

## **PART 2**

### **Rules of Procedure**

# **RULES OF PROCEDURE**

## **Part 2**

### **MEETINGS OF THE COUNCIL**

#### **1. Meetings**

- 1.1 The Council shall hold an annual meeting in the year of ordinary election of councillors within 15 working days of the date of retirement of councillors and in each other year on a date in May to be fixed by the Council.

#### **Calling extraordinary meetings**

- 1.2 Those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings.

1.2.1 the Council by resolution, or

1.2.2 the Chairman of the Council, or

1.2.3 the Monitoring Officer, or

1.2.4 any five members of the Council if they have signed a requisition presented to the Chairman of the Council and they have refused to call a meeting or failed to call a meeting within five working days of the presentation of the requisition.

#### **2. Agenda**

- 2.1 The Council may agree a programme of issues for debate throughout the year and may vary it from time to time.
- 2.2 Following consultation with the Monitoring Officer, the order of the agenda will be agreed by the Chairman.
- 2.3 When considering the strategic and budgetary framework at its February meeting, no other business will be considered by Council other than the budget and related proposals.

### **3. Motions and Amendments**

- 3.1 Any political group or non-political group member may, by notice received by the Monitoring Officer no later than 10.00 am eight working days before the Council meeting, require the Council to consider a motion about a matter relating to which the Council has powers or duties or which affects the County. The notice will make clear who is to propose and second the motion.
- 3.2 Motions for which notice has been given will be listed on the agenda in the order A, B, C, D, A, B, C, D etc where A, B, C, D etc are the political groups or individuals who have submitted them (largest first and non-grouped members last) A cross-party motion will be considered to have been submitted by the political group of which the proposer of the motion is a member. A motion will be listed unless the councillors giving notice state, in writing, that they propose to move it to a later meeting or withdraw it.
- 3.3 The total time available for motions proposed under this rule at a Council meeting (other than when the Council is considering its strategic and budgetary framework) will be 90 minutes. Any single motion shall only be allowed to be debated for 30 minutes, unless one or more amendments are moved in which case a further 15 minutes will be allowed. The Chairman will always allow the proposer, seconder and main opposer to speak within the time allowed in accordance with the Rules of Debate (paragraph 8.3).
- 3.4 Subject to Rule 3.5, notice of an amendment to a recommendation or motion on the agenda for a Council meeting may be given by two councillors to the Monitoring Officer by 10.00 am two working days before the day of the meeting but amendments arising from the debate at the Council meeting on a motion or recommendation will always be considered.
- 3.5 No amendment shall be considered with regard to the recommendation of the Cabinet for the setting of the Council's budget unless notice of the amendment has been given by two councillors to the Monitoring Officer by 10.00 am four working days before the day of the meeting.

### **4. Quorum**

- 4.1 The quorum of a meeting of the Council will be 20.
- 4.2 If during any meeting of the Council the Chairman counts the numbers of councillors present and declares that there is not a quorum present then the meeting will adjourn. Remaining business shall be adjourned to the next ordinary meeting of the Council or to such other time and date as may be fixed by the Chairman.

## **5. Signing the Minutes**

- 5.1 The Chairman will sign the minutes of the proceedings at the next suitable meeting.
- 5.2 The Chairman will move that the minutes of the previous meeting be signed as a correct record.
- 5.3 The only part of the minutes that can be discussed is their accuracy and any question as to their accuracy shall be raised by motion.
- 5.4 Where in relation to any meetings the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 of 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.

## **6. Executive Statement**

The Annual meeting of Council may receive:

- i) an address from the Leader of the Council for up to 20 minutes maximum
- ii) a response from each of the leaders of the other political groups for up to 7 minutes maximum per speaker.

## **7. Cabinet Member Reports and Questions**

- 7.1 A brief written report by each Cabinet Member covering their area of responsibility will be circulated with the agenda for each Council meeting (other than when the Council is considering the budget or at the first meeting following a full election).
- 7.2 Subject to Rule 7.5, any councillor (except Cabinet Members) may ask a named member of the Cabinet a question on
  - (a) any matter included in a Cabinet Member's written report; or
  - (b) any matter in relation to which the Council has powers or duties or which affects the County and which falls within the area of responsibility of the Cabinet Member.
- 7.3 A period of 60 minutes will be allowed for questions at Council: 30 minutes for questions received subject to Rule 7.5, and up to a further 30 minutes for questions from the Chamber in the order decided by the Chairman.

- 7.4 The questioner should have a time limit of 1 minute in which to ask their initial question and, if present, a further 1 minute to ask a supplementary question arising from the response given. The Cabinet Member responding to the initial question and also to the supplementary question should have a time limit of 2 minutes in which to respond to each question. Subject to Rule 7.8, a councillor will be allowed to ask only one question during the period allowed for questions.
- 7.5 A councillor may only ask a question under Rule 7.2 during the first period specified within Rule 7.3 if notice in writing of the question has been received by the Monitoring Officer no later than 10.00 am two working days before the day of the Council meeting. Questions will be dealt with in the order in which notice was received.
- 7.6 During the second period specified within Rule 7.3, questions and answers should still comply with Rules 7.2, 7.4, 7.7 and 7.8.
- 7.7 An answer may take the form of:
- (a) a direct oral answer; or
  - (b) a reference to a publication, where the information is in a publication of the Council or other published work; or
  - (c) where the reply cannot conveniently be given orally, a written answer circulated later to all councillors.
- 7.8 Each questioner is entitled to one supplementary question arising directly out of the original question or reply.
- 7.9 If the councillor who has given written notice of the question is not present when the question is to be put that question may, with the consent of the Chairman, be asked by any other councillor present. In this case, the questioner will not be entitled to ask a supplementary question.
- 7.10 If the councillor who has given written notice of the question is not present when the question is to be put, and that question is not put in accordance with Rule 7.7, then a written answer will be provided subsequently to all councillors and placed with the minutes.
- 7.11 If written notice of a question has been given in accordance with these Rules and the Cabinet member is not present when the question is to be put, then either:
- (a) a written answer will be provided subsequently to all councillors and placed with the minutes; or
  - (b) that question may, with the consent of the questioner, be answered by another Cabinet member.

## 8. Rules of Debate

### 8.1 Motions **without notice**

The following motions may be moved without notice:

- (1) to appoint a Chairman of the meeting at which the motion is moved;
- (2) in relation to the accuracy of the minutes;
- (3) to change the order of business in the agenda;
- (4) to refer something to an appropriate body or individual;
- (5) to appoint a committee or member arising from an item on the summons for the meeting;
- (6) to withdraw a motion;
- (7) to amend a motion (subject to Rule 3.4);
- (8) that the question be now put;
- (9) to adjourn a debate;
- (10) to adjourn a meeting;
- (11) to suspend a particular Council procedure rule (subject to Article 20.3);
- (12) to exclude the public and press in accordance with the Access to Information Rules;
- (13) to not hear further a councillor named under Rule 8.4.1 (improper or offensive behaviour) or to exclude them from the meeting under Rule 8.4.2 (continuing improper behaviour);
- (14) to give the consent of the Council where its consent is required by this Constitution.

### 8.2 Amendment **without notice**

Council will always consider an amendment even though notice of the amendment has not been given in accordance with Rule 3.3, except when considering the recommendations of the Cabinet for the setting of the Council's budget. Notice of amendments with regard to recommendations of the Cabinet for the setting of the Council's budget must be given in accordance with Rule 3.4.

### 8.3 Rules of Debate

#### 8.3.1 No speeches until the motion has been seconded

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

### 8.3.2 Chairman's right to require motion in writing

Unless notice of the motion has already been given, the Chairman may require it to be written down and handed to them before it is discussed.

### 8.3.3 Secunder's speech

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

### 8.3.4 Content and length of speeches

- (a) The mover of a motion may speak for up to 5 minutes when proposing a motion and also when exercising the right of reply.
- (b) The seconder may speak for up to 5 minutes. No speech by any other councillor may exceed 3 minutes.
- (c) The main opposer may speak once during the debate for up to 5 minutes, at any time after the motion has been proposed and seconded and prior to the mover's right of reply at the close of the debate.
- (d) Speeches must be directed to the question under discussion or to a personal explanation or point of order.

When Council is considering its strategic and budgetary framework

- (e) the mover of the motion may speak for up to 20 minutes and for up to 7 minutes when exercising the right of reply;
- (f) the seconder may speak for up to 7 minutes;
- (g) the main opposer may speak, initially, for up to 15 minutes and for up to 7 minutes prior to the mover's right of reply at the close of the debate;
- (h) the leader of any other political group may speak for up to 5 minutes after the main opposer's initial speech;
- (i) no speech by any other councillor may exceed 3 minutes.

### 8.3.5 When a councillor may speak again

A councillor who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another councillor;
- (b) to move a further amendment if the motion has been amended since they last spoke;
- (c) to speak on the main issue, if their first speech was on an amendment moved by another councillor (whether or not the amendment on which they spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

#### 8.3.6 Amendments to motions

- (a) An amendment to a motion must be relevant to the motion and will either be:
  - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
  - (ii) to leave out words;
  - (iii) to leave out words and insert or add others; or
  - (iv) to insert or add words

as long as the effect of (ii) to (iv) is not to negate the motion.
- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If the proposer and seconder of a motion accept an amendment then the motion will be debated as amended.
- (d) If an amendment is not carried, other amendments to the original motion may be moved.
- (e) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (f) After an amendment has been carried, the Chairman will read out the amended motion

before accepting any further amendments, and, if there are none, put it to the vote.

#### 8.3.7 Alteration of motion

- (a) A councillor may alter a motion of which they have given notice with the consent of the Council. The Council's consent will be signified without discussion.
- (b) A councillor may alter a motion which they have moved without notice with the consent of both the Council and the seconder. The Council's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

#### 8.3.8 Withdrawal of motion

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

#### 8.3.9 Right of reply

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) 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.
- (c) The mover of the amendment has no right of reply to the debate on their amendment.

#### 8.3.10 Motions which may be moved during debate

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

- (a) to withdraw a motion;
- (b) to amend a motion (subject to Rule 3.4);
- (c) that the question be now put;
- (d) to adjourn a debate;
- (e) to adjourn a meeting;

- (f) to exclude the public and press in accordance with the Access to Information Rules; and
- (g) not to hear further a councillor named under Rule 8.4.1 or to exclude them from the meeting under Rule 8.4.2.

#### 8.3.11 Closure motions

- (a) A councillor may move, without comment, the following motions at the end of a speech of another councillor:
  - (i) that the question be now put;
  - (ii) to adjourn a debate; or
  - (iii) to adjourn a meeting.
- (b) If a motion that the question be now put is seconded and the Chairman thinks the item has been sufficiently discussed, the Chairman will put the procedural motion to the vote. If it is passed the Chairman shall give a right to speak to the seconder if they have not already spoken, and to the main opposer, and will give the mover of the original motion a right of reply before putting their motion to the vote.
- (c) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, the Chairman will put the procedural motion to the vote.

#### 8.3.12 Management of Business

- (a) A member who is unclear about the process of the management of the business in a meeting or who wants to challenge the way a matter is proceeding shall put a question to the Chairman about the business management and the Chairman, upon advice from the Monitoring Officer, shall determine the appropriate response. The Chairman's ruling shall be final.
- (b) If the Chairman is of the view that the whole of the business of a meeting cannot be accomplished satisfactorily in the time available, they may propose to the Council that certain items be held over to the next meeting.

#### 8.3.13 Point of order

A councillor may raise a point of order at any time. The Chairman will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The councillor must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Chairman on the matter will be final.

#### 8.3.14 Personal explanation

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

#### 8.3.15 Motion to rescind a previous decision made within past six months

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 20 Councillors.

#### 8.3.16 Motion similar to one previously rejected within the past six months

A motion or amendment in similar terms to one that has been rejected at a meeting of the Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 20 Councillors. Once the notice or amendment is dealt with, no one can propose a similar motion or amendment for six months.

### 8.4 Members' Conduct

#### 8.4.1 Member not to be heard further

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

#### 8.4.2 Member to leave the meeting

If the Councillor continues to behave improperly after such a motion is carried, the Chairman may move that

either the Councillor leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

#### 8.4.3 General disturbance

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

### 8.5 Disturbance by Public

#### 8.5.1 Removal of member of the public

If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room.

#### 8.5.2 Clearance of part of meeting room

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

## 9. **Approval of Draft Plans and Budgetary Framework**

- 9.1 If Council has any objection to a draft plan or the budgetary framework recommended by the Cabinet such objection must be referred to the Leader and considered by the Cabinet within such period as may be specified by Council.
- 9.2 The report or budgetary framework must be submitted to Council either in revised form setting out reasons for the amendments at the Cabinet or if it disagrees with Council must set out reasons for such disagreement.
- 9.3 Council must take into account the report from the Cabinet in approving the plan or budgetary framework.

## 10. **Voting**

- 10.1 Any matter will be decided by a simple majority of those councillors present in the room and voting at the time the question was put.
- 10.2 All votes at Council are recorded via the electronic vote recording system which will show on a printout how each councillor has voted [to be placed with the minute book].

- 10.3 If there are equal numbers of votes for and against, the Chairman will have a second or casting vote. There will be no restriction on how the Chairman chooses to exercise a casting vote.
- 10.4 At the request of a member of a committee, provided it is seconded, the Chairman has an obligation to conduct a vote by a show of hands or, if there is no dissent, by affirmation of the meeting. A show of hands will be the normal method of voting at Committees and Sub-Committees.
- 10.5 Where any councillor requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

## **11. Scrutiny Committee – Rules of Procedure**

### **11.1 Arrangements for the Scrutiny Committee**

The Council will appoint a Scrutiny Committee to have responsibility for the discharge the Council's scrutiny functions under the Local Government Act 2000 with the exception of health matters, and education and children's services matters.

### **11.2 Composition of the Scrutiny Committee**

- 11.2.1 All members of Council, except a member of the Cabinet, may be appointed to the Scrutiny Committee or a task and finish group.
- 11.2.2 The Council will appoint the Chairman of the Scrutiny Committee and the other 11 members in accordance with the requirements as to political proportionality in the membership of committees as set out in Section 15 of the Local Government and Housing Act 1989.
- 11.2.3 The Vice Chairman will be appointed by the Scrutiny Committee.
- 11.2.4 Each member of the Scrutiny Committee will have a named substitute, appointed by the relevant political group, who may attend in their place. Named substitutes are expected to keep up to date with the activities of the Scrutiny Committee and any particular responsibilities of the member that they act as substitute for.
- 11.2.5 No member may participate in the scrutiny of a decision in which they have been directly involved unless they attend a meeting for the purpose of making representations, answering questions or giving evidence.

### 11.3 Composition of Task and Finish Groups

- 11.3.1 The Scrutiny Committee may appoint such task and finish groups as they consider necessary to undertake specific tasks on their behalf.
- 11.3.2 The Scrutiny Committee will determine the size and membership of a task and finish group, terms of reference, the date for completion of the task and, where appropriate, appoint a chairman from the membership of the Scrutiny Committee.
- 11.3.3 Task and finish group members can be drawn from across the Council but Cabinet members cannot be members of the group.
- 11.3.4 The principles of political balance as set out in Section 15 of the Local Government and Housing Act 1989 do not apply to task and finish groups because they are not committees of the Council. However, they should be as broadly politically proportional as possible.
- 11.3.5 All the operational procedures and the ability to call witnesses, etc apply to a task and finish group in the same manner as they apply to the Scrutiny Committee including, where appropriate, meetings of task and finish groups being open to the public.

### 11.4 Co-option – Non-voting co-optees

- 11.4.1 The Scrutiny Committee shall be able to appoint persons to be non-voting co-optees, who will be able to participate fully in the work of the Committee subject to any conflict of interests.
- 11.4.2 Such co-options may relate either to a specific function which is being considered or to a specific period of time.

### 11.5 Meetings of the Scrutiny Committee

- 11.5.1 There shall be at least six ordinary meetings of the Scrutiny Committee in each municipal year, with extraordinary meetings called when appropriate (for example to deal with a call-in).
- 11.5.2 The general rules of debate (Rule 8.3) shall not generally apply.

#### 11.6 Work Programme

The Scrutiny Committee will agree a work programme which meets the general role of the Scrutiny outlined at Article 10.2. The work programme will have particular regard to the development of local or place based scrutiny.

#### 11.7 Consultation and attendance at Scrutiny Committee or Task and Finish Group meetings

11.7.1 The Scrutiny Committee, or a Task and Finish Group, may invite any person to attend a meeting to address the Committee or Task and Finish Group, raise issues of local concern and/or answer questions.

11.7.2 The Committee or Task and Finish Group may consult and involve the local community and other local public, private and voluntary bodies and organisations.

11.7.3 The Committee or Task and Finish Group may hear from councillors, residents, stakeholders, officers, people with specific knowledge or experience, and such other persons as is considered appropriate.

#### 11.8 Power of the Scrutiny Committee to questions Councillors and Officers

11.8.1 The Scrutiny Committee, or a Task and Finish Group, may require any member of the Cabinet, and officers of the Council, to attend before it to answer questions.

11.8.2 It is the duty of the member or officer to comply with any requirement to attend and answer questions. Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Committee shall, in consultation with the member or officer, arrange an alternative date for attendance.

11.8.3 Where arrangements have been made for the discharge of any function by a councillor in relation to the division for which the councillor has been elected (Section 236 of the Local Government and Public Involvement in Health Act 2007), then that councillor can be required to attend before the Scrutiny Committee, or a Task and Finish Group, to answer questions.

11.8.4 A member or an officer is not obliged to answer any question which they would be entitled to refuse to answer in, or for the purposes of, proceedings in a court in England and Wales.

11.8.5 The Scrutiny Committee shall consider exempt information only if and when the Monitoring Officer advises it is appropriate to do so and, in such cases, the outcome should be open to the public through the published minutes of the meeting.

#### 11.9 Agenda Items

11.9.1 Any councillor or member of the Scrutiny Committee is entitled to refer to the Committee any matter which is relevant to its functions.

11.9.2 Any councillor who is not a member of the Scrutiny Committee is entitled to refer to the Committee any local government matter which is relevant to the functions of the committee.

For these purposes “local government matter” means a matter which: –

- (a) relates to the discharge of any function of the Council; or
- (b) affects all or part of the electoral area for which the councillor is elected or any person who lives or works in that area; and
- (c) is not an excluded matter.

An “excluded matter” means any matter which is a local crime and disorder matter within the meaning of section 19 of the Police and Justice Act 2006 or a matter of any description specified in an order made by the Secretary of State.

“Excluded matters” are

- licensing decisions;
- planning decisions;
- a matter relating to an individual or entity where there is already a statutory right or a review or appeal (other than the right to complain to the Local Government Ombudsman);
- a matter which is vexatious, discriminatory or not reasonable to be included on the agenda or discussed at the Scrutiny Committee meeting.

- 11.9.3 A councillor, in considering whether to exercise the power which they have by virtue of Rule 11.9.2, must have regard to any guidance for the time being issued by the Secretary of State.
- 11.9.4 For the purposes of Rule 11.9.1 and Rule 11.9.2 a councillor or member shall give notice to the Monitoring Officer and the Monitoring Officer shall ensure that the matter is included on the agenda for the next available meeting of the Committee.
- 11.9.5 In considering whether or not to exercise any of its powers in relation to any matter referred to it under Rule 11.9.2, the Committee may have regard to any representations made by the councillor as to why it would be appropriate for the Committee to exercise any of its powers.
- 11.9.6 If the Committee decides not to exercise any of its powers in relation to a matter referred to it under Rule 11.9.2, it must notify the councillor of its decision, and the reasons for it.
- 11.9.7 If the Committee decides to exercise its powers in relation to a matter referred to it under Rule 11.9.2 then the Committee must provide the councillor with a copy of any report or recommendations which it makes to the Council or the Cabinet in relation to the matter.

#### 11.10 Duty of Council or Cabinet to respond to the Scrutiny Committee

Where the Scrutiny Committee makes a report or recommendations to the Council or Cabinet the Scrutiny Committee must, by notice in writing, require the Council or Cabinet

- (a) to consider the report or recommendations,
- (b) to respond to the Scrutiny Committee indicating what (if any) action the Council or the Cabinet proposes to take,
- (c) to publish the response (if the Scrutiny Committee has published the report or recommendations)
- (d) to provide the relevant councillor with a copy of the response (if the Scrutiny Committee provided a copy of its report or recommendations to a councillor under Rule 11.9.7)

and to do so within two months beginning with the date on which the Council or Cabinet received the report or recommendations or (if later) the notice.

#### 11.11 Attendance at Cabinet meetings

In circumstances where a report or recommendation has been referred to the Cabinet the Chairman of the Scrutiny Committee (or nominee from that Committee) will be able, in accordance with Rule 22.1, to attend the Cabinet meeting to present the report or recommendation and may speak but not vote on the matter.

### 12. **Co-option- Statutory co-optees (Education and Children's Service Scrutiny Committee)**

12.1 There are four statutory co-optees with regard to the Education and Children's Services Scrutiny Committee's scrutiny of education functions as follows:

- (a) A Church of England Diocesan representative.
- (b) A Roman Catholic Diocesan representative.
- (c) At least two parent governor representatives.

12.2 The statutory co-optees may attend for the scrutiny of education functions and will be able to take part and vote on such functions.

12.3 The statutory co-opted members

- (a) Cannot be substituted.
- (b) May promote items for scrutiny relating to the Council's education functions.

12.4 Where the Committee deals with other matters a statutory co-optee shall not vote on any such matter but may remain in the meeting and may speak on the matter with the consent of the Chairman.

### 13. **Health Scrutiny Committee – Rules of Procedure**

Arrangements for the Health Scrutiny Committee

13.1 The Council will appoint a Health Scrutiny Committee to review and scrutinise, in accordance with the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, matters relating to the health service in Suffolk and to make reports and recommendations on such matters in accordance with the regulations.

## Composition of the Health Scrutiny Committee

13.1.1 The membership of the Health Scrutiny Committee will be:

- (a) 5 Suffolk County Councillors on a politically proportionate basis, and
- (b) 5 members; one from each of the district and borough council's in Suffolk.

13.1.2 Each authority is allowed to substitute for the committee members.

13.1.3 In carrying out the review and scrutiny of a particular matter the Committee shall have regard to any guidance issued by the Secretary of State; invite interested parties to comment on the matter; and take account of relevant information available to it.

13.1.4 The Health Scrutiny Committee shall make reports and recommendations to the Cabinet and local NHS or other bodies on any matter reviewed or scrutinised by it, as appropriate.

13.1.5 Where the Health Scrutiny Committee makes such reports and recommendations it shall include:

- (a) an explanation of the matter reviewed or scrutinised;
- (b) a summary of the evidence considered;
- (c) a list of the participants involved in the review or scrutiny; and
- (d) an explanation of any recommendations on the matter reviewed or scrutinised.

13.1.6 In addition, where the Health Scrutiny Committee is minded to refer a matter to the Secretary of State, the Health Scrutiny Committee shall provide evidence of what action has already been taken locally to resolve the issue.

13.1.7 The Health Scrutiny Committee may establish joint arrangements for the scrutiny of health matters, including the appointment of a joint committee, with one or more local authorities, to exercise the functions relevant to the Health Scrutiny Committee.

## Meetings of the Health Scrutiny Committee

13.1.8 The Health Scrutiny Committee will normally meet four times a year.

13.1.9 If the Health Scrutiny Committee considers it to be necessary to carry out its business, it may hold additional meetings, or create task and finish groups with such membership as it sees fit.

## **14. Call-in**

- 14.1 Any decision made by the Cabinet, or a Committee or Sub-Committee of the Cabinet, by an individual Cabinet Member, or a key decision made by an officer with delegated authority is subject to call-in.

A decision may only be called-in once.

A decision will not come into force, and may not be implemented, until after 4.00 pm on the second working day after the decision was made

An executive decision, having been called-in, is suspended and may not be implemented.

### **14.2 Call in by any five or more councillors**

- 14.2.1 When a decision referred to in Rule 14.1 has been made, any 5 or more councillors may submit a call-in notice, in writing, by no later than 4.00 pm on the second working day after the decision was made, to the Monitoring Officer.

- 14.2.2 The call-in notice must, in accordance with Rule 14.8, set out the grounds on which the decision is being called in. Where the notice is valid, the decision cannot be implemented until the procedures for call-in have been followed.

- 14.2.3 Where a valid notice is received by the Monitoring Officer the decision shall normally be considered at the next scheduled meeting of the Scrutiny Committee.

- 14.2.4 If, in exceptional circumstances, it is not possible to consider the decision at that scheduled meeting, then with the agreement of the Chairman of the Scrutiny Committee and the proposer and seconder of the call-in, an alternative date for a meeting should be arranged as soon as practicable. If a date cannot be arranged at which the proposer, seconder and a quorum of the Scrutiny Committee are able to be present within three weeks of the decision being taken, then the call-in will be cancelled.

- 14.2.5 The underpinning assumption is that the call-in procedure will be used in exceptional circumstances only and its use is limited to no more than ten occasions in any municipal year.

- 14.2.6 A submitted call-in notice can only be withdrawn with the written consent of all of its signatories.

14.2.7 Unless agreed by the Chairman prior to the meeting, the Proposer and Seconder listed on the call-in notice should attend the meeting.

14.2.8 In the case of Cabinet decisions, the Cabinet Member is expected to attend the Scrutiny Committee considering the call-in. If a decision is made by an individual under delegated authority, that person is expected to attend the Scrutiny Committee.

14.3 The Scrutiny Committee meeting at which the call-in is considered may, subject to the provisions set out below, resolve to deal with the call-in in one of the following ways:

14.3.1 Reject the call-in and endorse the decision.

14.3.2 Refer the matter to the decision maker for reconsideration.

14.3.3 Subject to Rule 14.5.3 below, refer the matter to Council.

14.4 In reaching the decision referred to in Rule 14.3 above, while the focus of the Scrutiny Committee is whether the decision maker had all of the information available in order to meet the principles set out in Rule 14.8, the Committee can invite such persons to attend as it considers necessary. The procedures within Rules 11.8 and 11.9 will still apply in these circumstances

14.5 Call-in - referral by a Scrutiny Committee

14.5.1 If the Scrutiny Committee decides to endorse the decision then the decision can be implemented immediately.

14.5.2 If the Scrutiny Committee decides to refer the decision back to the person or body which took the decision it shall set out in writing its reasons for so doing. The person or body concerned shall, as soon as practicable, reconsider the decision and may amend or confirm the original decision which shall be final and take immediate effect.

14.5.3 The Scrutiny Committee can only refer a decision to full Council if it considers that the decision is contrary to the policy framework or contrary to, or not wholly in accordance with, the budget set by the Council.

14.6 Call-in and urgent decisions

The call-in procedure outlined above shall not apply where the decision being taken is urgent. A decision is urgent where delay would seriously prejudice the Council's or the public's interests. The decision-maker will state at the time that the decision is made that the decision is urgent, setting out reasons.

- 14.7 In cases where the Chairman or three councillors on the Scrutiny Committee disagree that the matter is urgent by giving notice to the Monitoring Officer by 10.00 am on the second working day after the statement is made, the Chairman of Council and the Monitoring Officer must agree that it is reasonable in all the circumstances that the decision be treated as a matter of urgency.

14.8 Call-in - grounds for call-in to be stated

The reason(s) for a call-in must include one or more of the following grounds:

That the decision was not taken in accordance with one or more of the following principles:

- (a) proportionality (ie the action was not proportionate to the desired outcome);
- (b) due consultation and the taking of professional advice from officers;
- (c) respect for human rights and for the Equality Duty (have these been considered);
- (d) a presumption in favour of openness;
- (e) clarity of aims and desired outcomes;
- (f) explaining the options considered and giving the reasons for the decision; or
- (g) for any other reason (to be stated).

14.9 Declaration of party whip

Any councillor on the Scrutiny Committee who is subject to a party Whip must declare to the Scrutiny Committee the existence of the Whip and the nature of it before the Committee considers any matter. The details shall be recorded in the minutes of the meeting.

14.10 General Exception

If a matter which is likely to be a key decision has not been included in the Forward Plan, then subject to Rule 14.11 (special urgency), the decision may still be taken if:

- (a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next Forward Plan;
- (b) the Chairman of the Scrutiny Committee has been informed, or if there is no such person, each member of

that Committee in writing, by notice, of the matter to which the decision is to be made;

- (c) copies of that notice have been made available to the public at the offices of the Council; and
- (d) at least 5 clear days have elapsed since compliance with (b) and (c).

#### 14.11 Special Urgency

14.11.1 If by virtue of the date by which a decision must be taken Rule 14.10 (general exception) cannot be followed, then the decision can only be taken if the agreement of the Chairman of the Scrutiny Committee is obtained, that the taking of the decision cannot be reasonably deferred and the decision is urgent.

14.11.2 If there is no Chairman of the Scrutiny Committee, or if the Chairman of the Scrutiny Committee is unable to act, then the agreement of the Chairman of the Council, or in his absence the Deputy Chairman, will suffice.

#### 14.12 Access to Documents – Additional Statutory Rights

14.12.1 Subject to the limits below, a member of the Scrutiny Committee (including Task and Finish Groups) will be entitled to copies of any document which is in the possession or control of the Cabinet or its Committees and contains material relating to

- (a) any business that has been transacted at a public or private meeting of the Cabinet or a committee of the Cabinet; or
- (b) an executive decision made by an individual member of the Cabinet in accordance with executive arrangements; or
- (c) a key decision made by an officer in accordance with executive arrangements.

14.12.2 Scrutiny members will not be entitled to:

- (a) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise;
- (b) the advice of a political adviser or assistant.

## **15. Meeting of Committees and Subcommittees**

### **15.1 Election of a Chairman**

Except where Council has appointed a Chairman, every body shall elect a Chairman (and if it wishes a Vice-Chairman) at the first meeting after the Council's annual meeting and consider how best its business should be conducted and recorded. In the case of the Cabinet the Leader shall take the chair. In the absence of the Chairman and Vice-Chairman from a meeting a Chairman for the meeting may be elected for that meeting. The election of the Chairman shall be conducted by the clerk to the meeting.

15.2 Where there are more than two persons nominated for any position and there is not a majority in favour of one person, the person having the least number of votes shall be struck off the list and a fresh vote taken, and so on until an overall majority of votes is given.

15.3 The Chairman or Vice Chairman of a committee or subcommittee shall hold office until the next annual meeting unless they resign by giving notice in writing to the Monitoring Officer or cease to be a member of the committee or subcommittee, or the Council.

## **16. Openness**

All meetings shall be in public unless the business requires confidentiality and shall take place at a venue accessible to the public.

## **17. Size**

	<u>Size</u>	<u>Quorum</u>
Council	75	20
Cabinet	10 <sup>(1)</sup>	3
Audit Committee	7 <sup>(14)</sup>	2
Development and Regulation Committee	12	3
Dismissal Appeals Committee	5 <sup>(2)</sup>	2
Education Transport Appeals Committee	3 <sup>(13)</sup>	2
Education and Children's Services Scrutiny Committee <sup>(4)</sup>	8	3
Individual Cases Committee	3	2
Pension Fund Committee <sup>(3)</sup>	7	2
Scrutiny Committee	12	3
Staff Appointments Committee	5 <sup>(5)</sup>	2
Health Scrutiny Committee	12	3 <sup>(6)</sup>
Police and Crime Panel	13	6

Suffolk Pension Board	6 <sup>(7)(8)</sup>	2 <sup>(9)</sup>
Firefighters' Pension Scheme Board	4 <sup>(10)</sup>	2 <sup>(11)</sup>
Health and Wellbeing Board	*(12)	*

## NOTES

- (1) Maximum.
- (2) Dismissal Appeals Committee must include at least one Cabinet member. When the Committee is considering and determining any allegation or issue of misconduct, incapability or breakdown in trust against the Chief Executive, Chief Finance Officer (s151 officer), Monitoring Officer or a Deputy Monitoring Officer, two Independent Persons appointed under s28(7) of the Localism Act 2011 will attend the Committee.
- (3) In addition there will be two representatives from the district and borough councils, and one from UNISON.
- (4) In addition there will be 4 co-opted members, of whom two will be parent governors, one will represent the Church of England and one will represent the Roman Catholic Church.
- (5) Staff Appointments Committee must include at least one Cabinet member.
- (6) Two of whom should be county councillors.
- (7) Three Pension Fund employer representatives, and three Pension Fund member representatives.
- (8) No Board member may also be a member of the Pension Fund Committee.
- (9) Comprising at least one of each category specified in (7).
- (10) Two county councillors as employer representatives, and two member representatives.
- (11) Comprising at least one of each category specified in (10).
- (12) See paragraph 10.33 of Part 1 (Articles of the Constitution) for details of membership
- (13) Education Transport Appeals Committee: 9 county councillors who shall have completed training approved by the Monitoring Officer before taking part in decisions by this Committee. For the purpose of hearing appeals relating to home to school transport there shall be a panel of three members taken from the 9 trained members of the Committee
- (14) In addition there will be two co-opted independent members.

## **18. Quorum**

All meetings (with the exception of Council) shall be quorate if at least one quarter of the members are present and at least half of those present are members of the Council, provided that in no case shall the quorum be fewer than two members of the Council, and, if the meeting is not quorate the meeting will adjourn. The remaining business will be adjourned to the next regular or arranged meeting.

## **19. Venue**

Meetings will be held in appropriate locations for the business as decided by the relevant body.

## **20. Time**

Meetings will start at 10.00 am or 2.00 pm unless either the relevant body exceptionally decides otherwise or these Rules provide otherwise. Cabinet meetings will start at 2.00 pm and Council will start at 2.00 pm.

## **21. Appointments and Substitutes**

- 21.1 The Monitoring Officer on the nomination of Group Leaders, or in their absence Deputy Group Leaders, appoints and removes members of committees and subcommittees, with the exception of the Cabinet.
- 21.2 Where a Councillor cannot attend a meeting, they (or their Research Assistant) will contact the Democratic Services Team by 5.00pm on the day before the meeting to let them know this and to confirm who will be coming in their place. (This will enable the Clerk to ensure that there is, or is not, a quorum and advise all Councillors at this time should the latter apply.) Substitutes are not permitted at Cabinet.
- 21.3 The names of substitutes shall be announced at the start of the meeting by the Chairman and the substitution shall cease at the end of the meeting.
- 21.4 Substitutes for Regulatory Committees must be drawn from members who have received training in quasi-judicial decision making. If a casual vacancy occurs on a Regulatory Committee it will not be filled until the nominated member has been trained.
- 21.5 All councillors are entitled to attend the training provided for members of Regulatory Committees.

## **22. Proportionality**

With the exception of the Cabinet, membership of committees and subcommittees will reflect proportionality. The Monitoring Officer shall be responsible for calculating the entitlement of each political group to places on committees and subcommittees and shall notify Group Leaders.

## **23. Rights to attend and speak**

- 23.1 Subject to Rule 23.2 any member may attend any body to which these Rules of Procedure apply and, at the discretion of the Chairman and by prior notification to them, may speak for no longer than five minutes on any item on the agenda (it being the normal expectation that a councillor should be permitted to speak on a matter primarily affecting that councillor's division).
- 23.2 Only members of the Dismissals Appeals Committee and the Staff Appointments Committee will be able to attend its meetings, unless they are held in public as a result of consultation with the employee(s) or candidates concerned.

## **24. Co-option**

24.1 Generally a Committee, or a subcommittee (but not the Cabinet or a Regulatory Committee) may co-opt a person or persons onto the body. Any person so co-opted may speak but not vote.

### **24.2 Church and Parent Governor representatives**

In the case of representatives of the Church of England and Roman Catholic Church and representatives of parent governors, there will be an entitlement to speak and to vote on matters involving education as required by Section 499 of the Education Act 1996 and the Parent Governor Representative (England) Regulations 2001 respectively.

### **24.3 Pension Fund Committee**

In the case of the Pension Fund Committee, the two co-opted district or borough councillors are entitled to speak and vote. These members will be nominated annually by the Suffolk Public Sector Leaders. The co-opted employee representative member, who will be nominated by UNISON, is also entitled to speak and vote.

### **24.4 Firefighters' Pension Scheme Board**

In the case of the Firefighters' Pension Scheme Board, the employer and member representatives are entitled to speak and vote. These members will be appointed in accordance with the rules of procedure of the Pension Board.

### **24.5 Audit Committee**

In the case of the Audit Committee, the Committee will approve the appointment of two co-opted independent members.

Before the Audit Committee reaches a decision in a meeting, the views of the co-opted independent members must be taken into account by the Committee, but the co-opted independent members may not vote.

## **25. Interpretation of Rules of Procedure and Notices**

Except where otherwise provided, the Monitoring Officer will consult with Chairmen, Group Spokespersons and chief officers over matters of interpretation and is responsible for making a determination if necessary. Notices to the Monitoring Officer shall be in writing and may be delivered by hand, email, fax or post.

## **26. Key Decisions**

- 26.1 A Forward Plan of key decisions over the next four-month period will be publicised regularly as required by Regulation 9 of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.
- 26.2 Key decisions will be recorded as required by Regulation 12 of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.
- 26.3 The County Council has agreed a threshold of £500,000 for key decisions; Key decisions are also defined as those that, even if within the threshold, involve significant expenditure or savings, or have a significant effect on communities whether in one or more electoral divisions.

## **27. Outside Bodies**

- 27.1 Any person appointed to serve on an outside body shall be appointed until they resign, are dismissed or their successor is appointed. Councillors shall cease to hold appointments (except as School Governors) on the fourth day after the ordinary day of election of County Councillors unless they are re-elected as County Councillors at the Election.
- 27.2 The Chief Executive will:
  - a) in consultation with the appropriate Group Leaders, revise as necessary appointments to outside bodies arising as a result of a vacancy or otherwise;
  - b) in consultation with the Leader of the Council and the appropriate Cabinet Members, agree the allocation of appointments to any new outside bodies or organisations.

## **28. Presentation of Petitions to County Council, Cabinet or Scrutiny Committee meetings**

- 28.1 The Council welcomes petitions and recognises that petitions are one way in which people can let the Council know their concerns. All petitions sent or presented to the Council will be recorded. It should be clear from the petition who has organised it, and that will be the person contacted by Democratic Services with regard to the petition. The Council will treat something as a petition if it is identified as being a petition, or if it seems to the Council that it is intended to be a petition.

The following conditions for a petition must be met for it to be presented to County Council, Cabinet or Scrutiny Committee:

- (1) the petition is signed by 3,675 (0.5% of the population of Suffolk at May 2010) persons who live, work or study in the County Council's area;
- (2) the petition gives the signatory's name and address;
- (3) that a petition to call an officer to account must comply with (1) and (2) above and:
  - (a) request that an officer of the Council (whether identified by name or description) be called to account at a public meeting of a scrutiny committee;
  - (b) that the officer is a relevant officer as set out in Rule 28.22; and
  - (c) the petition gives grounds for the request which relate to the discharge of functions for which the officer is responsible.

28.2 Petitions can be submitted on paper or by using an e-petition system.

28.3 Petitions can be presented to a meeting of the County Council, Cabinet or a Scrutiny Committee meeting, providing the number of signatures exceeds 3,675. Normally the petition organiser will be asked to present the petition, but if they would like their councillor or someone else to present it on their behalf they should contact Democratic Services at least 10 working days before the meeting.

#### What are the guidelines for submitting a petition?

28.4 Petitions submitted to the Council must include:

- a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Council to take; and
- the name and address and signature of any person supporting the petition.

28.5 Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person the Council will contact to explain how it will respond to the petition. Anonymous petitions will not be accepted by the Council.

28.6 Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. In the period immediately before an election or referendum the Council may need to deal with a petition differently – if this is the case the reasons for doing so will be explained as well as the revised timescale which will apply. If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, the Council will write to the petitioner to explain the reasons.

### What will the Council do when it receives a completed petition?

- 28.7 An acknowledgement will be sent to the petition organiser within 10 working days of Democratic Services receiving the petition. It will let them know what the Council plans to do with the petition and when they can expect to hear from the Council again.
- 28.8 If the Council can do what the petition asks for, the acknowledgement may confirm that the Council has taken the action requested and the petition will be closed. When the petition has closed, Democratic Services will confirm whether the petition has sufficient signatures to be considered by full Council, Cabinet or the Scrutiny Committee and state when and where both the formal meeting, and the pre-meeting (see paragraph 28.13) will take place. If the petition needs more investigation, the Council will set out the steps that it will take.
- 28.9 If there are a number of similar petitions that, individually, do not exceed the 3,675 signatures required, at the discretion of the Monitoring Officer then these can be combined. If the combined total of signatures then exceeds 3,675 then the subject will be considered by full Council, Cabinet or the Scrutiny Committee.
- 28.10 If the petition applies to a planning application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, other procedures apply.
- 28.11 The Council will not take action on any petition which it considers to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in its acknowledgement of the petition.

### How will the council respond to petitions?

- 28.12 The Council's response to a petition will depend on what a petition asks for, but may include one or more of the following:
- taking the action requested in the petition
  - considering the petition at a Council meeting
  - considering the petition at a Cabinet meeting
  - holding an inquiry into the matter
  - undertaking research into the matter
  - holding a public meeting
  - holding a consultation
  - holding a meeting with petitioners
  - referring the petition for consideration by the Scrutiny Committee
  - calling a referendum
  - writing to the petition organiser setting out the Council's views about the request in the petition

- 28.13 If the petition exceeds 3,675 signatures, the petition organiser will be contacted and offered a meeting with the relevant Cabinet member, group leaders (or their representative) and the relevant local councillor (if appropriate to the subject of the petition). Following the meeting, the Cabinet member will prepare a report that will summarise the meeting and explain what the Council's response to the petition will be. This report will be presented to the next Council.
- 28.14 If the petition is about something over which the Council has no direct control the Council will consider making representations on behalf of the community to the relevant body. The Council works with a large number of local partners and where possible will work with these partners to respond to the petition. If the Council is not able to do this for any reason (for example if what the petition calls for conflicts with Council policy), then the Council will set out the reasons for this to the petitioner.
- 28.15 If the petition is about something that a different council is responsible for then the Council will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other Council, but could involve other steps. In any event the Council will always notify the petitioner of the action it has taken.

#### What will happen at Full Council?

- 28.16 If a petition contains more than 3,675 signatures it will be considered by the full Council unless:
- (a) it is a petition asking for a senior council officer to give evidence at a public meeting; or
  - (b) the petitioner indicates that they would prefer it to be considered by Cabinet or Scrutiny Committee.

This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend. The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. Normally, petitions will be listed on the agenda. However, if petitions are received less than 10 days before a Council meeting, it will be at the Chairman's discretion whether the petition will be received or held for the following meeting.

- 28.17 Following the meeting referred to in paragraph 28.13 above, the details of the petition and the Cabinet member's report will be included on the Council agenda.
- 28.18 The petition organiser will be given five minutes to present the petition at the meeting. The leader of each of the political groups, or another nominated councillor from their group, will

then be given three minutes each to comment on the petition. The relevant Cabinet member will then be given five minutes to respond to what the petition organiser and councillors have said, and explain what action will be taken by the Council with regard to the petition, as set out in their report. That action may include one or more of the options listed in paragraph 28.12, or an alternative.

28.19 Where more than one petition (each with more than 3,675 signatures) on the same subject has been received, each petition organiser will be given five minutes to present their petition. When all petition organisers have spoken, each group leader, or another nominated councillor from their group, will have three minutes to comment on all of the petitions, with the relevant Cabinet member then given five minutes to respond to what the petition organiser and councillors have said, and explain what action will be taken by the Council with regard to the petition, as set out in their report. That action may include one or more of the options listed in paragraph 28.12, or an alternative.

28.20 This procedure will also apply if the petition is presented to Cabinet or the Scrutiny Committee.

#### Calling an officer to account

28.21 A petition may ask for a senior council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, a petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to councillors to enable them to make a particular decision.

28.22 If a petition contains at least 3,675 signatures, the relevant senior officer will give evidence at a public meeting of the Scrutiny Committee. The following is a list of the senior officers that can be called to give evidence:

- (a) statutory chief officers within the meaning of Section 2 of the Local Government and Housing Act 1989;
- (b) non-statutory chief officers within the meaning of Section 2 of the 1989 Act; and
- (c) the head of the Council's paid service.

The 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. Such a substitute officer must be within the definitions in 28.22(a)-(c) above. The Committee may also decide to call the relevant councillor to attend the meeting. Committee members will ask the questions at this meeting, but a

petitioner will be able to suggest questions to the chair of the committee by contacting the Monitoring Officer up to three working days before the meeting.

### E-petitions

- 28.23 E-petitions submitted to the Council must follow the same guidelines as paper petitions. The petition organiser will need to provide the Council with their name, postal address and email address. The Council will either need to be provided with an electronic copy, or a print-out of all those who have signed the e-petition, or be given on-line access to be able to verify the details. The process the Council will use for dealing with submitted e-petitions is the same as described above.

### What can a petition organiser do if they feel the petition has not been dealt with properly?

- 28.24 If a petition organiser feels the Council has not dealt with a petition properly, the petition organiser has the right to request that the Scrutiny Committee review the steps that the Council has taken in response to the petition. The petition organiser must give a short explanation of the reasons why the Council's response is not considered to be adequate.
- 28.25 The Scrutiny Committee will endeavour to consider the request at its next available meeting. Should the committee determine the Council has not dealt with a petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the Cabinet and arranging for the matter to be considered at a meeting of the full Council.
- 28.26 Once the appeal has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on the Council's website.

### Exemption to the petitions procedure

- 28.27 This procedure will not apply to a petition that, in the opinion of the Monitoring Officer, concerns a matter that is due to be considered at a meeting of a Regulatory Committee or any other committee required to act according to quasi-judicial principles. Such a petition shall be reported to the appropriate committee as part of the committee's normal consideration of the matter concerned.

## **29. Public Speaking at County Council and Committee Meetings**

### **29.1 Development and Regulation Committee**

29.1.1 Any member of the public may speak at any meeting of the Development and Regulation Committee, on any matter before the Committee for consideration at that meeting, where appropriate notice has been given.

29.1.2 The total time allocated to each speaker will not exceed five minutes, in accordance with guidance issued by the Council.

29.1.3 Speakers may not ask questions.

### **29.2 County Council**

29.2.1 Any member of the public, being resident in or a registered local government elector for Suffolk, may ask a question at any meeting of the full County Council in accordance with the procedure for public questions agreed by the Council, where appropriate notice has been given.

29.2.2 A period of 20 minutes will be set-aside at each meeting of the full Council for public questions.

29.2.3 A member of the public may not make a statement during Council Public Question Time.

### **29.3 Cabinet**

29.3.1 Any member of the public, being resident in, or a registered local government elector for Suffolk, may ask a question at any meeting of the Cabinet in accordance with the procedure for public questions agreed by the Council, where appropriate notice has been given.

29.3.2 A period of up to 20 minutes will be allowed at each meeting of the Cabinet for public questions.

29.3.3 A member of the public may make a statement during Cabinet Public Question Time at the Chairman's discretion.

### **29.4 Other Committees**

29.4.1 A maximum of 20 minutes public question time will be available at the beginning of meetings which are open to the public (other than County Council, Cabinet,

Development and Regulation Committee and any committee considering individual cases where other arrangements are in place). Subject to the above, any member of the public, being resident in or a registered local government elector for Suffolk, may ask a question on a substantive item on the agenda published for that meeting, where appropriate notice has been given.

29.4.2 The response to the question will be from a councillor or an officer, whichever is most appropriate.

## 29.5 General

29.5.1 In responding to any member of the public all Councillors shall observe the principles set out in the Members' Code of Conduct and shall also refrain from making personal or defamatory remarks against, disclosing personal information about, or referring to any past or present political affiliations or views held by, such members of the public, unless the public speaker refers to these.

29.5.2 At the discretion of the Chairman, members of the Council or its committees will be able to seek clarification of any points, or confirmation, from a public speaker whilst the relevant agenda item is being discussed.

29.5.3 Details of the procedures for public participation in meetings of the Council and its committees will be made publicly available.