

**Part 4 – Section 1**

# **Standing Orders**

## **1. Meetings of the Council**

### **Time and Place**

- 1.1. All meetings of the Council shall be held in the Council Chamber, Civic Offices, Gloucester Square, Woking on a Thursday commencing at 7:00pm unless otherwise notified by the Proper Officer in the summons to the meeting.

### **Notice and Summons**

- 1.2. The Chief Executive will notify the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear working days before a meeting, (unless the law requires the business to be transacted by a particular date) the Chief Executive will send a summons to every Councillor giving the date, time and place of the meeting and specifying the business to be transacted and will be accompanied by any reports which are available.
- 1.3. The Chief Executive may cancel a meeting of the Council or its Committees where the agenda has already been issued if it is considered expedient to do so. The Chief Executive shall not exercise such power without prior consultation with the Mayor or the Committee Chair (as appropriate). Any outstanding business will be deferred to the next meeting.

## **2. Chairing the meetings**

- 2.1. The Mayor, if present, will chair the meeting. If the Mayor is absent, the Deputy Mayor will take the chair. If both the Mayor and Deputy Mayor are absent, the Councillors present will elect a Councillor to take the Chair for the meeting. The person presiding at the meeting may exercise any power of duty of the Mayor.

## **3. Quorum for Council meetings**

- 3.1. The quorum of Full Council is one quarter of the total number of Councillors and no business shall be considered unless a quorum is present. For the avoidance of doubt, the quorum for Full Council meetings shall be rounded up to 8 Councillors.
- 3.2. If there is no quorum present at the beginning of a meeting, there shall be a wait of up to thirty minutes. If there is still no quorum at the end of thirty minutes, the Chief Executive shall record the fact in the Minute Book and the names of the Councillors then present. The meeting will stand adjourned to another day.
- 3.3. During the course of a meeting, the Mayor, or any Councillor, 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 Councillors then present. The meeting will stand adjourned to another day.
- 3.4. Any business remaining shall be dealt with on a date and time fixed by the Mayor or, if a date and time is not found, at the next ordinary meeting of the Council.
- 3.5. It shall not be necessary for the wait to run its course if, in the meantime, a quorum is present.

## **4. Duration of meeting**

- 4.1. The Chief Executive, or their representative, at any Council meeting will indicate to the Councillors present when any meeting has lasted for three and a half hours.
- 4.2. Unless the majority of Councillors present then agree that the meeting should continue, it will automatically be adjourned. Any business not considered will be considered at a time and date fixed by the Mayor. If the Mayor does not fix a date, the remaining business will be considered at the next ordinary meeting of Full Council.

### **Order of Business**

- 4.3. Subject to Standing Order 5.1, the order of business at every meeting of the Council shall be:
- i) to choose a person to preside if the Mayor and Deputy Mayor are absent;
  - ii) to receive apologies for absence;
  - iii) to receive declarations of interest;
  - iv) to approve the Minutes of the last Council meeting;
  - v) to consider any urgent business;
  - vi) receive any announcements from the Mayor, Leader (or their nominated spokesperson), Committee Chairs and/or the Chief Executive;
  - vii) question from members of the public;
  - viii) written questions under Standing Order 8.1;
  - ix) 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;
  - x) to receive and consider reports from Council Officers;
  - xi) to deal with notices of motion under Standing Order 10 in the order in which they were received; and
  - xii) any other business of which notice has been given in the summons.
- 4.4. With the exception of items i, ii, iii, iv and v in Standing Order 4.3, the Mayor may vary the order of business if they consider it desirable to do so.

## **5. Extraordinary Meetings**

### **Calling Extraordinary Meetings**

- 5.1. Those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings of the Council:
- i) The Council by resolution;
  - ii) The Mayor; and
  - iii) The Monitoring Officer.

## **6. Annual Meeting**

### **Timing and business**

6.1. In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting will take place in May.

6.2. The annual meeting shall:

- i) elect a person to preside if the Mayor is not present;
- ii) elect a Councillor to be the Mayor of the Council;
- iii) elect a Councillor to be Deputy Mayor of the Council;
- iv) approve the minutes of the last ordinary meeting;
- v) codes and protocols;
- vi) receive any announcements from the Mayor;
- vii) elect Councillors to be the Leader and Deputy Leader for the next municipal year;
- viii) approve a programme of ordinary meetings of the Council for the year if one has not previously been agreed; and
- ix) consider any business set out in the notice convening the meeting.

### **Selection of Councillors on Committees and Outside Bodies**

6.3. At the annual meeting, the Council shall:

- i) decide which Committees to establish for the municipal year;
- ii) decide the size and terms of reference for those Committees;
- iii) decide the allocation of seats to political groups in accordance with the political balance regulations;
- iv) appoint the Chairs and Vice-Chairs of Committees on a politically proportionate basis, and where feasible these positions on any one Committee being filled by Councillors from different political groups;
- v) appoint the Chairs and Vice-Chairs of sub-Committees, where necessary; and
- vi) appoint to such outside bodies not delegated to a committee, that require a Council decision.

## **7. Declarations of Interest**

7.1. Where, in relation to an item on the agenda, a Councillor has a Disclosable Pecuniary Interest, that interest should be declared at the start of the meeting by giving full details of the interest and the item to which it relates.

7.2. The Councillor must thereafter leave the room when that matter falls to be discussed and take no part in the debate or the vote for that business.

7.3. Where in relation to an item on the agenda, a Councillor has:

- i) a non-Pecuniary interest detailed in Part 5, Section 1 – Members Code of Conduct

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- ii) any other Conflict of Interest then such interest should be declared at the start of the meeting by giving full details of the interest and the item to which it relates.
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- 7.4. A Councillor is not required to leave the room when the item is debated but may do so if, in the opinion of the Councillor concerned, it is advisable in all the circumstances of the case. A Councillor with such an interest, who has remained for the debate, is entitled to speak and vote on the matter to which it relates.

## **8. Council Minutes**

### **Signing the Minutes**

- 8.1. The Mayor shall sign the minutes of a meeting at the next suitable meeting. The Mayor will move that the minutes of the previous meeting be confirmed and signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

### **No Requirement to Sign Minutes of Previous Meeting at Extraordinary Meeting**

- 8.2. Where, in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under Paragraph 3 of Schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of Paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

## **9. Motions at Council Meetings**

- 9.1. Motions may be made either with notice under Standing Order 10 or without notice under Standing Order 11, but not otherwise.

## **10. Notices of Motion**

- 10.1. Any Councillor may give notice of a motion for consideration at any ordinary meeting of the Council.
- 10.2. Every motion must relate to some matter of public, local or general concern or interest and should be about something for which the Council has responsibilities, or which affects the Borough. Motions should be about a single discreet issue and not be, in the opinion of the Chief Executive (or Monitoring Officer in their absence), defamatory, frivolous, offensive or otherwise out of order.
- 10.3. Notices of motion under this Standing Order shall be in writing and delivered to the Chief Executive's office by 12 noon, eight working days before the meeting of the Council at which the motion is intended to be moved. No motion shall exceed 250 words in length.
- 10.4. A notice of motion may not be given by a Councillor 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 of motion under Standing Order 10.
- 10.5. Notices delivered in accordance with Standing Order 10.3 shall be dated and numbered in the order in which they were received. The record of receipt shall be open to inspection by any Councillor of the Council.

- 10.6. Every valid notice of motion shall be included in the summons for the next meeting of the Council unless:
- i) the Councillor who gave it has indicated that it is to be moved at some later meeting; or
  - ii) it is withdrawn in writing.
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- 10.7. If a motion set out in the summons is not moved, either by the Councillor who gave notice or by some other Councillor on their behalf, it shall, unless the Council agrees otherwise, be treated as withdrawn. The motion may not be moved without fresh notice.
- 10.8. After a motion under this Standing Order has been moved and seconded, it shall be dealt with at the meeting of the Council to which it is brought, unless the Monitoring Officer and/or Section 151 Officer considers that it would be conducive to the despatch of business to refer the motion without debate to a meeting of the Executive falling before the next ordinary meeting of Council for consideration and report.
- 10.9. If a motion is referred to the Executive for consideration and report, the Councillor who moved it shall (if they are 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).
- 10.10. The Executive shall report back to the Council and shall recommend the Council either to adopt the motion as originally moved or be subject to some amendment or otherwise as it thinks fit. A motion may be referred by the Executive to another Committee for consideration.
- 10.11. If a motion is recommended for adoption with amendments or is recommended to have no action taken on it, the Councillor who gave the notice may, at the meeting of the Council at which it is considered, pursue their motion in its original form (provided it is moved and seconded). The Councillor who gave the notice may speak twice; firstly, to move their original motion and, secondly, to have the right of reply to the debate. The Leader or Councillor in charge of the Executive recommendation may only speak once (immediately before the Councillor who gave the notice).

## **11. Motions without Notice**

- 11.1. The following motions may be moved without notice and will then be followed by no more than the number of speakers in brackets.
- i) Appoint a Chair for the meeting (none).
  - ii) Correct the Minutes (no limit).
  - iii) Alter the order of business (none).
  - iv) Refer the matter to a committee (no limit).
  - v) Amend a motion (no limit).
  - vi) Extend the time limit for speeches (none).
  - vii) Suspend Standing Orders (two).
  - viii) Exclude press and public (subject to the provisions of sections 100A-100K of the Local Government Act 1972) (two).

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ix) Approve a Closure Motion (none).

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x) Give consent where consent is required by any Standing Order (no limit).

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xi) To continue the meeting beyond three hours (none).

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## **12. Questions from Members of the Public**

### **General**

12.1. Meetings of the Council will allow for a period not exceeding 15 minutes during which time members of the public may ask the Leader or Committee/Sub-Committee Chairs questions relating to matters over which the Council has powers or duties, or which affect the Borough.

12.2. Questions may be put to the Council by any individual that lives, works, or studies in the Borough.

### **Number of Questions**

12.3. A member of the public may not submit more than 3 questions for any Council meeting.

### **Order of Questions**

12.4. Questions will be asked in the order received, except that the Mayor may group together similar questions. If more than two questions are submitted by the same person, the third question shall be moved to the end of the agenda item.

### **Notice of Questions**

12.5. A question may only be asked if notice has been given by delivering the question in writing to the Chief Executive no later than 12 noon seven working days prior to the day of the Council meeting. Each question must give the name and address of the questioner and indicate the Councillor to whom it is to be put.

### **Length of Questions**

12.6. No question shall exceed 100 words in length in order to allow all members of the public submitting questions to have a fair and equitable opportunity to ask their question within the time allotted as stipulated at Standing Order 12.1. The question may be accompanied by a statement of context which must not exceed 250 words and must be clearly separated from the text of the question. The statement of context and the question will be included in the agenda of the meeting.

12.7. The Chief Executive, or their representative, shall request that a question exceeding 100 words in length is re-submitted to meet this requirement, within one working day of the request being made.

12.8. Any question that fails to be re-submitted in accordance with Standing Order 12.6 will receive a written response only, within 5 working days of the Council meeting for which it was submitted.

### **Scope of Questions**

12.9. The Chief Executive, or their representative, may reject a question if it:

- i) is a matter about which the Council has no responsibility, nor affects the Borough;
- ii) is defamatory, frivolous, or offensive;
- iii) requires the disclosure of confidential or exempt information; or
- iv) is the same or very similar to a question that has been submitted to a meeting of Full Council, the Executive, or a topic reviewed by the Overview and Scrutiny Committee within the past six months.

### **Record of Questions**

- 12.10. The Chief Executive will keep a record of each question and will, on receipt, send a copy of the question to the Councillor to who it is to be put. Rejected questions will include reasons for rejection. Questions (and statements of context), including those dealt with under Standing Order 12.11, and the answers given will be recorded in the minutes of the meeting.

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

- 12.11. The Mayor will invite the questioner to put the question to the Councillor named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Mayor to put the question on their behalf. The Mayor may ask the question on the questioner's behalf and indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with. No supplementary questions will be allowed.

### **Written Answers**

- 12.12. Any question that cannot be dealt with during the time allotted for public questions, either due to lack of time, or the non-attendance of the Councillor to whom it was to be put, or because not all the information was available, shall be dealt with by a written answer.

## **13. Council Meetings – Questions by Councillors**

- 13.1. Provided that the Chief Executive has received a copy of the question to be asked before 12 noon seven working days prior to the day of the Council meeting, a Councillor may:

- i) ask the Leader or the relevant Chair of any Committee or Sub-Committee, about an issue in the Councillor's Ward; or
- ii) ask the Leader or the relevant Chair of any Committee or Sub-Committee about some issue in which the Council has powers or duties or which affects the Borough; or
- iii) ask the Chair of a Committee or Sub-Committee about something for which their committee has responsibility.

- 13.2. The procedure for dealing with written questions by Councillors shall be as follows:

- i) The questions and draft replies shall be published electronically the day of the Council meeting.
- ii) All first questions submitted by Councillors will be taken serially and taken as read first. Second questions will follow, then third questions and so on.



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- iii) The draft reply shall (without further comment) be taken to be the reply to the question unless the Leader (or Councillor answering on their behalf) indicates otherwise.

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  - iv) A Councillor may ask one supplementary question. The supplementary question must be one which either directly arises out of the answer given or is required to clarify some part of the answer.

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  - v) The total time for written questions shall be 15 minutes, or such longer time as the Mayor may allow.
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13.3. A question and answer shall not be the subject of discussion or debate.

13.4. The Councillor to whom a question, or a supplementary question, is put may:

- i) decline to answer;

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  - ii) refer the questioner to a Council document or publication where the answer may be found;

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  - iii) undertake to supply an answer (either to the questioner or to all the Councillors) if an answer cannot conveniently be given when it is asked and circulate within seven working days; or

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  - iv) refer the question for answer to another member of the Executive.
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13.5. Notice of a question may not be given by a Councillor 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 13.

## 14. Voting

### Majority

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

### Show of Hands

14.2. Unless a named vote is taken, voting at Council meetings shall be by a show of hands or, if there is no dissent, affirmation at the meeting.

### Named Vote

14.3. A named vote shall be taken if:

- i) the Mayor considers one is necessary; or

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  - ii) a Councillor requests one before a 'show of hands' vote is taken.
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14.4. The names of Councillors 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.

- 14.5. 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 Councillor who cast a vote for the decision or against the decision or who abstained from voting (“present but not voting”).

#### **Result of Votes**

- 14.6. 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.

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

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

#### **Casting Vote**

- 14.8. In the case of an equality of votes, the Mayor may, provided they have 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.

### **15. Consideration of Recommendations**

- 15.1. Where the Executive or Committee is reporting a matter which is reserved to Council, the relevant Portfolio Holder or Committee Chair (or a member of the relevant Committee nominated by the chair of that Committee) will introduce the report. The recommendation of the Executive or Committee in the report is deemed to be moved and seconded and the motion shall operate (without further words being necessary) as a motion. The normal rules of debate shall apply to any debate on the recommendations.

### **16. Conflicting Recommendations**

- 16.1. 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.
- 16.2. 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.
- 16.3. No Councillor shall speak more than once in the debate except on successive amendments, or to exercise a right of reply under Standing Order 17.17.
- 16.4. 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 Chair of the second (or last) Committee (or the Councillor having charge of that Committee's report) shall have the right of reply at the close of the debate, with the Chair or Chairs (or other Councillor in charge) of the first or preceding Committee having the right to speak immediately before.

### **17. Council Meetings – Rules of Debate**

#### **Motions and Amendments**

- 17.1. A motion or amendment shall not be discussed unless it has been proposed and seconded.
- 17.2. The Mayor shall satisfy themselves that Council understands the terms of a motion or amendment before it is discussed or voted on.

### **Seconders' Speech**

- 17.3. When seconding a motion or amendment, a Councillor may reserve their speech until later in the debate.

### **Speeches**

- 17.4. A Councillor may indicate their wish to speak, but the Mayor has an absolute discretion as to whether, and when, to call that Councillor (except when a Councillor is exercising a right of reply).
- 17.5. A Councillor shall direct their speech to the matter under discussion.
- 17.6. Unless the Mayor agrees otherwise, no speech shall exceed five minutes.
- 17.7. The Leader's Statement at the first ordinary Council meeting of the Municipal Year and their annual Budget speech, and Group Leaders' responses, are not subject to a time limit.

### **When a Councillor may speak again**

- 17.8. A Councillor who has spoken on a motion or an amendment may not speak again whilst it is the subject of debate, except:

- i) in exercise of a right of reply;
- ii) on a point of order; or
- iii) by way of personal explanation.

### **Amendments to Motions**

- 17.9. An amendment shall be relevant to the motion and will be:

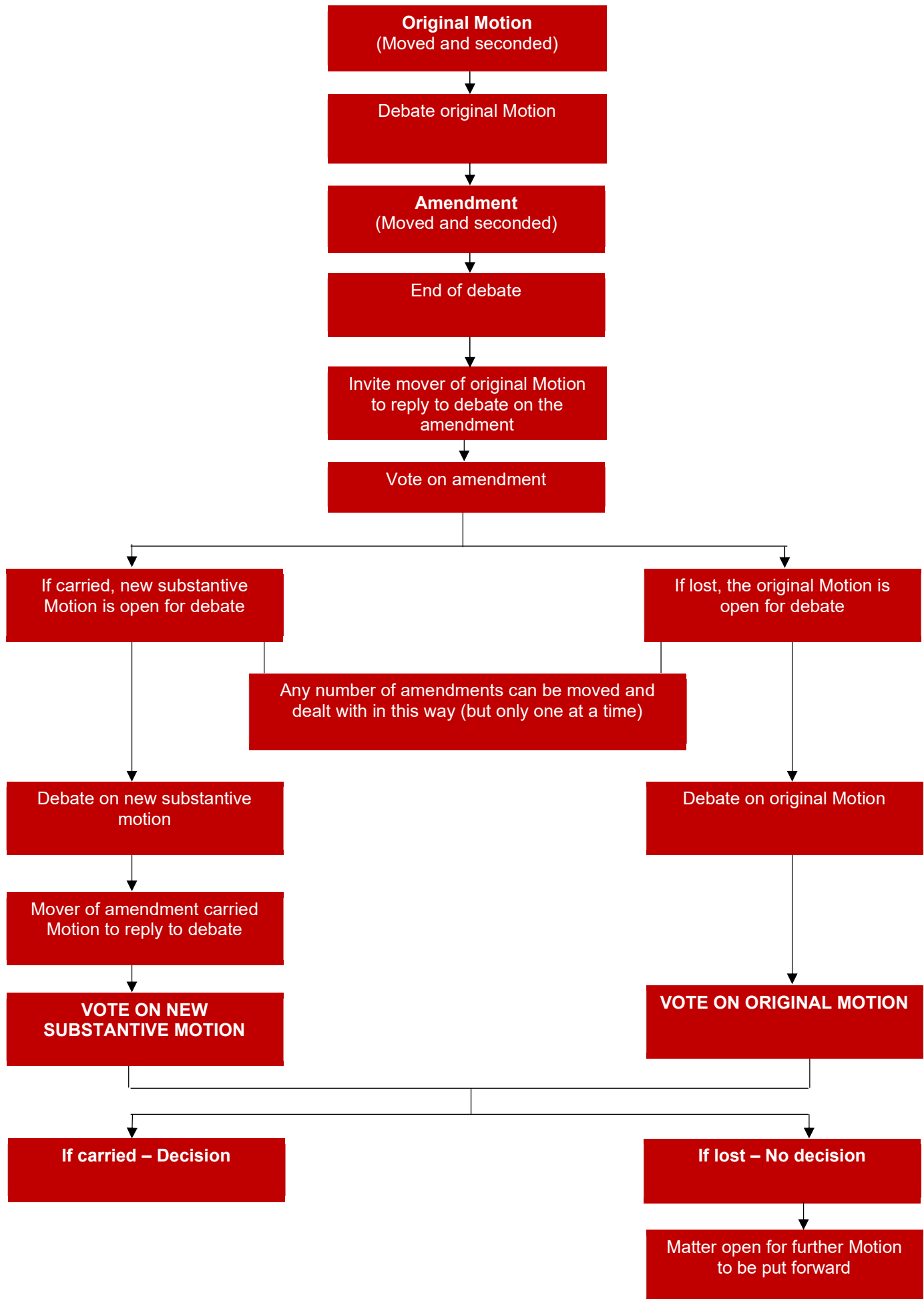
- i) to refer the matter to the Leader/Executive, an appropriate Committee or other body for consideration or reconsideration;
- ii) to leave out words;
- iii) to leave out words and insert or add others; or
- iv) to insert or add words; as long as the effect of (i) to (iii) above is not to negate the motion.

- 17.10. The Mayor may require the amendment to be written down and handed to the Chief Executive before it is discussed. If deemed necessary, the Mayor shall read out the amended motion before the amendment is put.

- 17.11. Only one amendment may be moved and discussed at any one time and no further amendment shall be moved until the amendment under discussion has been disposed of, provided that the Mayor may permit multiple amendments to be discussed together

if they think that this will facilitate the proper conduct of business, subject to separate votes being taken in respect of each amendment.

- 17.12. If an amendment is lost, other amendments to the original motion may be moved.
- 17.13. If an amendment is lost, no other amendment having a similar effect may be moved at the same meeting of the Council.
- 17.14. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the substantive motion to which any further amendments may be moved.
- 17.15. 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.
- 17.16. A flowchart showing how decisions can be made is shown on the next page:



## Right of Reply

17.17.

- i) The mover of a motion has a right of reply at the end of the debate on the motion, immediately before it is put to the vote.
- ii) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment but may not otherwise speak on it.
- iii) If an amendment has already been carried, the mover of that is deemed to be the mover of the substantive motion and therefore has the right of reply at the close of the debate on a further amendment.
- iv) The mover of an amendment has no right of reply to the debate on their amendment.

17.18. A Councillor exercising a right of reply shall confine themselves to answering previous speakers and shall not introduce new matters or material. The Mayor's ruling on this shall be final and not open to discussion.

17.19. A decision shall be taken immediately after the right of reply has been exercised.

## Alteration and Withdrawal of Motions

17.20. A Councillor may, with the consent of their seconder and of the Council, which shall be signified without discussion, alter a motion which they have proposed or of which notice has been given, if the alteration is one which could have been moved as an amendment.

17.21. 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 permissible for any Councillor to speak upon it after the proposer has asked and been given permission for its withdrawal.

## Motions which may be moved during debate

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

- i) to amend the motion;
- ii) to adjourn the meeting;
- iii) to adjourn the debate;
- iv) to proceed to the next business;
- v) that a Councillor be not further heard;
- vi) that a Councillor leave the meeting; or
- vii) that the Public be excluded, under Section 100A of the Local Government Act 1972.

## Points of Order and Personal Explanation

### Point of Order

17.23. A Councillor may raise a point of order at any time. The Mayor shall hear them immediately. A point of order may only relate to an alleged breach of these Standing Orders or the law. The Councillor must indicate the Standing Order or law and the way in which they consider it has been broken. The ruling of the Mayor on the matter will be final.

#### Personal Explanation

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

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

#### **Closure Motions**

17.26. A Councillor may move, without comment, the following Closure Motions at the end of a speech of another Councillor;

i) to proceed to the next business;

ii) that the question be now put;

iii) to adjourn a debate; or

iv) to adjourn a meeting.

17.27. If a Closure Motion is seconded and the Mayor considers the item has been sufficiently discussed, the Mayor will put the procedural motion to the vote. If it is passed the Mayor will give the mover of the original motion a right of reply before putting the motion to the vote.

17.28. A second Closure Motion shall not be made within a period of half an hour except by leave of the Mayor.

17.29. The Mayor may, at their discretion, adjourn the meeting at any time, for such period of time that they consider reasonable and conducive to the dispatch of business.

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

17.30. 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 10 and bears the names of at least ten Councillors.

17.31. 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.

### **Officers speaking during debates**

17.32. Any Officer of the Corporate Leadership Team or their representative may signify they wish to speak.

17.33. The Mayor shall then use their discretion to call upon the Officer at an appropriate point during the debate.

17.34. The subject matter on which an Officer may speak shall be confined to providing:

i) relevant information; or

ii) explanation or interpretation of any law, regulation, protocol or procedure.

17.35. The Mayor may, at their discretion, permit a Councillor to seek, through the Chair, the opinion of any Officer present at the meeting on a particular point.

17.36. Any Officer may be called upon to speak by the Mayor who shall indicate the subject matter.

17.37. Where an Officer is presenting a report of which prior notice has been given, the above rules do not apply in relation to the presentation.

## **18. Councillor Conduct**

### **Role of the Mayor**

18.1. The Mayor is required to ensure that the meeting is conducted in a calm atmosphere of decorum.

### **Remaining Seated to Speak**

18.2. When Councillors speak at Council, they may remain seated. Councillors shall address the meeting through the Mayor.

### **Attire**

18.3. Councillors and Officers shall dress appropriately at meetings of the Council, Executive and Committees. For the avoidance of doubt, appropriate shall be considered as business dress. Any comments in respect of dress at meetings shall be raised with Group Leaders.

### **Mayor Standing**

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

## **19. Misconduct by a Councillor**

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

### **Continuing Misconduct by a Named Councillor**



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

#### **Disturbance by Members of the Public**

- 19.3. If a member of the public interrupts the proceedings at any meeting, the Mayor may warn them. If they continue the interruption after the warning, the Mayor may order their 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.

#### **General Disturbance**

- 19.4. If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as they think necessary.

#### **Confidentiality of Business**

- 19.5. All agendas, reports and other documents circulated to Council, 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 Councillors.
- 19.6. The proceedings of Council 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. Application to all Committees and Sub-Committees**

- 20.1. All of these Standing Orders apply to meetings of the Council.
- 20.2. Reference to the Mayor shall be read as reference to the Chair.
- 20.3. Standing Orders 3,4,7,8,14,15,16, 17 and 19 apply to meetings of Committees and to meetings of the Executive.
- 20.4. The Committees shall receive a presentation from Officers and be afforded the opportunity to raise any clarification questions following which the Committees shall move to the debate.

### **21. Planning Committee – Speaking by the Public and Ward Councillors**

- 21.1. The Planning Committee will receive representations from members of the public and applicants in accordance with procedures agreed from time to time by the Committee.
- 21.2. Any Councillor may attend meetings of the Planning Committee but must sit separately from the members of the Committee so that it is clear to members of the public who are the members of the Committee.
- 21.3. Any Councillor may seek the permission of the Chair of the Committee of which they are not a member to speak at the meeting in relation to an item relating to their Ward.

### **22. Licensing Committee – attendance by non-Committee Councillors**

- 22.1. Any Councillor may attend meetings of the Licensing Committee but must sit separately from the members of the Committee so that it is clear to members of the public who are the members of the Committee.
- 22.2. Any Councillor may seek the permission of the Chair of the Committee of which they are not a member to speak at the meeting in relation to an item relating to their Ward.

### **23. Standards and Audit Committee – attendance by non-Committee Councillors**

- 23.1. Any Councillor may attend meetings of the Standards and Audit Committee of which they are not a member but shall sit separately from the members of the Committee so that it is clear to members of the public who are the members of the Committee.
- 23.2. Any Councillor may seek the permission of the Chair of the Committee of which they are not a member to speak at the meeting in relation to an item relating to their Ward.

### **24. Exclusion of Public**

- 24.1. Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of the Constitution or under Standing Order 19.3 (Disturbance by public).

### **25. Photography and Audio/Visual Recording of Meetings**

- 25.1. Audio/visual recording at Council meetings is permitted in accordance with the Openness of Local Government Bodies Regulations 2014.

### **26. Motions Affecting Persons Employed by the Council**

- 26.1. 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.

### **27. Committees – Composition**

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

### **28. Convening of Committees**

- 28.1. 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.

- 28.2. The Chair of a Committee, or in their absence the Vice-Chair, shall be authorised, after consultation with the Chief Executive, or the Monitoring Officer in their absence, to cancel a meeting of a Committee in cases where they are 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.
- 28.3. The Chair 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 Chair 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.

### **29. Committees - Election of the Chair**

- 29.1. Every Committee shall, at its first meeting, before proceeding to any other business, elect a Chair and, if it so desires, may elect a Vice-Chair or such number of Vice-Chairs as they think fit for the year. In the absence at a meeting of both Chair and Vice-Chair, a Chair for that meeting shall be appointed.
- 29.2. Subject to Standing Orders 27 & 28, the Chair of a Committee shall, provided they remain 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.

### **30. Powers, Duties and Responsibility for Functions**

- 30.1. 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.
- 30.2. In the exercise of their powers or duties or tasks, the Leader/Executive, an individual Councillor exercising delegated powers and every Committee shall:
- i) formulate and keep under review objectives and standards for the provision of services within its terms of reference;
  - ii) 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
  - iii) take such action or make such recommendations as may be necessary or appropriate.

### **31. Standing Orders**

#### **Variation and Revocation**

- 31.1. 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.

#### **Suspension of Standing Order**

- 31.2. 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.

**Interpretation of Standing Orders**

- 31.3. 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.

**Construction of Standing Orders**

- 31.4. Save where specified to the contrary in this Constitution, the expression 'clear days/clear working 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.

**32. Appointments to Outside Bodies**

- 32.1. 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 Councillor shall have a maximum number of votes equal to the number of vacancies.

Part 4 – Section 2

# **Budget and Policy Framework Procedure Rules**

## 1. The Framework for Executive Decisions

- 1.1. The Council shall 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

- 2.1. The process by which the Budget and Policy Framework shall be developed is:

- i) 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.

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- ii) 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.

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- iii) 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.

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- iv) 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.

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- v) 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.

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- vi) 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.

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- vii) 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.

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- viii) The decision shall then be made public and shall be implemented immediately.

## 3. Decisions Outside the Budget and Policy Framework

- i) Subject to the provisions of Financial Regulations as they apply to virement, the Leader/Executive, Committees of the Executive, individual Councillors 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 urgent decisions outside the Budget and Policy Framework.

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- ii) If the Leader/Executive, Committees of the Executive, individual Councillors 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 laid out below, under Urgent decisions outside the budget and policy framework, shall apply.
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#### **4. Urgent Decisions Outside the Budget or Policy Framework**

4.1. The Leader/Executive, a Committee of the Executive, an individual Councillor 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 if:

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- i) it is not practical to convene a quorate meeting of the Full Council; and
  - ii) the Chair of the Overview and Scrutiny Committee agrees that the decision is a matter of urgency.
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4.2. The reasons why it is not practical to convene a quorate meeting of Full Council and the Chair 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 Chair of the Overview and Scrutiny Committee, the consent of the Mayor will suffice and, in the absence of both, the Deputy Mayor will be sufficient.

4.3. 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 the Budget and Policy Framework**

5.1. 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 Councillor or Officers discharging Executive functions must be in line with it. No changes to any policy and strategy which make up the Budget and 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 and Policy Framework**

6.1. Where the Overview and Scrutiny Committee is of the opinion that an Executive decision is, or if made would be, contrary to the Budget and 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.

- 6.2. 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 Councillor 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.
- 6.3. 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 Budget and 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 Budget and 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 or Chief Finance Officer.

## **7. Financial Regulations**

- 7.1. The Council shall make, and from time-to-time review, financial regulations to determine the responsibilities of Councillors 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**

- 8.1. 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.
- 8.2. 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 Proper Officer on the financial implications of the proposal.

## **9. Revenue Estimates**

- 9.1. The Leader or 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.
- 9.2. 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 or 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**

- 10.1. Any motion which is moved at a Council meeting otherwise than in pursuance of a recommendation or report of the Leader or 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 or Executive shall report on the financial implications of the proposal.

**Part 4 – Section 3**

# **Officer Employment Rules**

## **1. Recruitment And Appointment**

### 1.1 Declarations

- i) The Council shall draw up a statement requiring any candidate for appointment as an Officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, aunt, uncle, nephew, niece or other close relation of an existing Councillor or Officer of the Council, or of the partner of such persons.
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- ii) No candidate so related to a Councillor or an Officer will be appointed without the authority of the relevant Chief Officer, or an Officer nominated by them.
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### 1.2 Seeking support for appointment

- i) Subject to paragraph (iii) below, the Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph below will be included in any recruitment information.
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- ii) Subject to paragraph (iii), no Councillor will seek support for any person for any appointment with the Council.
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- iii) Nothing in paragraphs (i) and (ii) above preclude a Councillor from giving a written reference for a candidate for submission with an application for appointment.
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## **2. Recruitment of Head of Paid Service and Officers of the Corporate Leadership Team**

2.1 Where the Council proposes to appoint an Officer of the Corporate Leadership Team and it is not proposed that the appointment be made exclusively from among their existing Officers, the Council shall:

- i) Draw up a statement specifying:
    - the duties of the Officer concerned; and
    - any qualifications or qualities to be sought in the person to be appointed;
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- ii) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
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- iii) make arrangements for a copy of the statement mentioned in (i) to be sent to any person on request.
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## **3. Appointment Of Statutory Officers (Chief Executive, Monitoring Officer and S151 Officer)**

3.1 The Council shall approve the appointment of Statutory Officers following the recommendation of such an appointment by the Appointment Panel of the Council. That Panel must include at least one member of the Executive

3.2 The Council may only make or approve the appointment of Statutory Officers where no material or well-founded objection has been made by any member of the Executive.

#### **4. Appointment of Officers of the Corporate Leadership Team**

4.1 The Appointment Panel of the Council shall appoint Officers to any posts within the Corporate Leadership Team (salary level W10 and above). That Panel must include at least one member of the Executive. All other senior Officers will be appointed by Officers of the Corporate Leadership Team on behalf of the Head of Paid Service.

4.2 An offer of employment as an Officer of the Corporate Leadership Team shall only be made where no well-founded objection from any member of the Executive has been received.

#### **5. Other Appointments**

5.1 Officers below the Corporate Leadership Team.

5.2 Appointment of Officers to positions below the Corporate Leadership Team (W10 or below) (other than any assistants to political groups) is the responsibility of the Head of Paid Service and their nominee and may not be made by Councillors.

5.3 Assistants to political groups.

5.4 Any appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

#### **6. Disciplinary Action**

6.1 The Council shall follow the Model Discipline Procedure and Guidance for dealing with matters of discipline, capability, redundancy and other dismissals against the Chief Executive, as specified in the latest edition of the Chief Executives of Local Authorities Handbook and any subsequent updates. This procedure will also be used as the framework for dealing with matters of discipline against other statutory Officers within the Council.

#### **7. Equal Opportunities**

7.1 The Council will publish and follow Equal Opportunities policies in relation to the recruitment of all staff.

#### **8. Interests of Officers in Contracts and other matters (Local Government Act 1972 - Section 117)**

8.1 In addition to their duty under Section 117 of the 1972 Act, if it comes to the knowledge of any Officer of the Council that they have a disclosable personal interest in any contract which has been, or is proposed to be, entered into by the Council, or in some other matter which is to be considered by the Council or any Committee, and which (in either case) is not:

i) the contract of employment (if any) under which they serve the Council; or

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ii) the tenancy of a dwelling provided by the Council.

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they shall as soon as practicable give notice in writing to the Director of Legal and Democratic Services of the fact that they are interested therein.

8.2 For the purposes of this Rule, a disclosable personal interest is:

i) an interest that, if the Officer were a Member of the Council, and if the contract or other matter they would have to disclose under Section 30 of the Localism Act 2011, as a pecuniary interest; and

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ii) an interest of a type that, if the Officer were a Member of the Council, they would have to disclose under the Members' Code of Conduct whether the contract or other matter is to be considered at a Council or Committee meeting or not.

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8.3 The Director of Legal and Democratic Services shall record, in a book or electronic record to be kept for the purpose, particulars of any notice of a personal interest given by an Officer of the Council under section 117 of the 1972 Act or Rule 8.1. The book or electronic record shall, during the ordinary office hours of the Council, be open for inspection by any Councillor.

8.4 Where an Officer submits a report to a meeting of a matter in which they have declared an interest under section 117 of the 1972 Act or Rule 8.1 they shall state that such declaration has been made, and give brief details of it, in a separate paragraph at the commencement of the report.

8.5 Where any Officer advises orally a meeting of the Council or a Committee on a contract, grant, proposed contract or other matter and has declared a pecuniary interest in that matter, whether under the requirements of section 117 of the 1972 Act, or Rule 8.1, they shall remind the meeting orally of that interest.

**Part 4 – Section 4**

# **Executive Procedure Rules**

## **1. How the Executive operates**

### **Who may make Executive Decisions?**

1.1 The Leader has responsibility for the discharge of all Executive functions and may delegate any or all of these functions to:

- i) the Executive as a whole;
- ii) a Committee of the Executive;
- iii) an individual member of the Executive;
- iv) an individual Member of the Council who may exercise powers in relation to their Ward;
- v) an Officer;
- vi) another Local Authority; or
- vii) under joint arrangements.

### **Allocation of Political Accountabilities by Leader**

1.2 The Leader may allocate to individual members of the Executive particular areas of political accountability. Any such individual shall take responsibility for the explanation of identified areas of policy or service themes but will not exercise Executive functions in that respect. These individuals become known as Portfolio Holders.

### **Sub-Delegation of Executive Functions**

1.3 The Executive, Committees 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.

### **Conflicts of Interest**

1.4 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.

### **Executive Meetings**

1.5 The Executive shall 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.

### **Quorum**

1.6 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).

### **How Decisions to be taken by the Executive**

1.7 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. How Executive Meetings Conducted**

### **Who Presides?**

- 2.1 If the Leader is present, they shall preside. In their 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.

### **Who May Attend?**

- 2.2 Meetings of the Executive will be held in accordance with the Access to Information Rules in Part 4 of this Constitution

### **What is the Order of Business?**

- 2.3 At each meeting of the Executive, the following business will be conducted:
- i) consideration of the minutes of the last meeting;

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  - ii) declarations of interest, if any;

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  - 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 the Constitution;

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  - iv) consideration of reports from the Overview and Scrutiny Committee; and

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  - v) matters set out in the agenda for the meeting, that 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 the Constitution.
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### **Consultation**

- 2.4 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.

### **Who sets the agenda?**

- 2.5 The Leader will decide upon the schedule for the meetings of the Executive. They may put on the agenda of any Executive meeting any matter which they wish, whether or not authority has been delegated to the Executive, a committee of it or any Councillor 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. Can Members of the Public Ask Questions?**

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

#### **What is the Procedure for Asking Questions?**

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

#### **How do I Raise a Question?**

- 3.3 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 calendar days prior to the day of the meeting. Each question must give the name and address of the questioner and should specify the Councillor to whom the question is to be put.

#### **How many Questions can I Raise?**

- 3.4 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.

#### **What questions can I ask the Executive?**

- 3.5 The Chief Executive may reject a question if it:
- i) is a matter about which the Council has no responsibility or does not affect the Borough;
  - ii) is defamatory, frivolous or offensive; or
  - iii) requires the disclosure of confidential or exempt information.
  - iv) is the same or very similar to a question that has been submitted to a meeting of Full Council, the Executive, or a topic reviewed by the Overview and Scrutiny Committee within the past six months.

#### **How are the Questions Recorded?**

- 3.6 The Chief Executive shall enter each question in a book open to public inspection and will immediately send a copy of the question to the Leader and the Councillor to whom the question is to be put. If no particular Councillor 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.
- 3.7 Copies of all questions and the draft replies shall be prepared, published electronically for the Public prior to the meeting.

### **Can I ask my Questions at the Meeting?**

- 3.8 The Leader shall invite the questioner to put the question to themselves or the specified Councillor. 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.
- 3.9 The Leader or the specified Councillor may state that their reply is in the terms of the draft or otherwise as they think fit.
- 3.10 The total time for public question-time shall be 30 minutes or such longer time as the Leader shall in their discretion allow.

### **Can I Raise a Supplementary Question?**

- 3.11 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.
- 3.12 The Leader, or the specified Councillor, may reply to the supplementary question as they think fit.

### **Written Answers**

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

### **Reference Elsewhere**

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

## **4. How are Individual Decisions Made and Documented?**

- 4.1 The Leader, or an individual Councillor, taking a decision on a matter shall comply with the Executive Procedure Rules.
- 4.2 A clear audit trail of decision-making must be maintained for future reference.

### **Forward Plan**

- 4.3 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 Councillor unless details have been included in the Forward Plan.

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

- 4.4 A written report on the proposed decision shall be prepared by the relevant Officer on their own initiative, or at the request of the Councillor.
- 4.5 The Officer's report shall set out the following:

- i) the date of the proposed decision;
- ii) whether a key decision is to be taken;
- iii) whether the report contains confidential or exempt information;
- iv) a description of the issue to be decided;
- v) any consultations undertaken, the method of consultation and a summary of any representations received;
- vi) the Officer's recommendations and the reasons for them;
- vii) implications arising from the decision; and
- viii) a list of background papers.

4.6 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:

- i) forward a copy of the report by e-mail to the relevant Councillor and all other Councillors; and
- ii) make the report publicly available.

### **Taking the Decision**

- 4.7 The decision shall be taken by the Councillor on the scheduled date in the presence of the relevant Officers (which shall always include a Democratic Services Officer).
- 4.8 Prior to taking the decision, the Councillor will be required to disclose any personal and/or prejudicial interests in the matter under consideration.

### **How is the Decision Recorded?**

4.9 After a decision has been taken by the Councillor, a Democratic Services Officer shall 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 taker;
- 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 Councillor when making the decision;

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- x) a record of any conflict of interest declared by any member of the Executive who is consulted by the Councillor making the decision which relates to that decision;

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  - xi) a note of any dispensation granted in respect of any declared conflict of interest; and

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  - xii) a list of the documents taken into account by the decision taker, including the report of the relevant Officer.
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- 4.10 The decision shall be published by a 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 Councillors 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 the Overview and Scrutiny Procedure Rules in Part 4 of the Constitution.
- 4.11 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.

**Part 4 – Section 5**

# **Overview and Scrutiny Procedure Rules**

## **1. General Arrangements**

- 1.1 The Council will have the Overview and Scrutiny Committee as set out in Article 6 and will appoint to the Committee at its first Ordinary Meeting in accordance with Standing Order 27.
- 1.2 The terms of reference of the 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**

- 2.1 The membership shall comprise ten elected Councillors.
- 2.2 All Councillors except members of the Executive may be members of the Committee. However, no Councillor may be involved in scrutinising a decision in which they have been directly involved.

## **3. Co-optees**

- 3.1 The Committee shall be entitled to recommend to Council the appointment of individuals as non-voting co-optees.

## **4. Meetings**

- 4.1 There shall be between eight and ten ordinary meetings of the Committee in each Municipal Year.
- 4.2 In addition, extraordinary meetings may be called from time to time as and when appropriate.
- 4.3 A meeting of the Committee may be called by the Chair of the Committee or by the Proper Officer if they consider it necessary or appropriate.

## **5. Quorum**

- 5.1 The quorum for the Committee shall be as set out 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. Chair and Vice-Chair**

- 6.1 The Committee shall normally be chaired by a Councillor who is not a member of the largest political party group on the council.
- 6.2 The Vice-Chair shall not be from the same political group as the Chair.
- 6.3 The appointment of the Chair and Vice-Chair of the Committee shall in accordance with Standing Order 29.

## **7. Work Programme**

- 7.1 The Overview and Scrutiny Committee shall be responsible for setting its own Work Programme, 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.

- 7.2 Councillors wishing to suggest items for the Work Programme shall complete a Scrutiny Topic Proposal form referencing the Scrutiny Topic Selection Flowchart in the Toolkit. The form must then be submitted to the Proper Officer for consideration to the draft work programme. If the members of the Committee agree, the item shall be added to the Work Programme.

## **8. Pre-decision Scrutiny**

- 8.1 As part of its ordinary process, the Committee will consider upcoming decisions of the Executive by way of pre-decision scrutiny.

## **9. Agenda Items**

- 9.1 The usual method for requesting inclusion of agenda items for the Committee will be via the Work Programme. However, any Member of the Council shall be entitled to give written notice to the Proper Officer that they wish an item relevant to the functions of the Committee to be included on the agenda for the next available meeting of the Committee. The written notice must specify the reasons for the proposed item, reasons why it cannot be progressed as a part of the Work Programme and the outcome sought by the member from Committee. On receipt of such a valid request, the Proper Officer shall ensure that it is included on the next available agenda.

## **10. Task Groups and Standing Working Groups**

- 10.1 The Committee Work Programme and/or the development of a pertinent/relevant theme/topic during the year may require the establishment of a group to undertake detailed work for a specific item. The Committee will determine the membership, terms of reference, timescales and reporting by the Task Group.

- 10.2 A Task Group shall be established as follows:

i) the Committee may appoint any Task and Finish Group at its own discretion. The Committee must have regard to the Toolkit when commissioning work for a Task Group;

ii) the Committee shall define the broad theme for the work of the Task Group. The Task Group shall define the detailed focus of the agreed topic and create its draft terms of reference; and

i) the Committee shall receive the draft terms of reference for consideration from the Group. These shall be debated and agreed as necessary at the Committee.

### **Membership**

- 10.3 The Committee shall 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 however flexibility needs to be applied as necessary. Nominations to the Task Group shall be agreed by the Committee and, if necessary, determined by voting.

- 10.4 Subject to approval by the Committee, Task Groups may co-opt Councillors and non-Councillors as may assist them in their work. Non-Councillors shall be eligible for the reimbursement of their expenses.

### **Meetings**

- 10.5 The recommended number of meetings for a Task Group is between one and three (inclusive), unless otherwise directed by the Committee.

### **Reporting**

- 10.6 Task Groups shall submit a report to the Committee.
- 10.7 Task Group members shall be entitled to attend and speak at Committee meetings where the work of their Group is under consideration.

### **Officer Resource**

- 10.8 Subject to the availability of Officer resources, an Officer from within Democratic Services may be made available to assist, support and coordinate the work of Task Groups set up by the Committee.

### **Standing Working Groups**

- 10.9 A Standing Working Group (Working Group) shall consider the financial aspects of the Council's business.
- 10.10 The establishment of other Working Groups shall be considered by the Committee as necessary.

### **Terms of Reference**

- 10.11 Terms of Reference will be made for any Working Group and Task Group that is deemed necessary to be formed.

## **11. Budget and Policy Framework**

- 11.1 The role of the 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.
- 11.2 In relation to the development of the Council's approach to other matters not forming part of its Budget and Policy Framework, the Committee may make proposals to the Leader/Executive for changes in so far as they relate to matters within their terms of reference.
- 11.3 The Committee may hold inquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist Councillors in this process. The Committee may go on site visits, conduct surveys, hold public meetings, commission research and do all other things that it reasonably considers necessary to inform its deliberations. The Committee may ask witnesses to attend to address it on any matter under consideration.

## **12. Reports from the Overview and Scrutiny Committee**

- 12.1 Once it has formed recommendations on proposals for development, the 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 Committee may publish its report or recommendations.



- 12.2 If the Committee cannot agree on one single final report to the Council or to the 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.
- 12.3 The 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 Committee indicating what action (if any) the Council or the Leader/Executive proposes to take;
  - ii) if the Committee has published the report or recommendations, to publish a response; and
  - iii) if the 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 Councillor with a copy of the response.
- 12.4 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.

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

- 13.1 Once a report of the Committee on any matter which is the responsibility of the Leader/Executive has been completed, it shall be referred to the Leader or 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.
- 13.2 The 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 a committee meeting following consideration of possible policy or service developments, the Committee may respond in the course of the Leader/Executive's consultation process in relation to any key decision.

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

- 14.1 In addition to their rights as Councillors, members of the 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 the Constitution.
- 14.2 Nothing in this section prevents detailed liaison between the Leader/Executive and Chair of the Overview and Scrutiny Committee as appropriate, depending on the particular matter under consideration.

### **15. Councillors and Officers Giving Account**

- 15.1 The 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:
- 15.2 any particular decision or series of decisions:

- i) the extent to which the actions taken implement Council policy; and/or
- ii) their performance.

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

15.4 Where, in exceptional circumstances, the Councillor or Officer is unable to attend on the required date, then the Committee shall, in consultation with the Councillor or Officer, arrange an alternative date for attendance.

## **16. Attendance by Others**

16.1 The Committee may invite people other than those referred to in the above section, 'Councillors and Officers Giving Account', to address it, discuss issues of local concern and, or answer questions. It may, for example, wish to hear from residents, stakeholders, Councillors and Officers in other parts of the public sector and shall invite such people to attend.

16.2 The Committee shall have rights under Section 22A of the Local Government Act 2000 and regulations made thereunder to call for information from partner authorities.

## **17. Call-In**

17.1 When a decision is made by the Leader, the Executive, or a Committee of the Executive, a member of the Executive, 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 Councillors shall receive electronic notification of such decisions within the same timescale by the person responsible for publishing the decision.

17.2 Non-key decisions and recommendations to Council from the Executive may not be called in.

17.3 The notice shall bear the date on which it is published and will specify that the decision will come into force, subject to urgency provisions as detailed in paragraph 17.10, and may then be implemented:

- i) on the expiry of five working days after the publication of the decision in the case of decisions taken by the Leader, individual members of the Executive, or key decisions taken by an Officer with delegated authority; or
- ii) on the expiry of five working days after the date of the meeting in the case of decisions taken by the Executive collectively

17.4 unless the Committee objects to it and calls it in.

17.5 During the call-in period the Chair or any three members of the Committee, may request in writing to the Proper Officer who shall then notify the decision-taker of the call-in.

- i) The notice to the Proper Officer shall state the reasons for the call-in, and these reasons shall be made available to all Councillors. The call-in must meet one of the following criteria:

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- that there was insufficient, misleading or inaccurate information available to the decision taker;
  - that all the relevant facts had not been taken into account and/or properly assessed;
  - that the decision is contrary to the Budget and Policy Framework and is not covered by urgency provisions; or
  - that the decision is not in accordance with the decision-making principles set out in the Constitution.
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ii) The Proper Officer shall call a meeting of the Committee on such date as may be determined, where possible after consultation with the Chair of the Overview and Scrutiny Committee, and in any case within five working days of the decision to call-in.

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- 17.6 If, having considered the decision, the 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 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.
- 17.7 If following an objection to the decision, the 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 Committee meeting or the expiry of the five day period, whichever is the earlier.
- 17.8 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.
- 17.9 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.
- 17.10 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 interest of the Council or the Public. 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.

## **18. Questions by Councillors**

- 18.1 Councillors may ask questions of the Chair of the Overview and Scrutiny Committee at meetings of the Committee regarding matters that come within the remit of the Committee.

### **Notice of Questions**

- 18.2 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.

### **Number of Questions and Length of Question-Time**

- 18.3 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 Chair shall in their discretion allow.

### **Scope of Questions**

- 18.4 The Chair may reject a question if it:
- i) is not about a matter for which the Council has a responsibility, or which does not affect the Borough;
  - ii) is defamatory, frivolous, or offensive; or
  - iii) requires the disclosure of confidential or exempt information.

### **Procedure at the Meeting**

- 18.5 Copies of all questions and the draft replies shall be published electronically for the public prior to the meeting. The Chair shall ask the Councillor if they are 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 Chair's discretion whether supplementary questions may be put by other members of the Committee or whether a discussion on the topic takes place.

### **Written Answers**

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

### **Reference Elsewhere**

- 18.7 Any member of the Committee 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.

## **19. Councillor Call for Action**

- 19.1 The Committee will consider a Councillor Call for Action (CCfA) that:

i) has been submitted in relation to a matter that affects a single Ward;

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ii) has been submitted by a Councillor from the Ward affected;

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iii) is in relation to a Local Government matter (including the “well-being” powers under the Local Government Act 2000);

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iv) demonstrates that all existing avenues have been exhausted and that it is a matter of a “last resort”;

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v) has been submitted on the CCfA Request Form; and

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vi) states:

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- 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.
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19.2 The Committee will not consider a CCfA that:

i) is a vexatious, persistent, unreasonable or discriminatory request; or

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ii) is in relation to a planning, licensing or regulatory application.

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19.3 Details of requests for a CCfA which have been rejected by the Chair will be reported to the Committee. The Committee will consider any representations by the Councillor responsible for the request and determine whether to uphold the Chair’s decision or agree that the CCfA be taken forward to step 4 – Initial Report to the Committee.

## **20. Crime and Disorder**

20.1 The Committee shall have power:

i) 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; and

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ii) to make reports or recommendations to the Council with respect to the discharge of those functions.

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20.2 If the Committee makes a report or recommendations, it shall provide a copy:

i) to each of the responsible authorities; and

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ii) 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”)

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20.3 Where a Member of the Council is asked to consider a crime and disorder matter by a person who lives or works in the Ward that the Councillor represents:

- i) the Councillor shall consider the matter and respond to the person who asked them to consider it, indicating what (if any) action they propose to take; or
  - ii) the Councillor may refer the matter to the Committee.
- 20.4 Where a Member of the Council declines to refer a matter to the Committee, the person who asked them to consider it may refer the matter to the Leader/Executive.
- 20.5 Where a matter is referred to the Leader/Executive:
  - i) the Leader/Executive shall consider the matter and respond to the person who referred the matter to it, indicating what (if any) action they/it propose(s) to take; or
  - ii) the Leader/Executive may refer the matter to the Committee.
- 20.6 The Committee shall consider any crime and disorder matter:
  - i) referred to it by a Member of the Council (whether under 20.4 above or not); or
  - ii) referred to it by the Leader/Executive under 20.5 above
- 20.7 and may make a report or recommendations to the Council with respect to it.
- 20.8 Where the Committee makes a report or recommendations under 20.6 above, it shall provide a copy to such of the responsible authorities and to such of the cooperating persons as it thinks appropriate.
- 20.9 An authority or person to whom a copy of a report or recommendations is provided under 20.2 or 20.7 above shall:
  - i) consider the report or recommendations;
  - ii) respond to the Committee indicating what (if any) action it proposes to take; and
  - iii) have regard to the report or recommendations in exercising its functions.

**Part 4 – Section 6**

# **Access to Information Procedure Rules**

## **1. Scope**

- 1.1. These Procedure Rules allow the public rights of access to meetings and information to reflect the Council's commitment to its residents of being open and accountable. These rules apply to all meetings of the Council, the Executive and Committees (together called meetings) unless otherwise specified in the Constitution or by legislation.

## **2. Additional Rights to Information**

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

## **3. Right to Attend Meetings**

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

## **4. Notices of Meeting**

- 4.1. The Council shall 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) and on its website. 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**

- 5.1. The Council shall 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**

- 6.1. The Council will supply copies of:

i) any agenda and reports that are open to public inspection;

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ii) any further statements or particulars necessary to indicate the nature of the items in the agenda; and

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iii) if the Proper Officer thinks fit, copies of any other documents supplied to Councillors in connection with an item.

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

## **7. Access to Minutes etc After the Meeting**

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



- i) 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;
- ii) 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;
- iii) the agenda for the meeting; and
- iv) reports relating to items when the meeting was open to the public.

## **8. Background Papers**

### **List of Background Papers**

- 8.1. The Proper Officer shall set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in their opinion:
- i) disclose any facts or matters on which the report or an important part of the report is based; and
  - ii) 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).

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

- 8.2. 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 the Rights of the Public**

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

## **10. Exclusion Of Access by the Public to Meetings**

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

- 10.1. 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.

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

- 10.2. 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 of that Act.

### **Meaning of Confidential Information**

- 10.3. 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.

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

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

- i) Information relating to any individual.
- ii) Information which is likely to reveal the identity of an individual.
- iii) Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- iv) 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.
- v) Information in respect of which a claim to professional privilege could be maintained in legal proceedings.
- vi) 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.
- vii) Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

#### **Qualifications**

- 10.5 Qualifications are:

- i) Information falling within 10.4 (iii) 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.
- ii) Information falling within any of 10.4 (i-vii) 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.
- iii) Information which (a) falls within any of 10.4 (i-vii) above and (b) is not prevented from being exempt by virtue of qualifications 10.5 (i) and/or (ii) 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**

- 11.1. If the Proper Officer thinks fit, the Council may exclude access by the public to reports which in their 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**

13.1. Subject to Rule 15 (general exception) and Rule 16 (special urgency), a key decision, as defined in Article 11 of the Constitution, may not be taken unless:

- i) a document (called a 'Forward Plan') has been published in connection with the matter in question; and
- ii) 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**

### **Period of the Forward Plan**

14.1. Forward Plans shall 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.

### **Contents of the Forward Plan**

14.2. 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:

- i) that a key decision is to be made on behalf of the Council;
- ii) the matter in respect of which the decision is to be made;
- iii) where the decision taker is an individual, their name and title, if any and where the decision taker is a decision-making body, its name and a list of its members;
- iv) the date on which, or the period within which, the decision is to be made;
- v) a list of the documents submitted to the decision taker for consideration in relation to the matter in respect of which the key decision is to be made;
- vi) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
- vii) that other documents relevant to those matters may be submitted to the decision taker; and
- viii) the procedure for requesting details of those documents (if any) as they become available.

14.3. Exempt information and confidential information may not be included in a Forward Plan.

## **15. General Exception**

- 15.1. Where the publication of a Forward Plan in respect of a key decision is impracticable, that decision may only be made:
- i) where the Proper Officer has informed the Chair 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;
  - ii) 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 (i) above; and
  - iii) after five clear days have elapsed following the day on which the Proper Officer made available the notice referred to in sub-paragraph (ii) above.
- 15.2. As soon as reasonably practicable after complying with sub-paragraphs (i) and (ii) 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**

- 16.1. 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 taker has obtained agreement from:
- i) the Chair of the Overview and Scrutiny Committee; or
  - ii) if there is no such person, or the Chair of the Overview and Scrutiny Committee is unable to act, the Mayor; or
  - iii) where there is no Chair of the Overview and Scrutiny Committee or Mayor, the Deputy Mayor,
- 16.2. that the making of the decision is urgent and cannot reasonably be deferred.
- 16.3. As soon as reasonably practicable after the decision taker 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**

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

- 17.1. If the Overview and Scrutiny Committee thinks that a key decision has been taken which was not:
- i) included in the Forward Plan; or
  - ii) the subject of the general exception procedure under Rule 15; or
  - iii) the subject of the special urgency procedure under Rule 16.

- 17.2. 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 rest 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 Chair or any 5 members. Alternatively, the requirement may be raised by resolution passed at a meeting of the Overview and Scrutiny Committee.

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

- 17.3. The Leader/Executive shall 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.

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

- 17.4. 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**

- 18.1. 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:

- i) a record of the decision including the date it was made;
- ii) a record of the reasons for the decision;
- iii) details of any alternative options considered and rejected at the meeting;
- iv) 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
- v) 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 and Individual Councillors Exercising Powers in Relation to their Wards**

- 19.1. Decisions by individual Councillors shall comply with the relevant provisions of the Executive Procedure Rules.

## **20. Overview and Scrutiny Committee Access to Documents**

### **Rights to Documents**

- 20.1. 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:

- i) any business transacted at a meeting of the Executive or any of its committees;
- ii) any decision taken by an individual Councillor; or
- iii) any Executive decision by an Officer acting under powers delegated by the Leader/Executive.

### **Limit on Rights to Documents**

20.2. The Overview and Scrutiny Committee will not be entitled to:

- i) any document that is in draft form; or
- ii) 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 Councillors**

### **Rights to Documents**

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

- i) any business transacted at a meeting of the Executive or its Committees;
- ii) any decision taken by an individual Councillor; or
- iii) any Executive decision by an Officer acting under powers delegated by the Leader/Executive.

### **Limit on Rights to Documents**

21.2. Councillors shall not be entitled to:

- i) any document that is in draft form; or
- ii) any document that contains exempt information as defined in 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.

### **Nature of Rights**

21.3. These rights of a Councillor are additional to any other right they 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 22.1 and 22.2 impracticable, the meeting may only be held in private if agreement has been obtained from:
- i) the Chair of the Overview and Scrutiny Committee; or
  - ii) if there is no such person, or the Chair of the Overview and Scrutiny Committee is unable to act, the Mayor; or
  - iii) where there is no Chair of the Overview and Scrutiny Committee or Mayor, the Deputy Mayor,
- 22.4. that the meeting is urgent and cannot reasonably be deferred.
- 22.5. 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.

**Part 4 – Section 7**

# **Petitions**



## 1. Introduction

- 1.1. The Council welcomes petitions and recognises that petitions are one way in which people can advise the Council of their concerns. Anyone who lives, works or studies in the Borough may sign or organise a petition and trigger a response. This includes anyone under the age of 18.
- 1.2. E-petitions must be created, signed and submitted online through the Council's e-petitions facility.
- 1.3. All petitions submitted to the Council will receive a written acknowledgement from the Council within ten working days of receipt. This acknowledgement will set out what the Council plan to do with the petition.
- 1.4. 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: [member.services@woking.gov.uk](mailto:member.services@woking.gov.uk)

Website: [www.woking.gov.uk](http://www.woking.gov.uk)

## 2. Guidelines for Drawing Up a Petition

- 2.1. Petitions submitted to the Council must include:
  - i) 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.

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- 2.2. 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.
- 2.3. In the period immediately before an election or referendum, the Council may need to deal with a petition differently: if so, the Council shall explain the reasons and discuss the revised timescale which will apply.
- 2.4. If a petition does not follow the guidelines set out above, the Chief Executive may decide not to do anything further with it. In such cases, the Council shall write to the petition organiser to explain the reasons. A copy of the notification will be published on the Council's website.

## 3. Types of Petitions that are Excluded

- 3.1. 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.

- 3.2. Other procedures apply 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 is on a matter where there is already an existing right of appeal, such as Council tax banding and non-domestic rates.
- 3.3. 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 14 days and include details of its response to the previous petition on the topic.
- 3.4. 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 a Petition**

- 4.1. The Council will acknowledge the receipt of a petition within fourteen working 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.
- 4.2. 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. Response by the Council**

- 5.1. 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:
  - i) Giving effect to the request in the petition ('taking the action requested').
  - ii) Considering the petition at a meeting of the Overview and Scrutiny Committee, Executive or Council.
  - iii) Holding an inquiry into the matter.
  - iv) Holding a public meeting.
  - v) Undertaking research.
  - vi) Giving a written response to the petition organiser setting out the Council's views about the request in the petition.
  - vii) Referring the petition to the Council's Overview and Scrutiny Committee for consideration.
  - viii) Holding a consultation.
  - ix) Holding a meeting with petitioners.

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x) Calling a referendum.

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- 5.2. The relevant 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 is dependent on the number of signatories to the petition. The table below summarises the Council's approach:

Number of signatories	Response
Fewer than 50	Response from Officer (treated as standard correspondence).
Between 50 and 200	Response from relevant Portfolio Holder.
Between 200 and 400	Referred to the Executive for a response.
Between 200 and 400 (if requested by the petition)	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.

- 5.3. 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.
- 5.4. 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.
- 5.5. 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.
- 5.6. 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.
- 5.7. 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. Full Council Debates**

- 6.1. If a petition contains at least 200 signatures it will be referred to a meeting of the Executive for consideration. If at least 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.
- 6.2. The Council will refer the petition to the next available meeting of Full Council provided that the next meeting is no less than 12 working days from submission. No more than two petitions shall be presented at any one Council meeting. If this is the case, the petition shall be referred to the next meeting thereafter. The Council may not hear a petition in the Pre-Election Period. If this is the case, the Council shall contact the petition organiser to discuss the matter.
- 6.3. 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.
- 6.4. 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.
- 6.5. At a meeting of an Overview and Scrutiny Committee, the Chair may permit the petition organiser to participate in the Committee's consideration or debate of the issues raised by the petition.
- 6.6. The Council shall 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. A motion suggesting a formal response to the petition shall be proposed and seconded at the meeting and dealt with under the normal rules of debate, provided that any such motion must respond explicitly to the request in the petition i.e. that part of the petition which asks the Council to take some form of action. They may decide to support the action the petition requests, or not, or refer the matter to another meeting, such as the Executive or the Overview and Scrutiny Committee, for further consideration. The petition organiser will receive written confirmation of this decision.

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

- 7.1. Associations or groups which wish to present about a petition that is already being considered by 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.
- 7.2. The Chair 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**

- 8.1. A petition may ask for a senior 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 Officer to explain progress on an issue, or to explain the advice given to elected Councillors to enable them to make a particular decision.
- 8.2. 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 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.
- 8.3. The members of the Committee will ask the questions at the meeting, but the petition organiser will be able to suggest questions to the Chair of the Committee. These questions must be received by Democratic Services at least ten working days before the meeting.

## **9. E-petitions**

- 9.1. An e-petition facility is 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.
- 9.2. 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.
- 9.3. 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.
- 9.4. 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 ten working days, a summary of the petition and the reason why it has not been accepted will be published on the website.
- 9.5. 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**

- 10.1. 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. What can I do if I feel my petition was not handled correctly?**

- 11.1. The petition organiser has the right to request that the 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.
- 11.2. The petition organiser must exercise this right within 21 days of receipt of the Council's formal response to the petition
- 11.3. 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.
- 11.4. The procedure for conducting the review at the meeting shall be as follows:
  - i) the petition organiser (or any person authorised by them) shall be invited to address the Committee for no more than five minutes in respect of their request for review;

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  - ii) Councillors shall be invited to ask the petition organiser any questions relevant to the review arising from their statement to the Committee; and

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  - iii) the Committee shall be invited to review the steps taken by the Council in responding to the petition and to consider whether the Council has dealt with the petition adequately.

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- 11.5. Dependent on whether the formal response to the petition was given by:
  - i) a strategic director or senior manager;

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  - ii) a Portfolio Holder; or

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  - iii) Full Council.

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- 11.6. The review may include asking the relevant strategic director/senior Officer or relevant Portfolio Holder to attend and answer questions from the Committee.
- 11.7. Prior to making a decision on the review, the petition organiser (or any person authorised by them) shall have a right of reply on the debate, for which they will be given five minutes.
- 11.8. The Committee shall formally determine the review – deciding either that the Council has dealt with the petition adequately or that it has not. If the latter, the Committee must then decide one of the following options:

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i) to investigate the matter further;

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ii) to make recommendations to the Leader/Executive; or

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iii) to arrange for the matter to be considered at a meeting of Full Council

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11.9. The question as to whether implementation of any decisions pertinent to a petition under review by the Overview and Scrutiny Committee should be deferred pending completion of the review process shall be dealt with by the Chief Executive on a case-by-case basis including, where necessary, convening special meetings of the Overview and Scrutiny Committee and/or Full Council for this purpose.

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

## **12. What happens to my petition or e-petition following a formal response by the Council?**

12.1. Following a period of 21 days after the Council has responded formally, a paper petition will be destroyed, and all e-signatories on an e-petition will be erased, unless during that period, the petition organiser requests a review in which case it shall be destroyed 21 days after the review has been completed.

