

CHAPTER 4 – FULL COUNCIL

A THE FULL COUNCIL

MEANINGS

POLICY FRAMEWORK:

1 The policy framework means the following plans and strategies which must be approved by the full Council:

- a) medium term financial plan
- b) sustainable community strategy
- c) corporate plan
- d) development plan including development plan documents
- e) treasury management policy and strategy
- f) local transport plan

BUDGET:

2 The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, setting the Council Tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

FUNCTIONS OF THE FULL COUNCIL

3 Only the Council will exercise the following functions

- (a) adopting and changing the Constitution (subject to the provisions for legislative or urgent and necessary amendments set out in Chapter 1 paragraph 41);
- (b) approving or adopting the policy framework and the budget;
- (c) subject to the urgency procedure contained in the Access to Information Procedure Rules in Chapter 12 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a

manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;

- (d) appointing the leader;
- (e) agreeing/amending the powers and duties of Committees, deciding on their composition and making appointments to them;
- (f) appointing representatives to outside bodies unless the appointment is a Cabinet function or has been delegated by the Council;
- (g) adopting a members' allowances scheme;
- (h) changing the name of the area, changing the name of any Parish in the area, conferring the title of honorary Alderman or Freedom of the Borough;
- (i) confirming the appointment of the Chief Executive;
- (j) making, amending, revoking, re-enacting or adopting by-laws and promoting or opposing the making of local legislation or personal Bills;
- (k) making a request for single-member electoral areas under section 14A(1) of the Local Government Act 1992;
- (l) resolving to change a scheme for elections under Part 2 of the Local Government and Public Involvement in Health Act 2007;
- (m) deciding whether to make proposals for a change in governance arrangements or complying with a duty to make a change in governance arrangements, approving the proposals, deciding whether the change should be subject to approval in a referendum and passing a resolution to make the change under Part 2 of the Local Government Act 2000;
- (n) making a reorganisation order implementing recommendations of a community governance review, under section 86 of the Local Government and Public Involvement in Health Act 2007;
- (o) all local choice functions set out in the Constitution which the Council decides should be undertaken by itself; and
- (p) all other matters which, by law, must be reserved to Council.

COUNCIL MEETINGS

- 4 There are three types of full Council meeting which will be conducted in accordance with the Council and Committee Procedure Rules
- (a) the annual meeting (Mayor making, and appointment of Deputy and appointment of Cabinet and Committees);
 - (b) ordinary meetings;
 - (c) extraordinary meetings.

RESPONSIBILITY FOR FUNCTIONS

- 5 The Council will maintain the tables in the Constitution setting out the responsibility for the Council's functions which are not the responsibility of the Cabinet.

B CHAIRING THE COUNCIL

ROLE OF THE MAYOR

- 6 The Mayor will be elected by the Council at the annual meeting (Mayor making). The Deputy Chair will also be appointed at the annual meeting.
- 7 The Mayor and in their absence, the Deputy(excluding items d),e) and f)), will have the following roles and functions:
- a) to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
 - b) to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
 - c) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not on the Cabinet are able to hold the Cabinet to account;
 - d) to promote public involvement in the Council's activities;
 - e) to attend civic and community functions;
 - f) to carry out an ambassadorial and promotional role on behalf of the Borough.

C RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

- 8 The responsibility for functions which may be (but need not be) the responsibility of the Executive set out in Schedule 2 of the Local Authorities (Functions and Responsibilities) Regulations 2000, as amended, are set out below:-

Function	Decision Making Body	Delegation of Functions
9 The determination of an appeal against any decision made by or on behalf of the Authority, except for appeals for which alternative statutory arrangements apply	Council	Licensing and Regulatory Committee Appeals Committee
10 The making of arrangements pursuant to Sections 51A and 52 of the Education Act 2002 (appeals against exclusion of pupils)	Council	Director of Corporate Commissioning
11 The making of arrangements pursuant to section 94(1) and (4) of, and Schedule 24 to, the Schools Standards and Framework Act 1998 (as amended) (admission appeals)	Council	Director of Corporate Commissioning
12 The making of arrangements pursuant to section 95(2) of, and Schedule 25 to, the Schools Standards and Framework Act 1998 (children to whom section 87 applies: appeals by governing bodies) (as amended)	Council	Director of Corporate Commissioning
13 The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976	Council	Appropriate Officer

D COUNCIL AND COMMITTEE PROCEDURE RULES

ANNUAL MEETING OF THE COUNCIL (MAYOR MAKING)

14 In a year where 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 meeting will take place in March, April or May. The annual meeting will commence at 6.00 p.m.

15 At the annual meeting the Council will:

- a) elect the Mayor;
- b) elect the Deputy Chair.

ADJOURNED ANNUAL MEETING OF THE COUNCIL

TIMING AND BUSINESS

16 The adjourned annual meeting of the Council will take place in May and commence at 6.30 p.m.

17 The adjourned annual meeting will be chaired by the Mayor and will:-

- a) elect a person to preside if the Mayor or Deputy Chair is not present;
- b) note declarations of interest;
- c) receive apologies for absence;
- d) approve the minutes of the last meeting;
- e) note any announcements by the Mayor;
- f) deal with items raised in the Public Session under paragraphs 36 to 46;
- g) appoint the Leader to a four year term of office (or note his/her appointment for the remainder of the four year term);
- h) be notified by the Leader of the Council of the number and Members he/she is appointing to the Cabinet, their names, portfolios and which of them is to be the Deputy Leader;
- i) appoint at least one Overview and Scrutiny Committee, and other Committees which the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Cabinet functions;
- j) approve any amendments to the Constitution;

- k) appoint representatives to serve on the Joint Authorities; and
- l) consider any other business set out in the notice convening the meeting

APPOINTMENT OF COUNCILLORS TO COMMITTEES AND OUTSIDE BODIES

18 At the adjourned annual meeting the Council will:-

- a) decide which Committees to establish for the Municipal Year;
- b) decide the size and powers and duties for those Committees;
- c) decide the allocation of seats to political groups in accordance with the political balance rules;
- d) receive nominations of Councillors to serve on each Committee and Outside Body; and
- e) appoint to those Committees and Outside Bodies except where this has been delegated by the Council or is exercisable only by the Cabinet or Leader

ORDINARY MEETINGS

19 Ordinary meetings of the Council will take place in accordance with a programme decided by the Council. The order of business at ordinary meetings will be:-

- a) choose a person to preside if the Mayor or Deputy Chair is absent;
- b) apologies for absence;
- c) declarations of interest;
- d) approve the minutes of the last meeting;
- e) Mayor's announcements;
- f) statements/questions from members of the public under paragraphs 36 to 46;
- g) business (if any) remaining from the last meeting;
- h) deal with any other business expressly required by law to be done;
- i) questions asked by Councillors under paragraphs 47 to 53;
- j) recommendations of the Cabinet and decision making Committees;

- k) motions under paragraphs 54 to 59 in the order in which notice has been received;
- l) other business (if any) specified in the summons, including reports submitted by the Leader, a Cabinet Member, Head of Paid Service, Monitoring Officer or any other Chief Officer.

EXTRAORDINARY MEETINGS

CALLING EXTRAORDINARY MEETINGS

- 20 Those listed below may request the Director of Corporate Commissioning to call Council meetings in addition to ordinary meetings:
- a) the Council by resolution;
 - b) the Mayor;
 - c) the Monitoring Officer and/or Chief Finance Officer; and
 - d) any five Members of the Council if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

BUSINESS

- 21 No business other than that specified in the summons to the meeting may be considered at an extraordinary meeting.

APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES

ALLOCATION

- 22 As well as allocating seats on Committees and Sub-Committees, the Council will allocate seats in the same manner for substitute Members.

NUMBER

- 23 For each Committee or Sub-Committee, with the exception of the Licensing and Regulatory Committee, the Council will appoint the same number of named substitutes in respect of each political group as that group holds ordinary seats on that Committee or Sub-Committee.

POWERS AND DUTIES

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

SUBSTITUTION

- 25 Substitute Members may attend meetings in that capacity only:
- a) to take the place of the ordinary Member for whom they are the designated substitute;
 - b) where the ordinary Member will be absent for the whole of the meeting.

TIME AND PLACE OF MEETINGS

- 26 The time and place of meetings will be notified in the summons.

NOTICE OF AND SUMMONS TO MEETINGS

- 27 The Director of Corporate Commissioning will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules. At least five clear days before a meeting, the Chief Executive will publish a summons signed by him or her and inform every Member of the Council of its publication. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

CHAIR OF MEETING

- 28 The person presiding at the meeting may exercise any power or duty of the Mayor in relation to the conduct of the meeting.

QUORUM

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

GUILLOTINE

INTERRUPTION OF THE MEETING

- 30 If the business of the meeting has not been concluded by 11 p.m. the Mayor must interrupt the meeting and call for the vote immediately on the item under discussion. The vote will then be taken in the usual way without any further discussion.

MOTIONS AND RECOMMENDATIONS NOT DEALT WITH

- 31 If there are other motions or recommendations on the agenda that have not been dealt with by 11 p.m., they are deemed formally moved and seconded (together with any amendments). No speeches will be allowed on these items and the vote will be taken in the usual way.

RECORDED VOTE

- 32 If a recorded vote is called for during this process it will be taken immediately.

MOTIONS WHICH MAY BE MOVED

- 33 During the process set out in paragraphs 30 to 32 above, the only other motions which may be moved are that a matter be withdrawn or that a matter be delegated or referred to an appropriate body or individual for decision or report.

POSTPONEMENT OF GUILLOTINE

- 34 At the request of any Member any proposal to postpone this procedure shall be put to the vote by a show of hands without debate.

CLOSE OF THE MEETING

- 35 When all motions and recommendations have been dealt with, the Mayor will declare the meeting closed.

PUBLIC SESSION

GENERAL

- 36 Members of the public may ask a question, submit a motion for debate or present a petition at ordinary meetings of the Council.

PETITIONS

37 The Council has adopted a petitions scheme which applies to paper and e-petitions to trigger full council debates and to require Officers to give evidence to the relevant Overview and Scrutiny Committee. Details of the petition scheme are contained within Chapter 12 of the Constitution.

PUBLIC QUESTIONS

38 - A member of the public, being a resident of the Borough, may ask the appropriate Cabinet Member questions on any matter relating to the discharge of the Council's functions. The question must be in writing and submitted to the Director of Corporate Commissioning at least five clear days before the day of the Council Meeting. The question(s) should be accompanied by a copy of any document to which it refers.

39 At any one meeting no person may submit more than one question and no more than one such question may be asked on behalf of one organisation.

40 The Director of Corporate Commissioning will keep a record open to public inspection of all questions asked and immediately upon receipt will send a copy of the question to the Member to whom it is to be put.

41 The Director of Corporate Commissioning may reject a question if it:

- a) is not about a matter for which the Local Authority has a responsibility or which affects the Borough;
- b) is defamatory, frivolous or offensive;
- c) is substantially the same as a question which has been put at a meeting of the Council in the past three months; or
- d) requires the disclosure of confidential or exempt information.

42 The Mayor will invite the questioner to put the question to the Member named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Mayor to put the question on their behalf. The Mayor 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.

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

- 44 Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Member to whom it was to be put, will be dealt with by a written answer.
- 45 Unless the Mayor decides otherwise, no discussion will take place on any question, but any Member may move that a matter raised by a question be referred to the Cabinet or the appropriate Committee or Sub-Committee. Once seconded, such a motion will be voted on without discussion.
- 46 In the event of the questioner failing to conform to the foregoing provisions, or to the ruling of the Mayor on such, the Mayor shall have discretion to rule that no further questions may be accepted from that questioner for a period of six months.

QUESTIONS BY MEMBERS

ON REPORTS OF THE EXECUTIVE OR COMMITTEES

- 47 A member of the Council may ask an executive Member or Chair of a Committee any question without notice upon an item of the report of the executive or a Committee when that item is being received or under consideration by the Council.

QUESTIONS ON NOTICE AT FULL COUNCIL

- 48 Subject to paragraph 50, a Member of the Council may ask:
- a) the Mayor;
 - b) a Member of the executive;
 - c) the Council representative on a Joint Authority;
 - d) the Chair of any Committee or Sub-Committee

a question on any matter in relation to which the Council has powers or duties or which affects Sefton. The period set aside for questions shall not exceed 30 minutes.

QUESTIONS ON NOTICE AT COMMITTEES AND SUB-COMMITTEES

- 49 Subject to paragraph 50, a Member of a Committee or Sub-Committee may ask the Chair of it a question on any matter in relation to which the Council has powers or duties or which affect Sefton and which falls within the terms of reference of that Committee or Sub-Committee

NOTICE OF QUESTIONS

- 50 A Member may ask a question under paragraphs 48 or 49 only if either:
- (a) notice of the question is given to the Director of Corporate Commissioning by 12 noon 2 clear days before the meeting; or
 - (b) if a question is to a Spokesperson on a Joint Authority, notice must be given by 12 noon, 5 clear days before the meeting.

RESPONSE

- 51 An answer may take the form of:
- (a) a direct oral answer;
 - (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
 - (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.
- 52 The person to whom a question is put may decline to answer.

SUPPLEMENTARY QUESTION

- 53 A Member asking a question under paragraph 48 or 49 may ask one supplementary question without notice of the Member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply.

MOTIONS WHERE NOTICE GIVEN/ISSUES FOR DEBATE

NOTICE

- 54 Except for motions which can be moved without notice under paragraph 59, written notice of every motion must be delivered to the Director of Corporate Commissioning not later than 12 noon eight clear days before the date of the meeting. These will be entered in a book open to public inspection.
- 55 Notice of specific issues for debate, as determined by the Party Groups (and co-ordinated by the Party Group Whips), shall be submitted in writing and delivered by noon at least seven clear days before the next meeting of the Council, at the Office of the Director of Corporate Commissioning by whom it shall be dated, numbered in the order in which it is received, and entered in a book which shall be open for inspection by every Member of the Council.

(The effect of this provision is that, where a Council Meeting is to be held on Thursday, notice must be delivered by noon on the Monday of the preceding week).

MOTION SET OUT IN AGENDA

- 56 Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the Member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

SCOPE

- 57 Motions must be about matters for which the Council has a responsibility or which affect Sefton.

VARY OR REVOKE STANDING ORDERS

- 58 Any motion under this Standing Order to vary or revoke these Standing Orders shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

MOTIONS WITHOUT NOTICE

- 59 The following motions may be moved without notice:
- (a) to appoint a Chair of the meeting at which the motion is moved;
 - (b) in relation to the accuracy of the minutes;
 - (c) to change the order of business in the agenda;
 - (d) to refer something to an appropriate body or individual;
 - (e) to appoint a Committee or Member arising from an item on the summons for the meeting;
 - (f) to receive reports or adoption of recommendations of Committees or officers and any resolutions flowing from them;
 - (g) to withdraw a motion;
 - (h) to amend a motion;
 - (i) to proceed to the next business;
 - (j) that the question be now put;
 - (k) to adjourn a debate;

- (l) to adjourn a meeting;
- (m) to suspend a particular Council procedure rule;
- (n) to exclude the public and press in accordance with the Access to Information Rules;
- (o) to not hear further a Member named under paragraph 102 or to exclude them from the meeting under paragraph 103; and
- (p) to give the consent of the Council where its consent is required by this Constitution.

RULES OF DEBATE

NO SPEECHES UNTIL MOTION SECONDED

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

RIGHT TO REQUIRE MOTION IN WRITING

- 61 Unless notice of motion has already been given, the Chair may require it to be written down and handed to him/her before it is discussed.

SECONDER'S SPEECH

- 62 When seconding a motion or amendment, a Member may reserve their speech until later in the debate. The Secunder will lose their right to speak as seconder of that motion if it is subsequently amended before they have exercised their right.

CONTENT AND LENGTH OF SPEECHES

- 63 Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed eight minutes without the consent of the Council, and any such extension of time granted shall not exceed a further three minutes. This rule will not apply to Party Leaders at the budget setting meeting of the Council.

WHEN A MEMBER MAY SPEAK AGAIN

- 64 A Member 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 Member;

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

AMENDMENTS TO MOTIONS

65 An amendment to a motion must be relevant to the motion and will either be:

- a) to refer the matter to an appropriate body or individual for consideration or reconsideration;
- b) to leave out words;
- c) to leave out words and insert or add others; or
- d) to insert or add words

as long as the effect of (b) to (d) is not to negate the motion.

66 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.

67 If an amendment is not carried, other amendments to the original motion may be moved.

68 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.

69 After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

ALTERATION OF MOTION

- 70 A Member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- 71 A Member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- 72 Only alterations which could be made as an amendment may be made.

WITHDRAWAL OF MOTION

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

RIGHT OF REPLY

- 74 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.
- 75 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.
- 76 The mover of the amendment has no right of reply to the debate on his or her amendment.

MOTIONS WHICH MAY BE MOVED DURING DEBATE

- 77 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;
 - (c) to proceed to the next business;
 - (d) that the question be now put;
 - (e) to adjourn a debate;
 - (f) to adjourn a meeting;

- (g) to exclude the public and press in accordance with the Access to Information Rules; and
- (h) to not hear further a Member named under paragraph 102 or to exclude them from the meeting under paragraph 103.

CLOSURE MOTIONS

78 A Member may move, without comment, the following motions at the end of a speech of another Member:

- a) to proceed to the next business;
- b) that the question be now put;
- c) to adjourn a debate; or
- d) to adjourn a meeting.

79 If a motion to proceed to the next business is seconded and the Chair thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

80 If a motion that the question be now put is seconded and the Chair thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.

81 If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

POINT OF ORDER

82 A Member may raise a point of order at any time. The Mayor 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 Member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Chair on the matter will be final.

PERSONAL EXPLANATION

83 A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the

Member which may appear to have been misunderstood in the present debate.
The ruling of the Chair on the admissibility of a personal explanation will be final.

MOTIONS ON EXPENDITURE

- 84 Any motion or amendment (which is moved otherwise than in pursuance of a recommendation or report of the Cabinet/any Committee) which would increase the expenditure or reduce the revenue of any service which is under the management of the Cabinet/any Committee or would involve capital expenditure shall, if carried, stand referred to the Cabinet or Committee affected for formal consideration of the financial implications in advance of any budgetary commitment and prior to any action being taken to implement the decision.

RULES OF DEBATE – THE POWERS OF THE MAYOR

- 85 The ruling of the Mayor on a point of order or on the admissibility of a personal explanation or on the interpretation of the rules of debate shall not be open to discussion.
- 86 Whenever the Mayor speaks or rises during a debate, a Member then speaking or standing shall resume his or her seat and the Council shall be silent.

PREVIOUS DECISIONS AND MOTIONS

MOTION TO RESCIND A PREVIOUS DECISION

- 87 A motion to rescind a decision made at a meeting of the Council within the past six months cannot be moved unless the notice of motion is signed by at least 22 Members.

MOTION SIMILAR TO ONE PREVIOUSLY REJECTED

- 88 A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 22 Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

NB: The provisions of paragraphs 87 and 88 are suspended to allow Political Group Leaders to move a motion previously moved and/or amendments to the forthcoming Revenue and Capital Budgets where items have been previously debated and voted upon at a Council meeting in the past six months.

VOTING

MAJORITY

- 89 Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room and seated in their places at the time the question was put.

MAYOR'S CASTING VOTE

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

SHOW OF HANDS

- 91 Unless a recorded vote is demanded under paragraph 92, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

RECORDED VOTE

- 92 If 7 Members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

RIGHT TO REQUIRE INDIVIDUAL VOTE TO BE RECORDED

- 93 Where any Member 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.

VOTING ON APPOINTMENTS

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

MINUTES

SIGNING THE MINUTES

- 95 The Mayor will sign the minutes of the proceedings at the next suitable meeting. The Mayor will move that the minutes of the previous meeting be

signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

NO REQUIREMENT TO SIGN MINUTES OF PREVIOUS MEETING AT EXTRAORDINARY MEETING

96 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 to the Act relating to signing of minutes.

FORM OF MINUTES

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

EXCLUSION OF PUBLIC

98 Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Chapter 12 of this Constitution or paragraphs 105 or 106.

MEMBERS' CONDUCT

99 At the discretion of the Mayor, the following rules shall apply.

STANDING TO SPEAK

100 When a Member speaks at full Council they must stand and address the meeting through the Mayor. If more than one Member stands, the Mayor will ask one to speak and the others must sit. Other Members must remain seated whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.

MAYOR STANDING

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

MEMBER NOT TO BE HEARD FURTHER

102 If a Member persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may

move that the Member be not heard further. If seconded, the motion will be voted on without discussion.

MEMBER TO LEAVE THE MEETING

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

GENERAL DISTURBANCE

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

DISTURBANCE BY PUBLIC

REMOVAL OF MEMBER OF THE PUBLIC

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

CLEARANCE OF PART OF MEETING ROOM

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

SUSPENSION AND AMENDMENT OF COUNCIL AND COMMITTEE PROCEDURE RULES

SUSPENSION

107 All of these Council and Committee Rules of Procedure except paragraphs 92 and 96 may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council are present and vote in favour thereof. Suspension can only be for the duration of the meeting.

AMENDMENT

108 Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

COMMITTEES

APPOINTMENT OF COMMITTEES

- 109 Apart from the annual meeting the Council may at any other meeting appoint any Committees necessary to carry out any area of work or function of the Council but
- (a) shall not appoint any Member of a Committee to hold office later than the next annual meeting of the Council; and
 - (b) may at any time dissolve a Committee or alter its membership and/or office holders.

NOMINATION OF MEMBERS OF COMMITTEES

- 110 Council Members of Committees shall be nominated by the political parties and seats allocated in accordance with the political balance rules set out in the Local Government and Housing Act 1989. This provision will not apply to Area Committees.

ITEMS FOR COMMITTEE AGENDAS

- 111 Committee Members may, by giving written notice to the Director of Corporate Commissioning at least seven working days before the normal day for publication of agendas for a Committee meeting, submit an item for consideration at that meeting. In the case of an Area Committee, the request shall be accompanied by a report on the matter prepared by the Member concerned in accordance with the Council's report preparation procedures.
- 112 Items submitted shall appear on the agenda as the last item for decision and in the case of information items under the title 'items submitted by Members'.
- 113 A Member shall be limited to the submission of one such item per Committee meeting.

SPECIAL MEETINGS OF COMMITTEES

- 114 The following may ask the Director of Corporate Commissioning to call a special meeting:
- a) the Committee by resolution;
 - b) the Chair of the Committee;
 - c) the Mayor;

- d) a quarter of the whole number of the Committee (not being less than three Members) who have signed a requisition presented to the Director of Corporate Commissioning.

115 Only business set out on the agenda may be dealt with at a special meeting.

QUORUM OF COMMITTEES

116 Except where authorised by Statute or ordered by the Council, business shall not be transacted at a meeting of:-

- (a) any Committee, unless at least one quarter of the Members thereof are present (subject to a minimum of 2 Members);
- (b) any Area Committee, other than the Southport Area Committee, unless at least 4 Members or 50% of the membership thereof are present, whichever is the lower;
- (c) the Southport Area Committee unless 10 Members thereof are present.

ATTENDANCE AT COMMITTEES

117 Members may attend all Committee meetings to which the public are normally admitted. Provided the matter is on the agenda only Members of a Committee may vote but other Members may, with the consent of the Chair, take part in the discussion. A Member shall in any case be entitled to discuss a matter falling within the powers of another Committee of which s/he is Chair, or a matter which is the subject of a motion which s/he has proposed and which has been referred to the Committee.

APPLICATION TO COMMITTEES AND SUB-COMMITTEES

118 Only paragraphs 26 to 35, 47 to 59, 93 and 99 to 120 (but not paragraph 100) apply to meetings of the Committees and Sub-Committees. Rules relating to meetings of the Cabinet are set out in Chapter 5.

REPRESENTATIVES BY THE PUBLIC TO CABINET MEMBERS AND AT THE CABINET AND COMMITTEE MEETINGS

(See also separate code for dealing with Planning matters in Part 5 of the Constitution).

119 If a written petition relating to any matter affecting the administration of the Borough, and containing the signatures of at least 25 residents of the

Borough, is submitted by a Councillor to the Director of Corporate Commissioning with a request that a deputation in support of such petition be received, the Director shall arrange for the deputation to attend the next appropriate meeting of the Cabinet Member/Committee concerned. The submission of a petition by a Councillor shall not be taken as an indication that that Councillor is in agreement with the objects of the petition.

120 Where the petition relates to a matter already upon an Agenda issued for a Committee meeting provided that the Director of Corporate Commissioning received a copy of the petition by noon two days before the meeting, except in the case of the Planning Committee when the petition shall have been received by 10 a.m. on the Friday prior to the meeting of the Planning Committee, the deputation shall be invited to attend that meeting, and the matter concerned shall be dealt with in advance of other items on the Agenda. Where the petition relates to a matter for which the Agenda has not yet been issued, the deputation shall be invited to attend the next appropriate meeting and the matter referred to in the petition shall be included as the first substantive item on the Agenda for such meeting.

121 When a deputation is received in accordance with this Standing Order, only one of the deputation, who need not necessarily be a petitioner, shall speak, and such speech (inclusive of the reading of the petition) shall not exceed five minutes. The member of the deputation speaking shall address the Cabinet Member/Chair and no members of the deputation shall enter into discussion or debate. The member of the deputation speaking may be asked questions on his/her presentation.