 Named Vote**

A named vote shall be taken if:

- (a) The Mayor considers one is necessary, or
- (b) A member requests one before a “show of hands” vote is taken.

The names of members voting for and against the motion, and abstaining from voting on it (“present but not voting”), will be recorded when there is a named vote.

A named vote shall be taken at a meeting of the Council on business to approve the Budget or set Council Tax. In such matters, there shall be recorded in the minutes of the meeting, the names of members who cast a vote for the decision or against the decision or who abstained from voting (“present but not voting”).

### **10.3 Result of Votes**

The Mayor shall ascertain the number of votes for and against any motion, and declare the result. The Mayor’s declaration shall be final provided that, in the case of a named vote, the number of names and of votes for and against, and abstentions, must tally

### **10.4 Recording of Individual Vote**

Immediately after a vote is taken, any member may require that the Minutes record how they cast their vote, or that they abstained from voting (“present but not voting”).

### **10.5 Casting Vote**

In the case of an equality of votes, the Mayor may, provided he/she has cast a first vote, cast a second or casting vote. Where there is an equality of votes, and the Mayor has not exercised a second or casting vote, the motion is not carried.

## **11. CONSIDERATION OF RECOMMENDATIONS**

- 11.1 The Council shall receive and consider such recommendations or other matters of report as may be referred to it by the Leader/Executive, the Overview and Scrutiny Committee, Standards and Audit Committee, Planning Committee, Licensing Committee, or by an officer.
- 11.2 The Mayor shall call for a motion in respect of any Committee whose recommendation or report is submitted starting with the Executive and continuing with other Committees in date order.
- 11.3 The person to be called to move a report or recommendation of the Executive or Committee must have been present at the Executive or Committee meeting and shall be the Leader or Chairman of the Committee or failing him/her, the Vice Chairman or failing him/her, such other member as the Leader or Chairman may select. Recommendations and reports from the Leader or an officer shall, for the purposes of debate, be deemed moved and seconded when the Mayor calls the item.
- 11.4 The person moving the recommendation or report shall so state, and that motion shall operate (without further words being necessary) as a motion
1. to approve any recommendation of the Executive or Committee, and/or
  2. to receive and adopt the report.
- 11.5 The motion shall be seconded by any other member of the Executive or the Committee.
- 11.6 An amendment to the motion may be moved, unless the item relates to delegated business and it has been acted upon. No questions, discussion, amendment or debate shall take place on an item after the next item is called unless the Mayor exceptionally agrees.
- 11.7 The mover of a motion under Standing Order 11.4 with the consent of the Council may:
1. except any items from his/her motion in order that it may be further considered by the Executive/Committee; and
  2. alter, amend or correct an item when it is called.
- 11.8 Where an amendment has been moved and seconded to a motion under Standing Order 11.4, the person in charge of the report shall (whether or not he/she exercises his/her right of reply to the debate) inform the Council of the reasons for the Executive's or Committee's decision or recommendation (unless they are evident from the item itself). The person in charge of the report may call upon a member of the Corporate Leadership Team or a statutory Chief Officer (or their nominees) to provide such information or advice as may assist the Council in the consideration of the matter.
- 11.9 After every item in a report has been sufficiently discussed or debated, the Mayor shall put the report to the vote, subject to such amendments or exceptions or exclusions as may have occurred.

## **12. CONFLICTING RECOMMENDATIONS**

- 12.1 Where the reports of the Leader/Executive and/or one or more Committees contain conflicting recommendations on the same subject matter, all such recommendations shall be dealt with together when the first recommendation is reached.

- 12.2 The Mayor shall call for a motion or motions in respect of the second and any later recommendation(s). These motion(s), when seconded, shall operate as motion(s) to amend the recommendation in the first report.
- 12.3 No member shall speak more than once in the debate except on successive amendments, or to exercise a right of reply under Standing Order 12.4.
- 12.4 Where the recommendation of the Executive is under consideration, the Leader shall have the right of reply at the close of the debate. In other cases, the Chairman of the second (or last) Committee (or the member having charge of that Committee's report) shall have the right of reply at the close of the debate, with the Chairman or Chairmen (or other member in charge) of the first or preceding Committee having the right to speak immediately before.

### **13. COUNCIL MEETINGS - RULES OF DEBATE**

#### **13.1 Motions and Amendments**

- 13.1.1 A motion or amendment shall not be discussed unless it has been proposed and seconded.
- 13.1.2 The Mayor shall satisfy himself/herself that Council understands the terms of a motion or amendment before it is discussed or voted on.

#### **13.2 Secunder's Speech**

When seconding a motion or amendment, a member may reserve his/her speech until later in the debate.

#### **13.3 Speeches**

- 13.3.1 A member may indicate his/her wish to speak, but the Mayor has an absolute discretion as to whether, and when, to call that member (except when a member is exercising a right of reply).
- 13.3.2 A member shall stand when speaking and shall address the Mayor.
- 13.3.3 A member shall direct his/her speech to the matter under discussion.
- 13.3.4 Unless the Mayor agrees otherwise, no speech shall exceed:
- (i) Moving a motion or amendment: ten minutes;
  - (ii) Right of reply: such reasonable period of time as is necessary for a sufficient reply to be given to the matters raised in the debate.
  - (iii) All other speeches: five minutes

#### **13.4 Content and Sequence of Amendments**

- 13.4.1 At any time after the original motion has been moved and seconded, a member may move an amendment to the original motion. On being seconded, the amendment shall then be the subject for discussion.
- 13.4.2 An amendment shall be either:
- 1. to leave out words;
  - 2. to leave out words and insert or add others;

3. to insert or add words;

An amendment shall not have the effect of merely negating the motion before the Council.

- 13.4.3 If an amendment is rejected, other amendments may be moved on the original motion. If an amendment is carried the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.
- 13.4.4 A further amendment shall not be moved until the Council has disposed of every amendment previously moved, but before an amendment is put to the meeting a member, if he/she so desires, may give notice to the Mayor that he/she proposes to move a further amendment.
- 13.4.5 The original or substantive motion, or any recommendation before the Council, shall at the close of debate be put to the vote. No amendment may be moved after the original or substantive motion has been voted upon and no further discussion may then take place.

### 13.5 **When a Member May Speak Again**

- 13.5.1 A member shall not speak more than once on any motion or amendment except:
  1. to exercise a right of reply; or
  2. on a point of order; or
  3. by way of personal explanation; or
  4. to move or second any of the motions mentioned in Standing Order 13.9; or
  5. being the Leader or a Chairman of a Committee, who intends to exercise his/her right of reply under Standing Order 13.11, to answer any specific question addressed to him/her during the course of debate on a motion or an amendment.

### 13.6 **Points of Order and Personal Explanation**

- 13.6.1 A member may rise to a point of order or in personal explanation, but a personal explanation shall be confined to some material part of a former speech by him/her at the same meeting which may have been misunderstood. A member so rising shall be entitled to be heard forthwith.
- 13.6.2 The ruling of the Mayor on a point of order, or on the admissibility of a personal explanation, shall not be open to discussion.

### 13.7 **Respect for Chairman**

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

### 13.8 **Alteration and Withdrawal of Motions**

- 13.8.1 A member may with the consent of his/her seconder and of the Council, which shall be signified without discussion, alter a motion which he/she has proposed or of which notice has been given, if the alteration is one which could have been moved as an amendment.
- 13.8.2 A motion or amendment may be withdrawn by the proposer with the concurrence of the seconder and the consent of the Council, which shall be signified without discussion, and it shall not be competent for any member to speak upon it after the proposer has asked and been given permission for its withdrawal.

### 13.9 **Motions which may be moved during debate**

When a motion is under debate, no other motion shall be moved except the following:

1. to amend the motion;
2. to adjourn the meeting;
3. to adjourn the debate;
4. to proceed to the next business;
5. that the question be now put;
6. that a member be not further heard;
5. that a member leave the meeting;
6. to exclude the public, under Section 100A of the Local Government Act 1972

### 13.10 **Adjournment and Next Business**

13.10.1 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 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, he/she shall first give the mover of the original motion a right of reply to the motion to proceed to next business (but not to the preceding debate) and then put to the vote the motion to proceed to next business; if the motion is carried, the subject of debate shall be deemed to be disposed of for that day. If the motion to proceed to next business is not carried the debate shall be resumed.
2. on a motion that the question be now put; unless in his/her opinion the matter before the meeting has been insufficiently discussed, he/she shall first put to the vote the motion that the question be now put, and if it is passed then give the member entitled his/her right of reply under Standing Order 13.11 before putting the matter 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 he/she shall put the adjournment motion to the vote without giving the mover of the original motion his/her right of reply on that occasion.

13.10.2 None of the three motions the subject of Standing Order 13.10 shall be deemed carried, except by a two-thirds majority of members voting.

13.10.3 A second motion that the Council do now adjourn, or that the Council do now proceed to the next business, or that the debate be now adjourned, shall not be made within a period of half an hour except by leave of the Mayor.

13.10.4 The Mayor may, at his/her discretion, adjourn the meeting, at any time, for such period of time that he/she considers reasonable and conducive to the dispatch of business.

### 13.11 **Right of Reply**

- 13.11.1 The person moving an Executive or Committee recommendation or report, and the proposer of any other motion, shall have a right to reply at the close of the debate upon such motion immediately before it is put to the vote.
- 13.11.2 If the motion is deemed moved under Standing Order 11.3 (Leader's report/officer's recommendation), the right of reply shall be with the Leader or Chairman of the Committee (as the case may be), or some other member of the Executive/Committee nominated by him/her.
- 13.11.3 If the motion is to amend a recommendation or report of the Executive or a Committee, the right of reply remains with the Leader or Chairman of the Committee (as the case may be), or some other member of the Executive/Committee nominated by him/her.
- 13.11.4 A member exercising a right of reply shall confine himself/herself to dealing with matters raised in the debate.
- 13.11.5 A decision shall be taken immediately after the right of reply has been exercised.

### 13.12 **Rescission of Preceding Resolution ("Six Months' Rule")**

- 13.12.1 No motion to rescind any resolution of the Council passed within the preceding six months, and no motion or amendment to the same effect as one which has been negated within the preceding six months, shall be proposed unless notice is given under Standing Order 5 and bears the names of at least ten members of the Council.
- 13.12.2 This Standing Order shall not apply to:
- (i) motions to receive and adopt the report or recommendation of the Executive or a Committee, or
  - (ii) motions arising from a recommendation or report from a Statutory Officer.

### 13.13 **Misconduct by a Member**

If at a meeting, any member of the Council misconducts himself/herself by persistently disregarding the ruling of the Mayor, or by behaving irregularly, improperly, or offensively or by wilfully obstructing the business of the Council, the Mayor may name him/her and the Mayor or any other member may move "That the member named be not further heard". The motion, if seconded, shall be put and determined without discussion.

### 13.14 **Continuing Misconduct By A Named Member**

If the member named continues his/her misconduct after a motion under Standing Order 13.13 has been carried the Mayor 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 for such period as he/she, in his/her discretion, shall consider expedient.

### 13.15 **General Disturbance**

In the event of general disturbance which, in the opinion of the Mayor renders the due and orderly despatch of business impossible, the Mayor (in addition to any other power vested in

him/her may, without question, adjourn the meeting of the Council for such period as he/she, in his/her discretion, shall consider expedient.

**13.16 Disturbance by Members of the Public**

If a member of the public interrupts the proceedings at any meeting, the Mayor may warn him/her. If he/she continues the interruption after the warning, the Mayor may order his/her removal from the Council Chamber. In the case of general disturbance in any part of the Chamber open to the public, the Mayor may order that part to be cleared.

**13.17 Motions Affecting Persons Employed by the Council**

If any question arises at a meeting of the Council as to the appointment, promotion, dismissal, salary, superannuation, or conditions of service or as to the conduct of any person employed by the Council, it shall be dealt with following a motion to exclude the press and public under Section 100A(4) of the Local Government Act 1972 on the grounds that otherwise there would be disclosure of exempt information within the meaning of paragraph 1, Schedule 12A of that Act.

**14. SEALING OF DOCUMENTS**

14.1 The Common Seal of the Council may be affixed to any document to give effect to a decision of the Council, Executive, Committee or an officer exercising delegated powers.

14.2 The Seal shall be attested by (i) the Director of Legal and Democratic Services or an officer designated by him/her and (ii) another member of the Corporate Leadership Team.

14.3 An entry of every sealing of a document shall be made and consecutively numbered in a book kept for that purpose. The entry shall be signed by the persons who have attested the Seal. The authority for the sealing shall be recorded in every case.

**15. LEGAL PROCEEDINGS/AUTHENTICATION OF DOCUMENTS**

15.1 Where any document will be a necessary step in legal proceedings, or shall otherwise need to be authenticated, on behalf of the Council, it shall, unless any enactment otherwise requires or authorises, or the Council shall have given the necessary authority to some other person for the purpose of such proceedings, be signed by the Director of Legal and Democratic Services or some person authorised by him/her.

15.2 There shall be delegated to the Director of Legal and Democratic Services, or some person authorised by him/her, power to institute, carry on, defend, compromise or settle legal proceedings (civil or criminal) or other disputes in connection with any of the Council's functions, including the enforcement of any judgement or order obtained.

15.3 There shall be delegated to the Director of Legal and Democratic Services, or an officer authorised by him/her, power to authorise officers to appear in Court for the Council.

**16. LANDS, PREMISES - INSPECTION ETC**

A member of the Council, unless specifically authorised to do so by the Council or the Leader/Executive or the Committee concerned, shall not inspect any lands or premises which the Council has the right or duty to inspect, or enter upon any such lands or premises or issue any orders respecting any works which are being carried out by or on behalf of the Council.

**17. CANVASSING OF AND RECOMMENDATIONS BY MEMBERS**

A member of the Council shall not solicit for any person any appointment under the Council, but this shall not preclude a member from giving a written testimonial of the candidate's ability, experience, or character for submission to the Council with an application for appointment.

**18. RELATIVES OF MEMBERS OR OFFICERS**

18.1 Every Member and every member of the Corporate Leadership Team of the Council shall disclose to the Chief Executive any relationship known to him/her to exist between himself/herself and any person whom he/she knows is a candidate for an appointment under the Council.

18.2 A disclosure by the Chief Executive shall be made to the Monitoring Officer.

18.3 The Chief Executive/Monitoring Officer (as the case may be) shall report any disclosure to the Leader/Executive.

18.4 For the purpose of this Standing Order, persons shall be deemed to be related if they are husband, wife (and where a person is one of an unmarried couple, the other member of that couple), mother, father, son, daughter, grandson, granddaughter, brother, sister, nephew, niece of the member or member of the Corporate Leadership Team (or his or her spouse).

**19. DECLARATIONS OF INTEREST**

Members shall declare interests, and withdraw from the meeting, in accordance with the requirements of the Members' Code of Conduct set out in Part 5 of the Constitution.

**20. APPOINTMENT, COMPOSITION AND CONDUCT OF COMMITTEES**

20.1 The Council shall, at its first ordinary meeting following the annual meeting, appoint the following Committees:

- Appeals Committee
- Licensing Committee
- Planning Committee
- Standards and Audit Committee
- Overview & Scrutiny Committee

20.2 All such Committees shall be continued in office until immediately before the first meeting of their successors after the annual meeting of the Council.

20.3 If any Committee is not re-appointed, it shall not continue in office beyond the annual meeting of the Council.

20.4 Any Committee may be dissolved, or its membership altered, at any time by the Council.

20.5 Unless the Council otherwise directs, the first meetings of the Committees in each municipal year shall take place on the rising of the first ordinary meeting of the Council. The meetings shall take place serially in the order indicated in Standing Order 20.1. The business to be transacted shall be limited to the appointment of Chairman and Vice-Chairman (and any Sub-Committees).

**20.6 Committees - Composition**

- 20.6.1 Except where otherwise provided by statute, the Mayor shall be an ex-officio non-voting member of every Committee appointed by the Council.
- 20.6.2 The Mayor and Deputy Mayor shall not be appointed to the Executive.
- 20.6.3 Members of the Executive may be appointed to the Planning and Licensing Committees, but no other Committee.
- 20.6.4 The membership of a Committee shall not exceed thirteen members (excluding ex-officio members and co-optees).

**20.7 Confidentiality of Business**

- 20.7.1 All agendas, reports and other documents circulated to a Committee, but not made available to members of the public under Section 100B(2) of the Local Government Act 1972 and marked "Not for Publication" under section 100B(5) shall not be disclosed to any persons, but may be communicated after the meeting to members of the Council.
- 20.7.2 The proceedings of Committees shall be open to the press and public, subject to the right of any Committee to exclude the press and public pursuant to the Local Government Act 1972.

**20.8 Convening of Committees**

- 20.8.1 The summons, agenda paper, reports and documents prepared for a Committee shall be circulated to the Committee members as long before as reasonably possible, and not less than the statutory minimum period before the meeting.
- 20.8.2 The Chairman of a Committee, or in his/her absence the Vice-Chairman, shall be authorised, after consultation with the Chief Executive, to cancel a meeting of a Committee in cases where he/she is satisfied that the amount of business to be conducted at the meeting is such that it could conveniently be left over until the next ordinary meeting of the Committee.

**20.9 Committees - Election of Chairmen**

- 20.9.1 Every Committee shall, at its first meeting, before proceeding to any other business, elect a Chairman and if it so desires may elect a Vice-Chairman or such number of Vice-Chairmen as they think fit for the year. In the absence at a meeting of both Chairman and Vice-Chairman, a Chairman for that meeting shall be appointed.
- 20.9.2 Subject to Standing Orders 20.2, 20.3, and 20.4, the Chairman of a Committee shall, provided he/she remains a member thereof, continue to act as such until immediately before the commencement of the first meeting of the Committee after the annual meeting of the Council.

**20.10 Committees - Quorum**

- 20.10.1 The quorum for meetings shall be one-third of the number of members of the Committee, or two members, whichever is the greater (with such rounding-up as may be necessary to achieve whole numbers) present throughout the duration of the meeting.

## **21. COMMITTEE MEETINGS - RULES OF DEBATE**

### **21.1 Motions and Amendments**

- 21.1.1 A motion or amendment shall not be discussed unless it has been proposed and seconded.
- 21.1.2 Where a Committee has before it a recommendation, whether contained in a report or in a minute, the recommendation shall formally for the purposes of debate be deemed moved and seconded when the Chairman calls the item in question.
- 21.1.3 The Chairman shall satisfy himself/herself that the Committee understands the terms of a motion or amendment before it is discussed or voted on.

### **21.2 Secunder's Speech**

When seconding a motion or amendment, a member may reserve his/her speech until later in the debate.

### **21.3 Speeches**

- 21.3.1 A member may indicate his/her wish to speak, but the Chairman has an absolute discretion as to whether, and when, to call that member.
- 21.3.2 A member shall direct his/her speech to the matter under discussion.

### **21.4 Content and Sequence of Amendments**

- 21.4.1 At any time after the original motion has been moved and seconded, a member may move an amendment to the original motion. On being seconded, the amendment shall then be the subject for discussion.
- 21.4.2 An amendment shall be either:
1. to leave out words;
  2. to leave out words and insert or add others;
  3. to insert or add words;

An amendment shall not have the effect of merely negating the motion before the Committee.

- 21.4.3 If an amendment is rejected, other amendments may be moved on the original motion. If an amendment is carried the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.
- 21.4.4 A further amendment shall not be moved until the Committee has disposed of every amendment previously moved, but before an amendment is put to the meeting a member, if he/she so desires, may give notice to the Chairman that he/she proposes to move a further amendment.
- 21.4.5 The original or substantive motion, or any recommendation before the Committee, shall at the close of debate be put to the vote. No amendment may be moved after the original or substantive motion has been voted upon and no further discussion may then take place.

## 21.5 **Points of Order and Personal Explanation**

- 21.5.1 A member may indicate that he/she wishes raise a point of order or make a personal explanation, but a personal explanation shall be confined to some material part of a former speech by him/her at the same meeting which may have been misunderstood. A member so indicating shall be entitled to be heard forthwith.
- 21.5.2 The ruling of the Chairman on a point of order, or on the admissibility of a personal explanation, shall not be open to discussion.

## 21.6 **Respect for Chairman**

Whenever the Chairman speaks during a debate, any member then speaking, and the Committee, shall be silent.

## 21.7 **Alteration and Withdrawal of Motions**

- 21.7.1 A member may with the consent of his/her seconder and of the Committee, which shall be signified without discussion, alter a motion which he/she has proposed if the alteration is one which could have been moved as an amendment.
- 21.7.2 A motion or amendment may be withdrawn by the proposer with the concurrence of the seconder and the consent of the Committee, which shall be signified without discussion, and it shall not be competent for any member to speak upon it after the proposer has asked and been given permission for its withdrawal.

## 21.8 **Motions which may be moved during debate**

When a motion is under debate, no other motion shall be moved except the following:

1. to amend the motion;
2. to adjourn the meeting;
3. to adjourn the debate;
4. to proceed to the next business;
5. that the question be now put;
6. that a member be not further heard;
7. that a member leave the meeting;
8. to exclude the public, under Section 100A of the Local Government Act 1972

## 21.9 **Adjournment and Next Business**

- 21.9.1 A member may move without comment at the conclusion of a speech of another member "That the Committee proceed to the next business", "That the question be now put", "That the debate be now adjourned", or "That the Committee do now adjourn", on the seconding of which the Chairman 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, he/she shall put to the vote the motion to proceed to next business; if the motion is carried, the subject of debate shall be deemed to be disposed of for that day. If the motion to proceed to next business is not carried the debate shall be resumed.

2. on a motion that the question be now put; unless in his/her opinion the matter before the meeting has been insufficiently discussed, he/she shall put to the vote the motion that the question be now put, and if it is passed then put the matter 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 he/she shall put the adjournment motion to the vote.
- 21.9.2 None of the three motions the subject of Standing Order 21.9 shall be deemed carried, except by a two-thirds majority of members voting.
- 21.9.3 A second motion that the Committee do now adjourn, or that the Committee do now proceed to the next business, or that the debate be now adjourned, shall not be made within a period of half an hour except by leave of the Chairman.
- 21.9.4 The Chairman may, at his/her discretion, adjourn the meeting, at any time, for such period of time that he/she considers reasonable and conducive to the dispatch of business.
- 21.10 **Misconduct by a Member**
- If at a meeting, any member of the Committee misconducts himself/herself by persistently disregarding the ruling of the Chairman, or by behaving irregularly, improperly, or offensively or by wilfully obstructing the business of the Committee, the Chairman may name him/her and the Chairman or any other member may move "That the member named be not further heard". The motion, if seconded, shall be put and determined without discussion.
- 21.11 **Continuing Misconduct By A Named Member**
- If the member named continues his/her misconduct after a motion under Standing Order 21.10 has been carried the Chairman 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 Committee for such period as he/she, in his/her discretion, shall consider expedient.
- 21.12 **General Disturbance**
- In the event of general disturbance which, in the opinion of the Chairman renders the due and orderly despatch of business impossible, the Chairman (in addition to any other power vested in him/her) may, without question, adjourn the meeting of the Committee for such period as he/she, in his/her discretion, shall consider expedient.
- 21.13 **Disturbance by Members of the Public**
- If a member of the public interrupts the proceedings at any meeting, the Chairman may warn him/her. If he/she continues the interruption after the warning, the Chairman may order his/her removal from the Council Chamber. In the case of general disturbance in any part of the Chamber open to the public, the Chairman may order that part to be cleared.

21.14 **Matters Affecting Persons Employed by the Council**

If any question arises at a meeting of the Committee as to the appointment, promotion, dismissal, salary, superannuation, or conditions of service or as to the conduct of any person employed by the Council, it shall be dealt with following a motion to exclude the press and public under Section 100A(4) of the Local Government Act 1972 on the grounds that otherwise there would be disclosure of exempt information within the meaning of paragraph 1, Schedule 12A of that Act.

**22. COMMITTEES - METHOD OF VOTING**

22.1 **Show of Hands**

Unless a named vote is taken, voting at Committee meetings shall be by a show of hands, or by such electronic system as the Council may approve.

22.2 **Named Vote**

22.2.1 A named vote shall be taken if:

- (a) The Chairman considers one is necessary, or
- (b) A member requests one before a "show of hands" vote is taken.

22.2.2 The names of members voting for and against the motion, and abstaining from voting on it ("present but not voting"), will be recorded when there is a named vote.

22.3 **Result of Votes**

The Chairman shall ascertain the number of votes for and against any motion, and declare the result. The Chairman's declaration shall be final provided that, in the case of a named vote, the number of names and of votes for and against, and abstentions, must tally

22.4 **Recording of Individual Vote**

Immediately after a vote is taken, any member may require that the Minutes record how they cast their vote, or that they abstained from voting ("present but not voting").

22.5 **Casting Vote**

In the case of an equality of votes, the Chairman may, provided he/she has cast a first vote, cast a second or casting vote. Where there is an equality of votes, and the Chairman has not exercised a second or casting vote, the motion is not carried.

**23 COMMITTEES – SPECIAL MEETINGS**

The Chairman of a Committee, or the Mayor, may summon a special meeting of the Committee at any time. A special meeting shall also be summoned on the requisition in writing of not less than a quarter of the members of the Committee. The summons shall set out the business to be considered at the special meeting and no business other than that set out shall be considered at that meeting. Provided that such a special meeting, except by permission of the Chairman of the Committee, shall not be called to deal with any matter which has within the previous six months been considered or in respect of which consideration has been adjourned by the Committee.

## **24. POWERS, DUTIES AND RESPONSIBILITY FOR FUNCTIONS**

- 24.1 The powers, duties and responsibility for functions of the Council, the Executive and the Council's Committees shall be as set out in the Articles and in Part 3 of the Constitution.
- 24.2 In the exercise of their powers or duties or tasks the Leader/Executive, an individual Member exercising delegated powers and every Committee shall:
1. formulate and keep under review objectives and standards for the provision of services within its terms of reference;
  2. monitor and keep under review the economy, efficiency and effectiveness with which those services are provided and the functions of the Council are discharged; and
  3. take such action or make such recommendations as may be necessary or appropriate.
- 24.3 The powers and duties which may be delegated to any Special Committee shall be at large and may include any matter already the subject of delegated authority to another Committee.

## **25. STANDING ORDERS**

### **25.1 Variation and Revocation**

The Leader/Executive may make recommendations to vary or revoke these Standing Orders. Any other motion to do so shall, when proposed and seconded, stand adjourned without discussion to the Leader/Executive for report to the next ordinary meeting of the Council.

### **25.2 Copies for Members**

The Chief Executive shall give a printed copy of this Constitution to each member of the Council upon that member being elected.

### **25.3 Suspension of Standing Orders**

Any of the preceding Standing Orders may be suspended so far as regards any business at the meeting where its suspension is moved, if the Council is satisfied that it is conducive to the effective despatch of business.

### **25.4 Interpretation of Standing Orders**

The ruling of the Mayor as to the construction or application of any of these Standing Orders, or as to any proceedings of the Council, shall be final.

### **25.5 Construction of Standing Orders**

Reference in these Standing Orders to the masculine gender shall include the feminine; and the singular shall include the plural, and vice versa.

Save where specified to the contrary in this Constitution, the expression "clear days" means that the time is to be reckoned exclusive both of the day on which the notice is given and of the day of the meeting. A Saturday, Sunday or public holiday will not count as one of the clear days.

**26. APPOINTMENTS TO OUTSIDE BODIES**

In any case where the Council is entitled to nominate representatives to outside bodies, any contested appointments shall be decided by election. The election shall be conducted by ascertaining the number of votes in favour of each candidate. Each member shall have a maximum number of votes equal to the number of vacancies.



# Conventions

There are areas of Council and Committee practice where the basis of dealing with business is well-established and agreed between the political groups but where formal regulation by Rule of Procedure is not appropriate.

These conventions which are set out in this section will generally govern the way things are done. Departures from the conventions do not attract a legal or formal sanction.

Conventions do not have to be included in this section but if they are they will continue to apply unless specifically varied; any variations to conventions should be approved by Council as revisions to the Constitution and not approved solely by the political groups.

1. The Mayor is the civic head of the Borough and performs a role that is non-political and non-executive (see Article 5 of the Constitution). Although the Mayor does not normally vote at meetings at which he/she presides, this convention does not displace the right for the Mayor to do so when this would be consistent with his/her role under Article 5 of the Constitution (i.e. to ensure the proper conduct of the Council's business).
2. Notices of Motion should relate to some matter of public, local or general concern or interest, and should normally reflect in their wording the extent to which the Borough Council has either the statutory powers or the responsibility to take action.
3. Members of the Council may seek the permission of the Chairman of a Committee (or the Leader, so far as the Executive is concerned) of which they are not a member to speak at meetings of the Committee at which business is to be discussed in which they have a particular interest.

In exercising this discretion, the Chairman of the Planning Committee will have regard to the following criteria:

- (i) Ward Councillors, who are not members of the Planning Committee, will be allowed to speak at the Planning Committee, regardless of Party;
- (ii) Ward Councillors, who are not members of the Planning Committee, will only be allowed to speak once after any Objector/Applicant and before the debate of the Planning Committee commences, and
- (iii) Ward Councillors, who are not members of the Planning Committee, will be restricted to a time limit, considered appropriate by the Chairman, in which they can speak.

(Note: This convention does not displace the right of any member to attend any meeting as a member of the public.)

4. Members are entitled to look to the officers for information, advice and guidance on any matter of Council business on a confidential basis. The officers will deal with each of the political groups equally, separately and confidentially and such dealings shall not be disclosed in any circumstances to any member of another group, except, with the prior knowledge of the Group concerned, to the Leader or a Chairman of a Committee if in the opinion of the Chief Officer or Business Manager concerned the Leader/Chairman needs to know it in order to discharge his/her duties as such.
5. The principles of proportionality set out in the Terms of Reference of the Selection Panel shall apply to the constitution and membership of any Working Group.

6. The Leader's Statement at the first ordinary Council meeting of the Municipal Year and his/her annual Budget speech, and Group Leaders' responses, are not subject to a time limit.
7. Members and Officers shall dress appropriately at meetings of the Council, Executive and Committees. This means that Members and Officers should wear "business dress".
8. When the Chairman/Vice-Chairman of the Woking Joint Committee is a Borough Councillor, he/she should be the Leader of the Council or his/her nominee (who shall be a member of the Executive).

# Budget and Policy Framework Procedure Rules

## 1. The Framework for Executive Decisions

The Council will be responsible for the adoption of its budget and policy framework as set out in Article 4. Once a budget or a policy framework is in place, it will be the responsibility of the Leader/Executive to implement it.

## 2. Process for Developing the Framework

- (a) The Leader/Executive will publicise by including in the forward plan a timetable in accordance with which it will make proposals to the Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework. Within this timetable the Overview and Scrutiny Committee will conduct such research, consultation with stakeholders and investigations as are necessary to enable it to develop proposals for a budget and policy framework for the forthcoming year.
- (b) The Overview and Scrutiny Committee will present its recommendations for the policy and budget framework to the Leader/Executive. The Leader/Executive will finalise their proposals for the Council to consider having taken into account the proposals from the Overview and Scrutiny Committee. The Leader's/Executive's report to Council will show their response to those proposals.
- (c) The Council will consider the proposals of the Leader/Executive and may adopt them, amend them, refer them back to the Leader/Executive for further consideration, or substitute its own proposals in their place.
- (d) The Council's decision will be publicised within five working days and a copy shall be given to the Leader/Executive. The notice of decision shall be dated and shall state either that the decision shall be effective immediately (if the Council accepts the Leader's/Executive's proposal without amendment) or (if the Leader's/Executive's proposal is not accepted without amendment), that the Council's decision will become effective on the expiry of five working days after the publication of the notice of decision, unless the Leader/Executive formally objects to it in that period.
- (e) If the Leader/Executive objects to the decision of the Council, then the Leader/Executive shall give written notice to the Proper Officer to that effect prior to the date upon which the decision is to be effective. The written notification must state the reasons for the objection. Where such notification is received, the Proper Officer shall convene a further meeting of the Council to reconsider its decision and the decision shall not be effective pending that meeting.
- (f) The Council meeting must take place within five working days of the receipt of the Leader's/Executive's written objection. At that Council meeting, the previous decision of the Council shall be reconsidered in the light of the objection, which shall be available in writing for the Council.
- (g) The Council's decision, if not in accordance with the recommendation of the Leader/Executive, shall require a simple majority of those voting at the meeting.
- (h) The decision shall then be made public and shall be implemented immediately.

### **3. Decisions Outside the Budget or Policy Framework**

- (a) Subject to the provisions of Financial Regulations as they apply to virement, the Leader/Executive, Committees of the Executive, individual members and any officers discharging executive functions may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by Full Council, then that decision may only be taken by the Council, subject to 4 below.
- (b) If the Leader/Executive, Committees of the Executive, individual members and any officers discharging executive functions want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Finance Officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4 (urgent decisions outside the budget and policy framework) shall apply.

### **4. Urgent Decisions Outside the Budget or Policy Framework**

- (a) The Leader/Executive, a Committee of the Executive, an individual member or officers discharging executive functions may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by Full Council if the decision is a matter of urgency. Decisions to commit urgent expenditure may be taken in cases of civil emergency or where there is a compelling and urgent need for immediate action. In all other cases, the decision may only be taken:
  - i) if it is not practical to convene a quorate meeting of the Full Council; and
  - ii) if the Chairman of the Overview and Scrutiny Committee agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of Full Council and the Chairman of the Overview and Scrutiny Committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chairman of the Overview and Scrutiny Committee the consent of the Mayor and in the absence of both the Deputy Mayor will be sufficient.

- (b) Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

### **5. In-Year Changes to Policy Framework**

The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the Leader/Executive, a Committee of the Executive, an individual member or officers discharging executive functions must be in line with it. No changes to any policy and strategy which make up the policy framework may be made by those bodies or individuals except those changes necessary to ensure compliance with the law, ministerial direction or government guidance.

## **6. Call-In of Decisions Outside the Budget or Policy Framework**

- (a) Where the Overview and Scrutiny Committee is of the opinion that an Executive decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Monitoring Officer and/or Chief Finance Officer.
- (b) In respect of functions which are the responsibility of the Leader/Executive, the Monitoring Officer's report and/or Chief Finance Officer's report shall be to the Leader/Executive with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the Leader/Executive must decide what action to take in respect of the Monitoring Officer's report and to prepare a report to Council in the event that the Monitoring Officer or the Chief Finance Officer conclude that the decision was a departure, and to the Overview and Scrutiny Committee if the Monitoring Officer or the Chief Finance Officer conclude that the decision was not a departure.
- (c) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Finance Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the Overview and Scrutiny Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within five days of the request by the Overview and Scrutiny Committee. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Finance Officer. The Council may either:
  - i) endorse a decision or proposal of the Executive decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all councillors in the normal way; or
  - ii) amend the Council's Financial Regulations or policy concerned to encompass the decision or proposal of the body or individual responsible for that executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all councillors in the normal way; or
  - iii) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the Leader/Executive to reconsider the matter in accordance with the advice of either the Monitoring Officer/Chief Finance Officer.

## **7. Financial Regulations**

The Council shall make, and from time to time review, financial regulations to determine the responsibilities of members and officers in the administration of its financial affairs, and there shall be delegated to the Chief Finance Officer authority to exercise the functions described in the regulations.

## **8. Investment Programme**

- 1. Each year, the Leader/Executive shall prepare a five year Investment Programme and shall consider the aggregate effect of the Investment Programme on the Council's financial resources and make recommendations thereon to the Council.

2. Any scheme proposed to be included in an Investment Programme which was not contained in the preceding approved Investment Programme shall be considered by the Leader/Executive having received a report from the appropriate officer on the financial implications of the proposal.

**9. Revenue Estimates**

1. The Leader/Executive shall keep the Council's financial strategy under review and shall consider and determine annual revenue estimates for submission by way of recommendation to Council having received a report thereon from the Chief Finance Officer.
2. Any proposal to incur expenditure which is not provided for in the previously approved revenue estimates and which cannot be financed by way of virement in accordance with financial regulation 5.3 shall be considered and determined by the Leader/Executive for submission by way of recommendation to Council having received a report thereon from the appropriate officer on the financial implications of the proposal.

**10. Expenditure - Exceptional**

Any motion which is moved at a Council meeting otherwise than in pursuance of a recommendation or report of the Leader/Executive and if carried would, by the lesser of 5% or £5000, increase the expenditure upon or reduce the revenue of any service or would involve capital expenditure, shall when proposed or seconded, stand adjourned without discussion to the next ordinary meeting of the Council, and the Leader/Executive shall report on the financial implications of the proposal.

# Executive Procedure Rules

## 1. EXECUTIVE DECISIONS

1.1 The Leader shall be responsible for the Executive functions listed in Part 3 of this Constitution (Responsibility for Functions).

1.2 The Leader may provide for Executive functions to be discharged by:

- (a) The Leader him/herself;
- (b) The Executive;
- (c) a Committee of the Executive;
- (d) an individual Member of the Executive;
- (e) an individual Member of the Council who may exercise powers in relation to his/her ward;
- (f) an Officer;
- (g) another local authority, or
- (h) under joint arrangements.

### 1.3. Allocation of Political Accountabilities by Leader

The Leader may allocate to individual members of the Executive particular areas of political accountability. Any such individual will take responsibility for the explanation of identified areas of policy or service themes, but will not exercise executive functions in that respect.

### 1.4 Sub-Delegation of Executive Functions

The Executive, Committee of the Executive or an individual Member of the Executive may further delegate functions to an officer, in which case the Responsibility for Functions in Part 3 of the Constitution and the Scheme of Delegations to Officers shall be amended accordingly.

### 1.5 Conflicts of Interest

Conflicts of interest affecting the Leader or any member of the Executive shall be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

### 1.6 Executive Meetings

The Executive will meet at such times as the Leader shall determine. The Executive shall meet at the Civic Offices or another location to be agreed by the Leader.

### 1.7 Quorum

The quorum for a meeting of the Executive, or a Committee of it, shall be one-third of the number of members of the Executive (with such rounding-up as may be necessary to achieve whole numbers) or two (whichever is the greater).

## **1.8 Taking Decisions**

Executive decisions which have been delegated to the Executive will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.

## **2. CONDUCT OF EXECUTIVE MEETINGS**

**2.1** If the Leader is present he/she will preside. In his/her absence, then the Deputy Leader will preside. In the absence of the Leader and the Deputy Leader, a person appointed to do so by those present shall preside.

### **2.2 Order of Business**

At each meeting of the Executive, the following business will be conducted:

- i) consideration of the minutes of the last meeting;
- ii) declarations of interest, if any;
- iii) matters referred to the Executive (whether by the Overview and Scrutiny Committee or by the Council) for reconsideration by the Executive in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- iv) consideration of reports from the Overview and Scrutiny Committee; and
- v) matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure rules set out in Part 4 of this Constitution.

### **2.3 Consultation**

All reports to the Executive from any member of the Executive or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and the Overview and Scrutiny Committee, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

### **2.4 Agenda Management**

The Leader will decide upon the schedule for the meetings of the Executive. He/she may put on the agenda of any Executive meeting any matter which he/she wishes, whether or not authority has been delegated to the Executive, a Committee of it or any member or officer in respect of that matter. The Proper Officer will comply with the Leader's requests in this respect.

Any member of the Council may ask the Leader to arrange that an item is placed on the agenda of the next available meeting of the Executive for consideration. The Leader is not obliged to comply with such requests.

The Proper Officer will make sure that an item is placed on the agenda of the next available meeting of the Executive where the Overview and Scrutiny Committee or the Full Council have resolved that an item be considered by the Executive.

The Monitoring Officer and/or the Chief Financial Officer may include an item for consideration on the agenda of an Executive meeting and may require the Proper Officer to call such a meeting in pursuance of their statutory duties.

### **3. QUESTIONS BY THE PUBLIC**

**3.1** Members of the public, which for these purposes shall mean persons living or working in the Borough, may ask questions of members of the Executive at meetings of the Executive.

#### **3.2 Order of Questions**

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

#### **3.3 Notice of Questions**

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Chief Executive no later than 12 noon, seven days before the day of the meeting. Each question must give the name and address of the questioner and should specify the member to whom the question is to be put.

#### **3.4 Number of Questions**

At any one meeting no person may submit more than three questions and no more than three questions may be asked on behalf of one organisation.

#### **3.5 Scope of Questions**

The Chief Executive may reject a question if it:

- is not about a matter for which the Council has a responsibility or which affects the Borough;
- is defamatory, frivolous or offensive;
- requires the disclosure of confidential or exempt information.

#### **3.6 Record of Questions**

The Chief Executive will enter each question in a book open to public inspection and will immediately send a copy of the question to the Leader and the member to whom the question is to be put. If no particular member has been specified as the person to whom the question is to be put, the question shall be put to the Leader. Rejected questions will include reasons for rejection.

Copies of all questions and the draft replies shall be prepared, laid round the table and made available to the public attending the meeting.

#### **3.7 Asking the Question at the Meeting**

The Leader will invite the questioner to put the question to himself/herself or the specified member. If a questioner who has submitted a written question is unable to be present, they may ask the Leader to put the question on their behalf. The Leader may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

The Leader or the specified member may state that his/her reply is in the terms of the draft or otherwise as he/she thinks fit.

The total time for public question-time shall be 30 minutes or such longer time as the Leader shall in his/her discretion allow.

### **3.8 Supplementary Questions**

A questioner who has put a question in person may also put one supplementary question without notice. A supplementary question must arise directly out of the original question or reply. The Leader may reject a supplementary question on any of the grounds in Rule 3.5 above.

The Leader or the specified member may reply to the supplementary question as he/she thinks fit.

### **3.9 Written Answers**

Any question which cannot be dealt with during public question-time through lack of time will be dealt with by a written answer.

### **3.10 Reference Elsewhere**

Unless the Leader decides otherwise, no discussion will take place on any question, but any member may move that a matter raised by a question be referred to another Committee. Once seconded, such a motion will be voted on without discussion.

## **4 INDIVIDUAL DECISION MAKING**

4.1 The Leader, or an individual Member, taking a decision on a matter shall comply with the following parts of the Executive Procedure Rules.

4.2 A clear audit trail of decision-making must be maintained for future reference.

### **4.3 Forward Plan**

4.4 Subject to the provisions of Access to Information Procedure Rules 15 (General Exception) and 16 (Special Urgency), a key decision shall not be taken by an individual Member unless details have been included in the Forward Plan.

### **4.5 Requirement for a Written Report**

4.6 A written report on the proposed decision shall be prepared by the relevant officer on his or her own initiative, or at the request of the Member.

4.7 The officer's report shall set out the following:

- (a) The date of the proposed decision.
- (b) Whether a key decision is to be taken.
- (c) Whether the report contains confidential or exempt information.
- (d) A description of the issue to be decided.
- (e) Any consultations undertaken, the method of consultation and a summary of any representations received.
- (f) The officer's recommendations and the reasons for them.
- (g) Implications arising from the decision.
- (h) A list of background papers.

4.8 Subject to the provisions on confidential and exempt information and special urgency set out in the Council's Access to Information Procedure Rules, the Proper Officer shall at least five clear days prior to the date that the proposed decision is scheduled to be taken:

- (a) forward a copy of the report by e-mail to the relevant Member and all other councillors; and
- (b) make the report publicly available.

#### **4.9 Taking the Decision**

4.10 The decision shall be taken by the Member on the scheduled date in the presence of the relevant officers (which shall always include a Democratic Services Officer).

4.11 Prior to taking the decision, the Member will be required to disclose any personal and/or prejudicial interests in the matter under consideration.

#### **4.12. Record of Decision**

4.13 After a decision has been taken by the Member, the Democratic Services Officer will prepare a record, including details of:

- (i) whether it was a key or non-key decision;
- (ii) the title of the item;
- (iii) the name of the decision-maker;
- (iv) the date on which the decision was made;
- (v) the date on which the decision will be implemented;
- (vi) any declarations of interest;
- (vii) the decision;
- (viii) the reasons for the decision;
- (ix) details of any alternative options considered and rejected by the Member when making the decision;
- (x) a record of any conflict of interest declared by any Executive member who is consulted by the Member making the decision which relates to that decision;
- (xi) a note of any dispensation granted in respect of any declared conflict of interest; and
- (xii) a list of the documents taken into account by the decision-maker, including the report of the relevant officer.

4.14 The decision shall be published by the Democratic Services Officer in draft form electronically, and shall otherwise be available at the Civic Offices, within 24 hours of the decision being made. All members of the Council shall receive electronic notification of such decision within the same timescale. This will enable Councillors to consider whether they wish to "call-in" the decision in accordance with Overview and Scrutiny Procedure Rules.

4.15 The Proper Officer will maintain records of all decisions made, together with associated reports and background papers, in accordance with the Council's Access to Information Procedure Rules.



# Overview and Scrutiny Procedure Rules

## 1. General Arrangements

The Council will have the Overview and Scrutiny Committee set out in Article 6 and will appoint to it at its first ordinary meeting in accordance with Standing Order 20.

The terms of reference of the Overview and Scrutiny Committee will be as provided in Article 6 and in the Responsibility for Functions in Part 3 of this Constitution and shall include the functions of a crime and disorder committee under Section 19 Police and Justice Act 2006.

## 2. Membership

The membership shall comprise nine elected councillors. All councillors except members of the Executive may be members of the Overview and Scrutiny Committee. However, no member may be involved in scrutinising a decision in which he/she has been directly involved.

## 3. Co-optees

The Overview and Scrutiny Committee shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees.

## 4. Meetings

There shall be between eight and ten ordinary meetings of the Overview and Scrutiny Committee in each year. In addition, extraordinary meetings may be called from time to time as and when appropriate. An Overview and Scrutiny Committee meeting may be called by the Chair of the Committee or by the Proper Officer if he/she considers it necessary or appropriate.

## 5. Quorum

The quorum for an Overview and Scrutiny Committee shall be as set out for Committees in Standing Order 20.10, i.e. one-third of the number of members of the Committee (with such rounding-up as may be necessary to achieve whole numbers).

## 6. Work Programme

The Overview and Scrutiny Committee will be responsible for setting its own work programme. An annual meeting of the Committee shall be held to set the work programme for the coming year, and the Committee shall have particular regard to the time and resources (including officer time) needed to deliver the programme. The Committee shall be assisted in its work by sight of the Leader's draft Forward Plan for the whole year.

## 7. Agenda Items

Any member of the Council shall be entitled to give notice to the Proper Officer that he/she wishes an item relevant to the functions of the Committee to be included on the agenda for the next available meeting of the Committee. On receipt of such a request the Proper Officer will ensure that it is included on the next available agenda. This provision shall not have effect in relation to the Councillor Call for Action. The Chairman of the Overview & Scrutiny Committee shall determine whether or not a Councillor Call for Action should be accepted in accordance with the adopted procedures. In the event that a Councillor Call for Action is submitted by the Chairman, the Vice-Chairman will determine whether or not it should be accepted and reported to the Committee in accordance with the adopted procedures.

## 8. Task Groups

Task Groups shall be established as follows. The Committee shall receive draft terms of reference for consideration. These shall be debated and agreed as necessary. The Committee shall also consider the number of persons to be appointed to the Task Group and its political balance; usually the composition of the Task Group shall take into account proportionality without applying it inflexibly. Nominations to the Task Group shall be agreed by the Committee and, if necessary, determined by voting.

Subject to the above and to applying the guidance of the Toolkit when commissioning work, the Committee may appoint such Task Groups as it thinks fit. Task Groups shall make report to the Committee or direct to the Executive as required, and Task Group members shall be entitled to attend and speak at Committee meetings where the work of their Group is under consideration.

Task Groups shall meet in public and may co-opt councillors and non-councillors as may assist them in their work (including councillors who do not sit on the Overview and Scrutiny Committee). Non-councillors shall be eligible for the reimbursement of their expenses.

A permanent Task Group shall consider the financial aspects of the Council's business. The establishment of other standing Task Groups shall be considered.

A dedicated officer resource shall be made available from within Democratic Services to assist, support and coordinate the work of the Overview and Scrutiny Committee and its Task Groups.

## 9. Policy Review and Development

- (a) The role of the Overview and Scrutiny Committee in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.
- (b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Overview and Scrutiny Committee may make proposals to the Leader/Executive for developments in so far as they relate to matters within their terms of reference.
- (c) The Overview and Scrutiny Committee may hold inquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration.

## 10. Reports from Overview and Scrutiny Committee

- (a) Once it has formed recommendations on proposals for development, the Overview and Scrutiny Committee will prepare a formal report and submit it to the Proper Officer for consideration by the Leader/Executive if the proposals are consistent with the existing budgetary and policy framework, or to the Council as appropriate. The Overview and Scrutiny Committee may publish its report or recommendations.
- (b) If the Overview and Scrutiny Committee cannot agree on one single final report to the Council or Leader/Executive as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or Leader/Executive with the majority report.

- (c) The Overview and Scrutiny Committee shall by notice in writing require the Council or the Leader/Executive:-
- (i) to consider the report or recommendations,
  - (ii) to respond to the Overview and Scrutiny Committee indicating what action (if any) the Council or the Leader/Executive proposes to take,
  - (iii) if the Overview and Scrutiny Committee has published the report or recommendations, to publish a response,
  - (iv) if the Overview and Scrutiny Committee provided a copy of the report or recommendations to a member of the Council under section 21A(8) of the Local Government Act 2000, to provide the member with a copy of the response,
- and to do so within two months beginning with the date on which the Council or the Leader/Executive received the report or recommendations or (if later) the notice.
- (d) The Council or Leader/Executive shall consider the report of the Overview and Scrutiny Committee within one month of it being submitted to the Proper Officer.

#### **11. Overview and Scrutiny Reports: Consideration by the Executive**

- (a) Once an overview and scrutiny report on any matter which is the responsibility of the Leader/Executive has been completed, it shall be referred to the Leader/included on the agenda of the next available meeting of the Executive unless the matter which is the subject of the report is already scheduled to be considered by the Leader/Executive on an agreed date.
- (b) The Overview and Scrutiny Committee will in any event have access to the forward plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from an Overview and Scrutiny Committee following a consideration of possible policy/service developments, the Committee may respond in the course of the Leader/Executive's consultation process in relation to any key decision.

#### **12. Rights of Overview and Scrutiny Committee Members to Documents**

- (a) In addition to their rights as councillors, members of the Overview and Scrutiny Committee have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- (b) Nothing in this paragraph prevents more detailed liaison between the Leader/Executive and Overview and Scrutiny Committee as appropriate depending on the particular matter under consideration.

#### **13. Members and Officers Giving Account**

- (a) The Overview and Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require the Leader, any member of the Executive allocated particular political accountability, or any councillor exercising functions of the Council in relation to their ward, or any senior officer, to attend before it to explain in relation to matters within their remit:

- i) any particular decision or series of decisions;
- ii) the extent to which the actions taken implement Council policy; and/or
- iii) their performance.

and it is the duty of those persons to attend if so required.

- (b) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Overview and Scrutiny Committee shall in consultation with the member or officer arrange an alternative date for attendance.

#### **14. Attendance by Others**

The Overview and Scrutiny Committee may invite people other than those people referred to in paragraph 13 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend. The Committee shall have rights under Section 22A Local Government Act 2000 and regulations made thereunder to call for information from partner authorities.

#### **15. Call-In**

- (a) When a decision is made by the Leader, the Executive or its Committee, an Executive member, a Councillor exercising powers in relation to their ward, or a key decision is made by an officer with delegated authority from the Leader, the decision shall be published in draft form electronically, and shall otherwise be available at the main offices of the Council, within 24 hours of the decision being made. All members of the Council shall receive electronic notification of such decisions within the same timescale by the person responsible for publishing the decision.
- (b) That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of five working days after the publication of the decision, unless the Overview and Scrutiny Committee objects to it and calls it in. Urgent decisions shall be dealt with as provided for in paragraph (h) below.
- (c) During that period, the Proper Officer shall call-in a decision for scrutiny by the Committee if so requested by the Chair or any three members of the Committee, and shall then notify the decision-taker of the call-in. The notice to the Proper Officer shall state the reasons for the call-in, and these reasons shall be made available to all members of the Council. He/she shall call a meeting of the Committee on such date as he/she may determine, where possible after consultation with the Chair of the Committee, and in any case within five working days of the decision to call-in.
- (d) If, having considered the decision, the Overview and Scrutiny Committee wishes to take action it may refer the decision back to the decision-making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to the next ordinary meeting of Full Council. If referred back to the Executive, it shall be reconsidered at the next ordinary meeting of the Executive's Committee or earlier if the Leader determines. Where the decision was made by an individual, the individual will reconsider within five working days of the request. The decision-making person or body shall reconsider the decision, amending the decision or not as the case may be, before adopting a final decision.

- (e) If following an objection to the decision, the Overview and Scrutiny Committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision-making person or body, the decision shall take effect on the date of the Overview and Scrutiny meeting, or the expiry of the five day period, whichever is the earlier.
- (f) If the matter was referred to Full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it has no locus to make decisions in respect of an executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision-making person or body, together with the Council's views on the decision. That decision-making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Executive or by its Committee of it, a meeting will be convened to reconsider within five working days of the Council request. Where the decision was made by an individual, the individual will reconsider within five working days of the Council request.
- (g) If the Council does not meet, or if it does but does not refer the decision back to the decision-making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.
- (h) The call-in procedure set out above shall not apply where the decision being taken is urgent. A decision will be urgent if any delay likely to be caused by the call in process would be seriously prejudicial to the Council's or the public's interests. The notice by which the decision or proposed decision is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The notice shall state that the decision, if agreed, shall take immediate effect. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

## **16. Questions**

- (a) Members of the Council may ask questions of the Chairman of the Overview and Scrutiny Committee at meetings of the Committee regarding matters that come within the remit of the Committee.

- (b) Notice of Questions

Notice of a question must be given by delivering it in writing or by electronic mail to the Chief Executive no later than 5.00pm, five days before the day of the meeting (e.g. 5.00pm Wednesday for a meeting on the following Monday). Each question must give the name of the Councillor.

- (c) Number of Questions and Length of Question-Time

At any one meeting, no Councillor may submit more than three questions. The total time for question-time shall be 30 minutes or such longer time as the Chairman shall in his/her discretion allow.

## (d) Scope of Questions

The Chairman may reject a question if it:-

- is not about a matter for which the Council has a responsibility or which affects the Borough;
- is defamatory, frivolous or offensive; or
- requires the disclosure of confidential or exempt information

## (e) Procedure at the Meeting

Copies of all questions and the draft replies shall be prepared, laid round the table and made available to the public attending the meeting. The Chairman shall ask the Councillor if he/she is satisfied with the answer. A Councillor who has put a question in person may put one supplementary question without notice. It will be at the Chairman's discretion whether supplementary questions may be put by other members of the Committee or whether a discussion on the topic takes place.

## (f) Written Answers

Any question which cannot be dealt with during question-time through lack of time will be dealt with by a written answer.

## (g) Reference Elsewhere

Any member may move that a matter raised by a question be referred to another Committee. Once seconded, such a motion shall be voted on without discussion.

**17. Crime and Disorder**

## (a) The Overview and Scrutiny Committee shall have power:-

- to review or scrutinise decisions made, or action taken, in connection with the discharge by the Council, Surrey Police and Surrey County Council ("responsible authorities") of their crime and disorder functions
- to make reports or recommendations to the Council with respect to the discharge of those functions

## (b) If the Overview and Scrutiny Committee makes a report or recommendations, it shall provide a copy:-

- to each of the responsible authorities; and
- to each of the persons with whom the responsible authorities have a duty to cooperate under Section 5(2) of the Crime and Disorder Act 1998 ("the cooperating persons")

## (c) Where a member of the Council is asked to consider a crime and disorder matter by a person who lives or works in the area that the member represents:-

- the member shall consider the matter and respond to the person who asked him/her to consider it, indicating what (if any) action he/she proposes to take;

- the member may refer the matter to the Overview and Scrutiny Committee
- (d) Where a member of the Council declines to refer a matter to the Overview and Scrutiny Committee, the person who asked him/her to consider it may refer the matter to the Leader/Executive.
- (e) Where a matter is referred to the Leader/Executive under (d) above:-
  - the Leader/Executive shall consider the matter and respond to the person who referred the matter to it, indicating what (if any) action he/she/it proposes to take;
  - the Leader/Executive may refer the matter to the Overview and Scrutiny Committee
- (f) The Overview and Scrutiny Committee shall consider any crime and disorder matter:-
  - referred to it by a member of the Council (whether under (c) above or not) or
  - referred to it by the Leader/Executive under (e) above

and may make a report or recommendations to the Council with respect to it.
- (g) Where the Overview and Scrutiny Committee makes a report or recommendations under (f) above, it shall provide a copy to such of the responsible authorities and to such of the cooperating persons as it thinks appropriate.
- (h) An authority or person to whom a copy of a report or recommendations is provided under (b) or (g) above shall:-
  - consider the report or recommendations;
  - respond to the Overview and Scrutiny Committee indicating what (if any) action it proposes to take;
  - have regard to the report or recommendations in exercising its functions

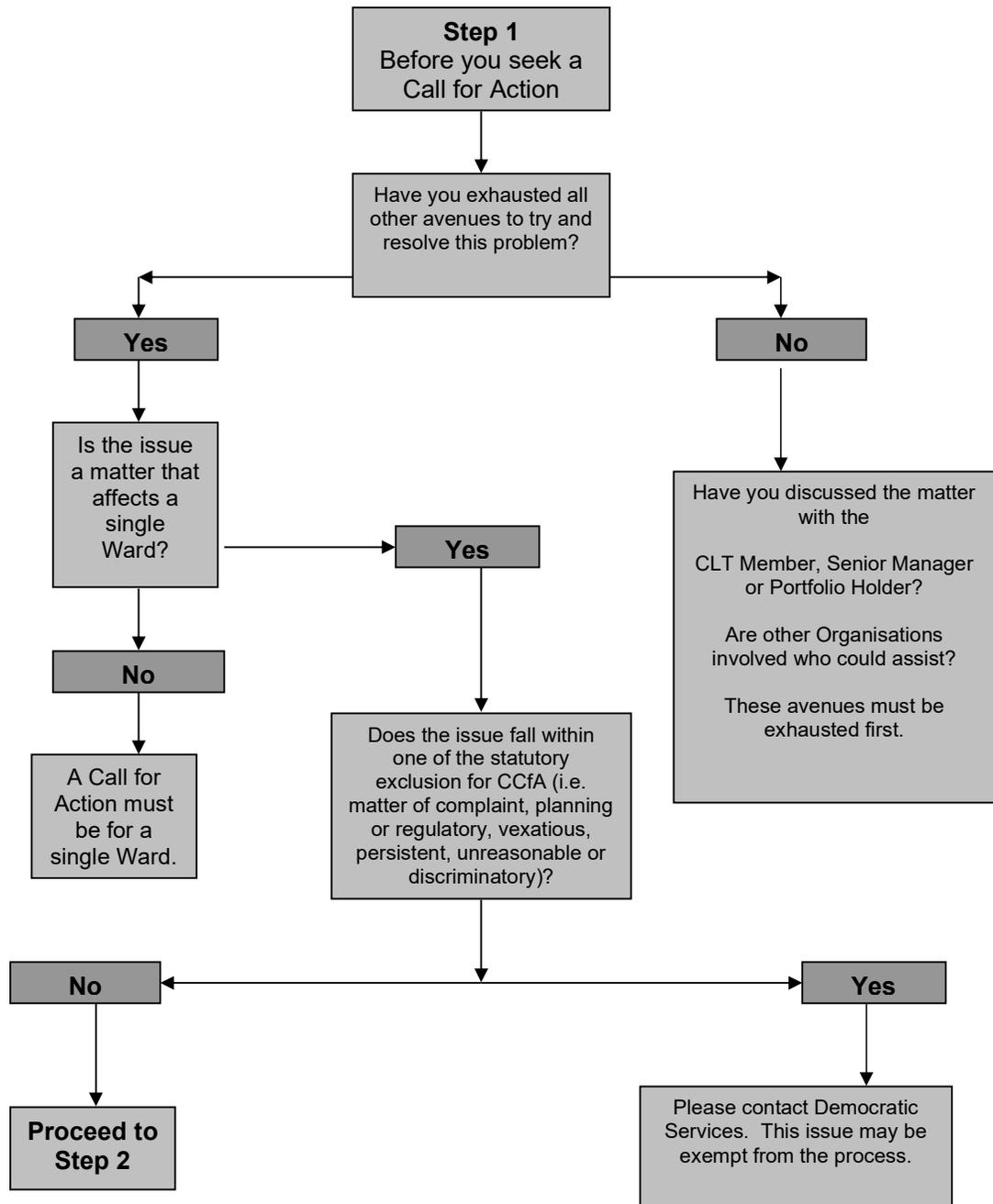
## **18. Councillor Call for Action**

- (a) The Overview and Scrutiny Committee will consider a Councillor Call for Action (CCfA) that:
  - has been submitted in relation to a matter that affects a single Ward;
  - has been submitted by a Councillor from the Ward affected;
  - is in relation to a Local Government matter (including the “well-being” powers under the Local Government Act 2000);
  - demonstrates that all existing avenues have been exhausted and that it is a matter of a “last resort”;
  - has been submitted on the CCfA Request Form;
  - adheres to the process set out in the steps documented in the flowchart at Annex 1 attached; and

- states:
  - the nature of the issue;
  - what action has been taken to resolve the issue;
  - an outline of the resolution to the problem being sought; and
  - an indication of any other organisations involved in the CCfA.
- (b) The Overview and Scrutiny Committee will not consider a CCfA that:
  - is a vexatious, persistent, unreasonable or discriminatory request, or
  - is in relation to a planning, licensing or regulatory application
- (c) Details of requests for a CCfA which have been rejected by the Chairman will be reported to the Overview and Scrutiny Committee. The Committee will consider any representations by the Member responsible for the request and determine whether to uphold the Chairman's decision or agree that the CCfA be taken forward to step 4 – Initial Report to the Committee.

The following is a step process for the operation of a Councillor Call for Action. A Councillor Call for Action is a 'last resort' option for Councillors to have a matter reviewed by the Overview and Scrutiny Committee. It is a process to assist in tackling Ward based community problems on behalf of constituents.

The following diagram should assist in preparing a Councillor Call for Action:





# Access to Information Procedure Rules

## 1. SCOPE

These rules apply to all meetings of the Council, the Executive and Committees (together called meetings).

## 2. ADDITIONAL RIGHTS TO INFORMATION

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

## 3. RIGHTS TO ATTEND MEETINGS

Members of the public may attend all meetings subject only to the exceptions in these rules.

## 4. NOTICES OF MEETING

The Council will give at least five clear days notice of any meeting by posting details of the meeting at the Civic Offices, Gloucester Square, Woking (the designated office). Where the meeting is convened at shorter notice, the notice shall be given at the time the meeting is convened.

## 5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

The Council will make copies of the agenda and reports open to the public available for inspection at the designated office at least five clear days before the meeting. Where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to councillors.

## 6. SUPPLY OF COPIES

The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the Proper Officer thinks fit, copies of any other documents supplied to councillors in connection with an item

to any person on payment of a charge for postage and any other costs.

## 7. ACCESS TO MINUTES ETC AFTER THE MEETING

The Council will, as soon as reasonably practicable, arrange for electronic publication and make available copies of the following for six years after a meeting:

- (a) the minutes of the meeting or records of decisions taken, together with reasons, for all meetings, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and

(d) reports relating to items when the meeting was open to the public.

## **8. BACKGROUND PAPERS**

### **8.1 List of Background Papers**

The Proper Officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10).

### **8.2 Public Inspection of Background Papers**

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

## **9. SUMMARY OF PUBLIC'S RIGHTS**

This written summary of the public's rights to attend meetings and to inspect and copy documents shall be kept at and available to the public at the Civic Offices, Gloucester Square, Woking, Surrey, GU21 6YL.

## **10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS**

### **10.1 Confidential Information – Requirement to Exclude Public**

The public must be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that confidential information would be disclosed.

### **10.2 Exempt Information – Discretion to Exclude Public**

The public may be excluded from meetings or parts thereof whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that exempt information would be disclosed. Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

### **10.3 Meaning of Confidential Information**

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

### **10.4 Meaning of Exempt Information**

Exempt information means information falling within the following 7 categories (subject to any qualification):

- (1) Information relating to any individual.
- (2) Information which is likely to reveal the identity of an individual.

- (3) Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- (4) Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
- (5) Information in respect of which a claim to professional privilege could be maintained in legal proceedings.
- (6) Information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person or (b) to make an order or direction under any enactment.
- (7) Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

### **Qualifications**

- (1) Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under the Companies Act 1985, the Friendly Societies Acts of 1974 and 1992, the Industrial and Provident Societies Acts 1965 to 1978, the Building Societies Act 1986 or the Charities Act 1993.
- (2) Information falling within any of paragraphs 1-7 is not exempt by virtue of those paragraphs if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.
- (3) Information which (a) falls within any of paragraphs 1-7 above and (b) is not prevented from being exempt by virtue of qualifications 1 or 2 above is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

## **11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS**

If the Proper Officer thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

## **12. APPLICATION OF RULES TO THE EXECUTIVE**

Rules 13 – 22 apply to the Executive and its Committees (in addition to Rules 1-11).

## **13. PROCEDURE BEFORE TAKING KEY DECISIONS**

Subject to Rule 15 (general exception) and Rule 16 (special urgency), a key decision, as defined in Article 11.03 of this Constitution, may not be taken unless:

- (a) a document (called a "forward plan") has been published in connection with the matter in question; and
- (b) at least twenty-eight clear days (which may include Saturdays, Sundays and public holidays) have elapsed since the publication of the forward plan and the date of the meeting at which the key decision is to be made.

## **14. THE FORWARD PLAN**

### **14.1 Period of Forward Plan**

Forward plans will be prepared to cover a period of four months, beginning with the first day of any month. A forward plan will be prepared in respect of each meeting of the Executive.

### **14.2 Contents of Forward Plan**

The forward plan will contain matters which the Proper Officer has reason to believe will be subject of a key decision to be taken by the Leader/Executive, a Committee of the Executive, individual members of the Executive, officers, area committees or under joint arrangements in the course of the discharge of an executive function during the period covered by the plan. It will describe the following particulars in so far as the information is available or might reasonably be obtained:

- (a) that a key decision is to be made on behalf of the Council;
- (b) the matter in respect of which the decision is to be made;
- (c) where the decision maker is an individual, his/her name and title, if any and where the decision taker is a decision-making body, its name and a list of its members;
- (d) the date on which, or the period within which, the decision is to be made;
- (e) a list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made;
- (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
- (g) that other documents relevant to those matters may be submitted to the decision maker; and
- (h) the procedure for requesting details of those documents (if any) as they become available.

Exempt information and confidential information may not be included in a forward plan.

## **15. GENERAL EXCEPTION**

Where the publication of a forward plan in respect of a key decision is impracticable, that decision may only be made:

- (a) where the Proper Officer has informed the Chairman of the Overview and Scrutiny Committee or, if there is no such person, each member of the Overview and Scrutiny Committee, by notice in writing of the matter about which the decision is to be made;
- (b) where the Proper Officer has made available at the Civic Offices for inspection by the public, and published on the Council's website, a copy of the notice given under sub-paragraph (a) above; and
- (c) after five clear days have elapsed following the day on which the Proper Officer made available the notice referred to in sub-paragraph (b) above.

As soon as reasonably practicable after complying with sub-paragraphs (a) and (b) above, the Proper Officer shall make available at the Civic Offices for inspection by the public, and

publish on the Council's website, a notice setting out the reasons why it was impracticable to include the item in a forward plan.

## **16. SPECIAL URGENCY**

Where the date by which a key decision must be made makes compliance with Rule 15 (General Exception) impracticable, the decision may only be made where the decision maker has obtained agreement from:

- (a) the Chairman of the Overview and Scrutiny Committee; or
- (b) if there is no such person, or the Chairman of the Overview and Scrutiny Committee is unable to act, the Mayor; or
- (c) where there is no Chairman of the Overview and Scrutiny Committee or Mayor, the Deputy Mayor,

that the making of the decision is urgent and cannot reasonably be deferred.

As soon as reasonably practicable after the decision maker has obtained agreement under the applicable sub-paragraph above, the Proper Officer shall make available at the Civic Offices for inspection by the public, and publish on the Council's website, a notice setting out the reasons why the meeting was urgent and could not reasonably be deferred.

## **17. REPORT TO COUNCIL**

### **17.1 When an Overview and Scrutiny Committee Can Require a Report**

If the Overview and Scrutiny Committee thinks that a key decision has been taken which was not:

- (a) included in the forward plan; or
- (b) the subject of the general exception procedure under Rule 15; or
- (c) the subject of the special urgency procedure under Rule 16;

the Committee may require the Leader/Executive to submit a report to the Council within such reasonable time as the committee specifies. The power to require a report rests with the Committee, but is also delegated to the Proper Officer, who shall require such a report on behalf of the Committee when so requested by the Chairman or any 5 members. Alternatively, the requirement may be raised by resolution passed at a meeting of the Overview and Scrutiny Committee.

### **17.2 Executive's Report to Council**

The Leader/Executive will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within seven days of receipt of the written notice, or the resolution of the Committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual or body making the decision, and if the Leader/Executive is of the opinion that it was not a key decision the reasons for that opinion.

### **17.3 Annual Reports on Special Urgency Decisions**

In any event, the Leader/Executive will submit annual reports to the Council on the executive decisions taken in the circumstances set out in Rule 16 (special urgency) in the preceding

year. The report will include the number of decisions so taken, particulars of each decision made and a summary of the matters in respect of which those decisions were taken.

## **18. RECORD OF DECISIONS**

After any meeting of the Executive or any of its Committees, the Proper Officer will produce a record of every decision taken at that meeting as soon as reasonably practicable. The record will include:

- (a) a record of the decision including the date it was made;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected at the meeting;
- (d) a record of any conflict of interest relating to the matter decided which is declared at the meeting by any Member of the Executive or any of its Committees; and
- (e) in respect of any declared conflict of interest, a note of any dispensation granted in respect of it.

## **19. DECISIONS BY INDIVIDUAL MEMBERS OF THE EXECUTIVE/INDIVIDUAL MEMBERS EXERCISING POWERS IN RELATION TO THEIR WARDS**

Decisions by individual Members shall comply with the relevant provisions of the Executive Procedure Rules.

## **20. OVERVIEW AND SCRUTINY COMMITTEE ACCESS TO DOCUMENTS**

### **20.1 Rights to Copies**

Subject to Rule 20.2 below, the Overview and Scrutiny Committee will be entitled to copies of any document which is in the possession or control of the Executive and which contains material relating to:

- (a) any business transacted at a meeting of the Executive or its Committees;
- (b) any decision taken by an individual member; or
- (c) any executive decision by an Officer acting under powers delegated by the Leader/Executive.

### **20.2 Limit on Rights**

The Overview and Scrutiny Committee will not be entitled to:

- (a) any document that is in draft form, or
- (b) any part of a document that contains exempt or confidential information, unless that information is relevant to (i) an action or decision they are reviewing or scrutinising or intend to scrutinise or (ii) any review contained in any programme of work of the Overview and Scrutiny Committee.

## **21. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS**

### **21.1 Rights to Copies**

Subject to Rule 21.2 below, all Members will be entitled to copies of any document which is in the possession or control of the Executive and which contains material relating to:

- (a) any business transacted at a meeting of the Executive or its Committees;
- (b) any decision taken by an individual member; or
- (c) any executive decision by an Officer acting under powers delegated by the Leader/Executive.

### **21.2 Limit on Rights**

Members will not be entitled to:

- (a) any document that is in draft form; or
- (b) any document that contains exempt information as defined in paragraphs 10.4(1), (2) (3) to the extent that the information relates to any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract, (4), (5) and (7) of these Access to Information Procedure Rules.

### **21.3 Nature of Rights**

These rights of a Member are additional to any other right he/she may have.

## **22. PART II MEETINGS OF THE EXECUTIVE**

22.1 At least twenty-eight clear days' notice (which may include Saturdays, Sundays and public holidays) must be given before the Executive meets in private (i.e. on a Part II basis). Such notice shall give the reasons for the meeting being held in private, and shall be available for public inspection at the Civic Offices and on the Council's website.

22.2 At least five clear days before the private meeting of the Executive, a further notice of the intention to hold a private meeting shall be published at the Civic Offices and on the Council's website. Such notice shall give the reasons for the meeting being held in private, details of any representations received about why the meeting should be open to the public and a statement in response to any such representations.

22.3 Where the date by which a meeting must be held makes compliance with paragraphs 22.1 and 22.2 impracticable, the meeting may only be held in private if agreement has been obtained from:

- (a) the Chairman of the Overview and Scrutiny Committee; or
- (b) if there is no such person, or the Chairman of the Overview and Scrutiny Committee is unable to act, the Mayor; or
- (c) where there is no Chairman of the Overview and Scrutiny Committee or Mayor, the Deputy Mayor,

that the meeting is urgent and cannot reasonably be deferred.

22.4 As soon as reasonably practicable after the agreement required under paragraph 22.3 has been obtained, the Proper Officer shall make available at the Civic Offices for inspection by

the public, and publish on the Council's website, a notice setting out the reasons why the meeting was urgent and could not reasonably be deferred.

# Public Participation at Planning Committee

(Fourth Edition)

## 1.0. PRINCIPLES

- 1.1. The Council resolved to introduce public participation at Development Control Sub-Committee which was brought into operation on 25 February 1997. The principles now apply to the Planning Committee which was established in May 2000 as a result of the introduction of new Council democratic structures at that time.
- 1.2. It is first necessary to clarify the criteria which will determine which planning applications should be the subject of representations to be made in person.
- 1.3. The number of objectors required before a planning application qualifies for public speaking at the Planning Committee is 10.

## 2.0. DEFINITIONS

### 2.1. Applications on Which the Public May Speak:

The public speaking scheme applies only to planning applications. It does not include Certificates of Lawful Use and Development or applications for work to trees covered by Tree Preservation Orders.

Any application which attracts 10 (see paragraph 1.3. above) or more individual objections (a petition will be regarded as one objection) prior to the designated cut-off date which will be **14 DAYS** prior to the meeting or, if later, the expiry of the 21 day period for receipt of representations.

In addition the public will have the right to address the Committee on any of the following types of applications (see (i) - (iv)) irrespective of the number of objections made:

- (i) Any application which in the opinion of the Borough Planning Officer raises major policy issues which is at variance with approved planning policies, or is of such a magnitude that significant planning issues are raised.
- (ii) Any application for development requiring an Environmental Statement under the provisions of Schedule I and II of the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988 and any subsequent amending regulations.
- (iii) Applications for major commercial (retail, industrial or business development) development with a floor space exceeding 2500 sq. metres (outline or detailed applications), but not reserved matters.
- (iv) Applications for residential developments of over 50 dwellings (outline or detailed applications), but not reserved matters.

**(NOTE:** Council applications are also subject to the same criteria set out above.)

### 2.2. Applications which officers will normally give a presentation to the Committee

This category will be of the type currently included on Section A and B of the Planning Committee agenda which would include:

- (i) developments proposing in excess of one dwelling;
- (ii) certain applications for change of use;
- (iii) non-controversial business or industrial/warehouse or retail proposals;
- (iv) all development proposals (including Minor applications) submitted by the Council;
- (v) applications involving a Member of the Council or staff.

**NOTE:** Presentation will also be given on any application where the public exercise a right to speak.

2.3. Applications which will not be formally presented to the Committee unless specifically requested by Members on which the public will not be invited to speak

This will normally be other minor applications which have been referred to the Committee at the request of Borough Planning Officer which would normally be dealt with under delegated powers.

Also minor applications where enforcement action is being recommended will not normally be presented by officers but will be included on this section of the Planning Committee agenda.

### 3.0. PROCEDURES

#### 3.1. Informing the Public

The letters which are sent to persons identified under the Council's neighbour notification procedure will also include advice that objectors may have a right to speak at Committee meetings, and will enclose an information leaflet explaining what happens at the Committee meeting.

3.2. The agenda is normally published by the Tuesday evening prior to the Committee meeting and sent out to Councillors. The 'cut-off' point for receipt of letters which would fall into the criteria of allowing public speaking shall be 14 days prior to the meeting or, if later, the expiry of the 21 day period for receipt of representations.

3.3. At the end of the working day, 14 days prior to the meeting at which the application is to be considered or later (as the case may be), the case officers/team leaders will advise the Borough Planning Officer of those applications intended for inclusion on the agenda which have attracted 10 (see paragraph 1.3. above) or more objections (and, of course, those applications which the right to speak arises irrespective of the number of objections).

3.4. If the representations received exceed 10 (see paragraph 1.3. above) individual letters (a petition would count as one objection but standardised letters will be treated as individual letters) then notification will be sent to all those persons advising them of their right to speak (in the case of a petition the first named person). The letter will be sent first class no later than the Wednesday following the dispatch of the agenda which is normally received by Councillors on the Tuesday evening preceding (also letters need to be sent to any objectors to major applications with less than 10 (see paragraph 1.3. above) objections which are to be included on the first part of the agenda).

3.5. The current letter sent to applicants or agents has been revised advising them of the date of the meeting and that they also have the right to make an oral presentation if objectors have given notice that they wish to make representations.

- 3.6. A list of the objectors (in all the categories where the right to speak exists) will be advised to the Democratic Services Officer together with details (and a contact number if known) of the agent or applicant.
- 3.7. In the letter advising the representors that they may speak at the meeting they will be required to register an interest no later than 4.00 p.m. on the Monday prior to the day of the Committee meeting (or 9.00 a.m. on the Tuesday following Bank Holidays). Representors will be required to leave their details on a 24hr answerphone which will be open from 9.00 a.m. on the day after the agenda goes out. Democratic Services will have responsibility for monitoring and actioning calls.
- 3.8. The enquirer will be advised of the arrangements for the procedure at the Committee and the agent or applicant will be contacted and advised that representations are to be made.
- 3.9. Only one representor of the objectors will be allowed to make an oral representation. This should be done on a 'first come first served' basis, i.e. the first person to register on the dedicated answerphone. Any subsequent representors wishing to speak will be advised by the Democratic Services Officer to contact the person who will be appearing so that representations can be combined if necessary.

#### **4.0. PROCEDURE AT COMMITTEE**

- 4.1. All speakers will be required to report to the Democratic Services Officer in the Council Chamber no later than 6.45 p.m. on the night of the Committee. The Democratic Services Officer will meet the speakers and explain procedures and also give directions as to where to sit in the Chamber. If the objector fails to appear then the applicant/agent will not be entitled to speak.  
  
(**NOTE:** Where more than one person has registered an interest to speak the second named representor will be entitled to speak if the first named speaker is not in attendance five minutes before the start of the meeting.)
- 4.2. Officers will introduce the application and advise Members on the recommendations.
- 4.3. Representors views will then be heard in the following order: representative of the objectors and agent/applicant. Each speaker will be allocated three minutes.
- 4.4. Whilst objectors and the agent have a right to speak, applications will not be deferred because one side is unable or does not wish to be present.
- 4.5. Members will not ask questions of the representatives at the end of the address. The representor will then be asked to move back to an allocated seating area behind the press bench.
- 4.6. Officers will then be asked by the Chairman whether they have anything to add by way of clarification.
- 4.7. The Committee will then debate the application (no more representors' views will be taken once the debate has started).
- 4.8. Representors will not have the right to speak or question the Members or Officers once they have made their submission.
- 4.9. Members will have the opportunity of asking further questions of the Officers and if necessary ask Officers to make a brief summary of the planning issues, at the end of the debate.

- 4.10. If the speakers wish to present documentary material this should be made available to the Democratic Services Officer before 12.00 noon on the day of the Committee.
- 4.11. The right to speak will only be exercised at the first Council meeting at which the application is considered and will not normally be the subject of further representors presentations at any subsequent meeting.

Exceptionally, where significant changes have taken place after a deferral by the Committee then a further presentation may be allowed.

- 4.12. In the event that a representor does not get the opportunity to speak as a result of the deferral of an application (either by the Borough Planning Officer or at the request of the applicant) before it is presented to the Committee, their chance to speak when the application is referred back to the Committee for consideration will be protected (i.e. they will be offered the opportunity first).

**NOTES:**

- (1) Representors will be allocated space behind the area normally occupied by the Press and come forward to the end of the outer horseshoe' (nearest to where the Democratic Services Officer sits) when speaking. A lectern will be placed in this position prior to the meeting.
- (2) The format of the revised agenda will include the following headings:
- Section A: Applications on which the public are eligible to speak.
- Section B: Applications which will be the subject of a presentation by Officers.
- Section C: Other applications where no presentations will be made unless requested by a Member of the Council.

# Guidance on the Submission and Consideration of Petitions

## 1. Introduction

This document sets out Woking Borough Council's arrangements for submitting and considering petitions.

A petition must either relate to a function of the Council or to an improvement in the economic, social or environmental well-being of the Borough to which any of the Council's partner authorities could contribute.

Petitions can be submitted to Woking Borough Council either on-line through the Council's e-petitions facility or on paper. If you wish to submit a paper petition, or have any questions relating to the Borough Council's Petitions Scheme, please contact Democratic Services as follows:

Democratic Services  
Civic Offices  
Gloucester Square  
Woking, Surrey GU21 6YL  
Tel: 01483 743863  
E-mail: [memberservices@woking.gov.uk](mailto:memberservices@woking.gov.uk)  
Website: [www.woking.gov.uk](http://www.woking.gov.uk)

## 2. Guidelines for Drawing Up 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; and
- the name and address and signature of any person supporting the petition.

Petitions should be accompanied by contact details, including an address, for the petition organiser. The petition organiser can be anyone who lives, works or studies in Woking. This includes anyone under the age of 18. This is the person the Council will contact to explain how it will respond to the petition.

The contact details of the petition organiser will not be placed on the website. In the event that the petition does not identify a petition organiser, the Council will contact the signatories to the petition to agree who should act as the petition organiser.

In the period immediately before an election or referendum, the Council may need to deal with a petition differently – if this is the case, the Council 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 such cases, the Council will write to the petition organiser to explain the reasons. A copy of the notification will be published on the Council's website.

### **3. Exclusion of Petitions**

The Council will not take action on any petition which is considered to be vexatious, abusive or otherwise inappropriate. The petition organiser will be advised of the reasons for the Council's decision in such situations, and a copy of the notification will be published on the Council's website.

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.

Where a petition is received on the same or similar topic as one the Council has received in the last six months, it will not be treated as a new petition. The Council will acknowledge receipt of the petition within fourteen days and include details of its response to the previous petition on the topic.

Where the Council is still considering a petition on the same or similar topic, the new petition will be amalgamated with the first received petition.

### **4. Acknowledgement of Receipt of a Petition**

The Council will acknowledge the receipt of a petition within fourteen days of receiving it. The acknowledgement will indicate what the authority has done or proposes to do in response to the petition and associated timescale. It will also be published on the Council's website, except in cases where this would be inappropriate.

The Council will write to the petition organiser at each stage of the petition's consideration. If the petition has been submitted online, all information will be sent to the petition organiser's e-mail account. The Council will only contact the petition organiser in matters relating to the petition.

### **5. The Council's Response**

The Borough Council's 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:

- Giving effect to the request in the petition ('taking the action requested').
- Considering the petition at a meeting of the Overview and Scrutiny Committee, Executive or Council.
- Holding an inquiry into the matter.
- Holding a public meeting.
- Undertaking research.
- Giving a written response to the petition organiser setting out the Council's views about the request in the petition.
- Referring the petition to the Council's Overview and Scrutiny Committee for consideration.
- Holding a consultation.
- Holding a meeting with petitioners.
- Calling a referendum.

The relevant local Ward Councillors will be advised when a petition has been received and will be consulted on the appropriate response. The type of response the Council provides

may be dependent on the number of signatories to the petition. The table below summarises the Council's approach:

Number of signatories	Response
less than 10	Response from Officer (treated as standard correspondence).
10 – 99	Response to be decided by Chief Executive in consultation with Leader of the Council.
At least 100	Referred to the Executive.
At least 200	Officer(s) called to provide evidence at a meeting of the Overview and Scrutiny Committee. This threshold only applies where such action is requested in the petition.
At least 400	Debated at a meeting of full Council.

If the Council is able to take the action requested in the petition, the acknowledgement may confirm that the action requested has been undertaken and that the petition will be closed. If the petition has enough signatures to trigger a debate at a meeting of the Council, or a senior Officer giving evidence, then the acknowledgment will confirm this, setting out when and where the meeting will take place. If the petition needs more investigation, the acknowledgement will outline the intended steps.

Where the petition is referred to the relevant Portfolio Holder for a response, the petition organiser will be invited to make a written statement in support of the petition.

Where the petition is referred to a meeting of the Council, the petition organiser will be allowed three minutes to present the petition, following which the petition will be discussed by Councillors.

If a petition is about something over which the Council has no direct control, consideration will be given to making representations on behalf of the community to the relevant body. The Council works with a large number of partner organisations and where possible will work with these partners to respond to a petition. If the Council is not able to do this for any reason, notification will be sent to the petition organiser setting out the Authority's reasons.

If a petition relates to a service or responsibility of a different Council, Woking Borough Council will give consideration to what the best method is for responding to it. This may consist of simply forwarding the petition to the other Council, but could involve other steps. The petition organiser will again be notified of the action taken by the Council.

## **6. Presenting at a Meeting of the Council**

If a petition contains between 100 and 400 signatures it will be referred to a meeting of the Executive for consideration. If more than 400 signatures have been added to the petition, it will automatically be referred to a meeting of the full Council for debate. The only exception would be in those cases where the petition asks for a senior Council Officer to give evidence at the Overview and Scrutiny Committee.

The Council will contact the petition organiser before the meeting and if the organiser or their nominee wishes to present the petition at the meeting, confirmation must be given at least ten working days before the meeting.

The presentation of a petition is limited to not more than three minutes, and should be confined to reading out, or summarising, the purpose of the petition, indicating the number and description of signatories, and making supporting remarks relevant to the petition. Councillors may then proceed to ask questions of the petition organiser.

At a meeting of an Overview and Scrutiny Committee, the Chairman may permit the petition organiser to participate in the Committee's consideration or debate of the issues raised by the petition.

The Council will consider all the specific actions it can potentially take on the issues highlighted in a petition and the Councillors will decide how to respond to the petition at this meeting. They may decide to support the action the petition requests, or not, or refer the matter to another meeting, such as the Executive or Overview and Scrutiny Committee, for further consideration. The petition organiser will receive written confirmation of this decision.

## **7. Deputations or Lobby Groups**

Associations or groups who wish to present a petition to the Council about a Council service or initiative or about an issue which affects the Borough can do so as a deputation. The request must be made at least ten working days before the meeting at which the petition will be presented and should include all details of the issue, the number of people forming the deputation (no more than five) and their names and addresses and names of the people who will speak about the petition.

The Chairman will ask the members of the deputation who are presenting the petition to speak about it for up to five minutes. Councillors may then ask members of the deputation questions about the petition.

## **8. Petitions Asking Senior Officers to Provide Evidence**

A petition may ask for a senior Council Officer to give evidence at a meeting of the Overview and Scrutiny Committee about something for which the Officer is responsible as part of their job. For example, a 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 a petition requests such action and contains at least 200 signatures, the relevant senior Officer will give evidence at a public meeting of the Council's Overview and Scrutiny Committee. Only Officers of the Council's Corporate Leadership Team can be petitioned to give evidence. However, the Overview and Scrutiny Committee may decide that it would be more appropriate for another Officer to give evidence instead of any Officer named in the petition – for instance if the named Officer has changed jobs. The Committee may also decide to call the relevant Councillor to attend the meeting.

The Members of the Committee will ask the questions at the meeting, but the petition organiser will be able to suggest questions to the Chairman of the Committee. These questions must be received by Democratic Services at least ten working days before the meeting.

## **9. E-petitions**

An e-petition facility will be available on the Council's website through which residents of the Borough can create petitions for submission to the Council. The same guidelines apply to e-petitions as to paper petitions.

Under the scheme, the petition organiser will need to provide their name, postal address and email address. Furthermore, the petition organiser needs to decide how long they would like the petition to be open for signatures, up to a maximum of 12 months.

When an e-petition is created, it may take up to five working days before it is published online. During this time, the Council will check that the content of the petition is suitable before it is made available for signature.

If it is felt that the Council cannot publish a petition for some reason, the petition organiser will be advised of the reasons. Petition organisers will be able to change and resubmit a petition. If this is not done within 10 working days, a summary of the petition and the reason why it has not been accepted will be published on the website.

When an e-petition has closed for signature, it will automatically be submitted to Democratic Services. In the same way as with a paper petition, the petition organiser will receive an acknowledgement within fourteen working days of receipt of the petition. A copy of the 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 the Council's website.

## **10. Signing an e-Petition**

Details of all the e-petitions currently available for signature will be available on the Council's website. Those wishing to add their support to a petition will be asked to provide their name, postcode and valid email address. Once the information has been added, an e-mail will be sent to the email address provided which contains a link which must be clicked on in order to confirm that the email address is valid. Once this has been done, the 'signature' will be added to the petition. People visiting the e-petition will be able to see all 'signatures' but will not have access to the contact details.

## **11. Requesting a Review of the Council's Actions in response to a Petition.**

The petition organiser has the right to request that the Council's Overview and Scrutiny Committee reviews the steps that the Council has taken in response to their petition. The petition organiser will be asked to provide a short explanation of the reasons why the Council's response is not considered to be adequate.

The Overview and Scrutiny Committee will endeavour to consider such requests 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 that the Council has not dealt with a petition adequately, it may investigate the matter, make recommendations to the Executive or arrange for the matter to be considered at a meeting of full Council.

Once the Committee has completed its review the petition organiser will be informed of the results within five working days. The results of the review will also be published on the Council's website.

