

By: Chairman of the Selection Committee
To: County Council – 6 September 2007
Subject: Changes to Constitution

Summary: The County Council is asked to consider proposed recommendations to amend the Procedure Rules applying to meetings of the County Council.

FOR DECISION

Introduction

1. At its meeting on 6 July 2007, the Selection Committee considered a series of recommendations put forward by the Informal Member Group: Going Local which, if approved by the Selection Committee and County Council, would require amendment to the Procedure Rules as set out in Appendix 4 Part 1 of the Constitution. A copy of these Procedure Rules is attached as **Appendix 1**.

Procedure Rule 1.34(1)

2. (1) The Council is reminded that when it met on 17 May 2007 it referred back to the Selection Committee for further consideration the proposed amendment to the wording of Procedure Rule 1.34(1):

“The text of any written motion or amendment must be given to the Clerk by 10 am on the morning of the meeting. If it is not, the Chairman may rule that it falls. Any proposed motion/amendment to be treated in confidence by the Clerk”

(2) After further consideration the Committee recommend that no amendment should be made to Procedure Rule 1.34(1) because the proposal could restrict members during the course of debate.

Changes to Procedure Rules Applying to Meetings of the Council proposed by the Informal Member Group: Going Local

3. After consideration of the suggestions put forward by the Informal Member Group: Going Local, the Committee unanimously recommend to the Council that:

- (a) the number of Council meetings to be held each year should be increased by one (normally to take place in April)
- (b) Council meeting finish times should be extended from 4:00 pm to 4:30 pm

- (c) the time permitted for time limited debate be increased from 30 minutes to 45 minutes
 - (d) no speech on items for time limited debate should exceed 3 minutes in length.
4. In addition, the Selection Committee unanimously expressed the following views:
- (a) the idea of a public question time at full council meetings should not be pursued for the time being
 - (b) Members' Questions should be subjected to rigorous checking to ensure that they comply with the rules of the Constitution – those that do not comply should be rejected.

RECOMMENDATION

5. That the Council approve the recommendations of the Selection Committee as set out in paragraph 3 above and agree to the necessary changes being made to Procedure Rules.

If these recommendations are agreed by the County Council they will come into effect from 18 October 2007.

Mrs P A V Stockell
Chairman, Selection Committee

Background Information: *Include ALL background information taken into account in preparing the report. (This does not include previous Committee Reports)*

Appendix 4 Part 1:
Rules applying to Council Meetings
Definitions

1.1 “Chairman” means the Chairman of the Council or the Member presiding at the meeting of the Committee or Sub-Committee.

“Clerk” means an officer appointed for that purpose by the Monitoring Officer.
“Political group” means a group formed under Section 15 of the Local Government and Housing Act 1989.

1.2 The Chairman’s ruling on the meaning or application of these Procedure Rules or any other aspect of the proceedings of a Council or Committee meeting cannot be challenged.

1.3 The Chairman may give any directions he considers appropriate to deal with an emergency or ensure compliance with these Procedure Rules or a resolution of the Council related to them.

Planning of the Council Meeting

1.4 The Council normally meets in County Hall, Maidstone, on such days as it determines. In particular, it will meet:

(1) during February each year to consider the Budget and set the rates of Council Tax

(2) during May each year as its annual meeting

(3) normally during September, October/November and December each year

(4) additionally during April in each County Council election year.

1.5 Meetings normally begin at 10:00 am.

1.6 If a meeting cannot begin or has to cease because there is no quorum, it shall be reconvened at a date and time to be decided by the Chairman.

1.7 The Chairman may vary the day, time and place of a meeting or convene an additional meeting if he considers it necessary, after consultation with the political group leaders.

1.8 (1) The Chairman, allocates seats at Council meetings to each Member. Members must sit in their allocated seat.

(2) Members attending Council meetings must sign an attendance list.

1.9 The Clerk summons all Members to meetings by sending an agenda and accompanying papers to each Member’s nominated address. The agenda and papers are normally sent out at least seven clear days before the meeting.

Agendas for Meetings

1.10 The agenda for each meeting, except the Budget meeting, will include:

- (1) minutes of the previous meeting for approval and signing
- (2) an item for questions to be asked by Members
- (3) reports on items for decision
- (4) policy items for discussion referred by a Policy Overview Committee or the Leader prior to the preparation of final proposals
- (5) reports by the Leader, the Cabinet, the Cabinet Scrutiny Committee, Policy Overview Committees, the Health Scrutiny Committee or Select Committees
- (6) one item for full debate
- (7) up to three items for time-limited debate
- (8) minutes of the Planning Applications and Regulation Committees for information only
- (9) minutes of the Governance & Audit Committee for time-limited debate
- (10) any other relevant reports or papers.

1.11 The Chairman determines the topic of the item for full debate, the order of items and a timetable for each Council meeting after consultation with the political group leaders.

1.12 (1) The Council adjourns for lunch at a convenient point after 12:45 pm decided by the Chairman. The lunch adjournment will not exceed an hour and a quarter.

(2) Each meeting shall end by 4:00 pm unless otherwise agreed by the Council by a vote without a debate. Any recommendations by the Leader or the Cabinet that have not been dealt with at the end of the meeting shall be deemed to have been agreed as recommended. Any other motions or recommendations that have not been put to the vote fall.

1.13 The agenda for the Budget meeting is limited to:

- (1) questions
- (2) consideration of the Leader's recommendations for the Budget, Capital Programme, Borrowing Policy, Council Tax and the limits defining key financial decisions
- (3) other items the Chairman agrees be taken as urgent.

1.14 Additional (extraordinary) meetings, including meetings requisitioned by groups of Members under Schedule 12 of the Local Government Act 1972, will only consider the items of business for which they have been called and any other items the Chairman considers appropriate.

Quorum

1.15 The quorum for a meeting of the Council is 21 Members.

Chairman and Vice-Chairman

1.16 (1) The Chairman and Vice-Chairman of the Council are elected at the annual meeting of the County Council. They remain in office until the election of their successor, they resign or the Council vote their removal. In the latter two cases, an election for their successor should be held as soon as possible.

(2) No Member, who has a personal or prejudicial interest (as defined in the Code of Member Conduct) in any matter being considered by the Council, may preside at a meeting while that matter is under discussion.

(3) If neither the Chairman nor Vice-Chairman is present or able to preside, the Council shall elect another Member to preside for that meeting or item.

Minutes of Council Meetings

1.17 The Chairman asks the Council to agree the minutes of the previous meeting as a true record. No discussion may take place except on their accuracy.

Questions

1.18 (1) Any Member may ask one question at each meeting. Questions must be signed and delivered to the Clerk before 5:00 pm on the Friday before the meeting. The Clerk gives each question a number and informs the Member of this number and records the time of receipt.

(2) Questions must not:

- (a) ask for information already in the Member's possession or which has been published to Members either in a Committee report or otherwise
- (b) be about something that is outside the responsibilities or powers of the Council
- (c) criticise the motives or personal character of any Member or employee of the Council.

(3) The Chairman can decide that a question shall not be asked or answered if it would not be in the public interest or on any other reasonable ground.

(4) Questions will be called in their numbered order and be answered in the order they are received by the Clerk unless the Chairman decides otherwise.

(5) If the questioner is not present when called by the Chairman, the Chairman shall call the next question.

(6) Answers to questions will be given by the Leader, the relevant Cabinet Member, Committee Chairman, the Member nominated by the Police or Fire Authorities or by another Member designated by the Chairman of the Council.

(7) The Member giving the answer has discretion as to the content of the reply and how it is given. In particular, he may decline to answer in full if this would involve an unreasonable amount of work or cost, or be contrary to the public interest. All oral answers to questions should be brief and relevant, with any detailed background or statistics given in writing.

(8) After the answer has been read out the questioner may put one supplemental question in order to clarify a point given in the answer.

(9) After the Council meeting, a copy of the question and the answer will be given to the Member asking the question and made available to all other Members of the Council.

(10) Questions that have not been answered before the end of the 30 minutes allowed will not be called but all questions will be answered in writing.

Reports on matters for decision or debate

1.19 The Chairman shall normally call on the Leader, relevant Cabinet Member or Committee Chairman to move any recommendation in a report before the Council with or without such amendment as that Member thinks fit.

Leader's Report

1.20 (1) The Leader may make an oral report on key issues arising since the last meeting.

(2) The Leader of the Opposition and the other political group leaders may comment on the Leader's report, but no other Member may speak except with the consent of the Chairman.

(3) The Leader has a right of reply to any comments made on his report.

(4) No motions may be moved nor resolutions passed under this item.

(5) The Leader's report shall not exceed ten minutes; his reply shall not exceed two minutes; and other speeches on this item shall not exceed seven minutes in length, except with the consent of the Council, which shall be given or refused without debate.

Item for Full Debate

1.21 (1) The Chairman, in consultation with the political group leaders, shall determine the topic of the item for full debate at each meeting.

(2) Each debate will be on the basis of a motion proposing an outcome (e.g. that the Council notes the information presented to it, or takes some specified action).

Items for Time-Limited Debate

1.22 (1) Each political group may place a motion on the agenda for time-limited debate by giving notice (including the written consent of a seconder) to the Clerk at least fourteen days before the meeting. The motion must relate to the work of the Council or to a matter of concern to the County of Kent. The Clerk shall place all such items on the agenda in the order that they are received.

(2) Debate on each motion shall not exceed thirty minutes.

Minutes of Governance & Audit, Planning Applications and Regulation Committees

1.23 (1) The Clerk shall include in the agenda for ordinary meetings of the Council the minutes of every meeting of the Governance & Audit, Planning Applications and Regulation Committees that have taken place since the previous meeting.

(2) Exempt minutes will not be submitted; instead, the Clerk shall include the written summary of proceedings prepared under section 100C(2) of the Local Government Act 1972 for public inspection.

(3) Debate on the minutes of the Governance & Audit Committee shall not exceed 15 minutes.

(4) The minutes of the Planning Applications and Regulation Committees are submitted to the Council for information only. No discussion shall be permitted on any such minute.

Motions and Amendments

1.24 (1) Motions, amendments and recommendations must be worded so that, if they are agreed by the Council, they can be passed as a valid resolution. If a motion, amendment or recommendation is not so worded, the Chairman may instruct the Clerk to omit it from the agenda or rule that the motion or amendment be not put.

(2) If a motion:

- (a) proposes to rescind the whole or part of any resolution passed by the County Council or a Committee in the preceding six months; or
- (b) has the same effect as a motion which has been rejected by the Council in the preceding six months; or

(c) has been proposed in Council but not seconded in the preceding six months; it must be signed by at least 22 Members before it can be accepted.

(3) If any such motion is considered and rejected by the Council or falls at the end of debate, no motion to the same effect can be proposed for a further 12 month period. At the end of that further period, a motion to the same effect as that rejected or fallen may only be accepted if it is signed by 32 Members of the Council.

(4) This Procedure Rule does not apply to any motion proposed by the Chairman or the Leader or to any motion proposed by a Member moving the recommendation of a Committee to the Council.

Voting at meetings of the County Council

1.25 (1) Whenever a vote is required at meetings of the Council it will be taken using the electronic voting system.

(2) Members are not entitled to vote unless their own cards have been inserted into their delegate unit so that their names and presence in the Council Chamber can be registered by the system.

(3) Any vote cast from a delegate unit other than a Member's own is not a valid vote unless the Chairman is satisfied that a Member's delegate unit is not in working order and/or has directed that a Member sit in a seat other than his own and use another delegate unit.

(4) Before a vote is taken the Chairman shall announce that a vote is to be taken and the division bell shall be rung for 60 seconds unless the Chairman is satisfied that all Members are present in the Chamber.

(5) 20 seconds will be allowed for electronic voting to take place.

(6) The Chairman shall announce that the vote is closed and declare the result.

(7) The Clerk shall make the record of how votes were cast available for Member and public inspection and record in the minutes how each Member voted.

(8) If the votes for and against are equal, the Chairman shall immediately declare if he is using his casting vote and, if so, whether for or against the proposal.

(9) If the electronic voting system is not in working order, or the meeting is not taking place in the Council Chamber, Members shall vote by show of hands. Immediately before or after a vote is taken, ten Members may require a written ballot be conducted by rising in their places. The written ballot shall use forms distributed and collected by the Clerk.

1.26 No vote or debate shall be allowed on earlier business once the Council has proceeded to the next business.

Conduct of Debate

1.27 If the Chairman rises during a debate any Member then standing shall resume his seat and all Members except the Chairman shall be silent.

1.28 (1) When speaking Members must stand.

(2) Members may speak only when called by the Chairman.

(3) Members must address all their remarks to the Chairman.

(4) Speeches must be relevant to the matter under discussion, must not be unnecessarily repetitive, use unbecoming language, question the motives of any other Member, make personal comments about another Member, criticise an officer of the Council nor commit or incite any breach of order. The Chairman may call the Member to order for doing any of these things and may direct him to stop speaking.

(5) If a Member disregards the authority or ruling of the Chairman or behaves irregularly, improperly or offensively or wilfully obstructs the business of the meeting, the Chairman may propose that the Member leave the meeting.

(6) The Chairman will immediately seek for that motion to be seconded by another Member; if seconded, the motion is put to the vote without discussion.

(7) If the motion is carried, the named Member must leave the room for the remainder of the meeting or until the Council agrees, by vote taken without debate, he may return.