

COUNCIL PROCEDURE RULES

COUNCIL PROCEDURE RULES

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1. ANNUAL MEETING OF THE COUNCIL

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

The annual meeting will:

- (i) elect a person to preside if the Chairman of Council is not present;
- (ii) elect the Chairman of Council;
- (iii) elect the Vice-Chairman of Council;

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<p>(iv) approve the minutes of the last meeting;</p> <p>(v) receive any announcements from the Chairman;</p> <p>(vi) elect the leader and deputy leader;</p> <p>(vii) agree the number of members to be appointed to the executive and appoint those members of the cabinet;</p> <p>(viii) appoint at least one Overview and Scrutiny Committee, a Standards Committee and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions as set out in Part 3, Table 1 of this Constitution;</p> <p>(ix) appoint Chairmen and Vice-Chairmen to those bodies;</p> <p>(x) agree the scheme of delegation or such part of it as the Constitution determines it is for the Council to agree as set out in Part 3 Table 3 of this Constitution);</p> <p>(xi) approve a programme of ordinary meetings of the Council for the year;</p> <p>(xii) consider any business set out in the notice convening the meeting;</p> <p>(xiii) receive a work programme for the Executive and a joint work programme for Overview and Scrutiny Committees for the ensuing year; and</p> <p>(xiv) be notified of Group Leaders and Deputies and Group representatives on relevant Committees.</p>	<p>DELETE “and deputy leader” because the Council can only appoint the Leader, all other Cabinet appointments falling to the latter.</p> <p>DELETE – all appointments are the responsibility of the Leader of Council.</p> <p>ADD – “and Audit and Governance Committee” after “Standards Committee” in line one.</p> <p>(x) AMEND by adding after “Constitution” in the second line the words “but excluding delegation of executive functions which are the responsibility of the Leader of Council.”</p> <p>ADD: new paragraph (xv) as follows: “To be notified by the Leader of the Council of appointments to the Cabinet, on the establishment of Cabinet Committees, delegation of executive responsibilities to Cabinet members and officers and appointments to outside organisations carrying out executive functions”.</p>
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<p>1.2 Selection of Councillors on Committees and Outside Bodies</p> <p>At the annual meeting, the council meeting will:</p> <ul style="list-style-type: none"> (i) decide which committees to establish for the municipal year; (ii) decide the size and terms of reference for those committees; (iii) decide the allocation of seats to political groups in accordance with the political balance rules; (iv) receive nominations of councillors to serve on each committee and outside body; and (v) appoint to those committees and outside bodies except where such appointments are exercisable only by the executive. 	<ul style="list-style-type: none"> (i) ADD after "year", the words "excluding those Committees which are the responsibility of the Leader of Council". (iv) AMEND by adding after "body" the following: "excluding those committees or outside bodies which are the responsibility of the Leader". (v) AMEND by deleting "executive" in the second line and substituting "the Leader". (vi) ADD new paragraphs as follows: "(vi) To receive reports from the Leader of the Council on the appointment of a Deputy Leader, the Cabinet, Cabinet Committees, Responsibilities of Cabinet members, appointments to outside organisations which are the responsibility of the Executive and delegation of Cabinet functions to officers. (vii) To receive a report from the Leader of the Council on any delegation of executive functions to Joint Committees and local Committees".
<p>2. ORDINARY MEETINGS</p> <p>2.1 Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. Ordinary meetings will:</p>	

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- (i) elect a person to preside if the Chairman and Vice-Chairman are not present;
- (ii) approve the minutes of the last meeting;
- (iii) receive any declarations of interest from members;
- (iv) receive any announcements from the Chairman, Leader of the Council, members of the Executive;
- (v) receive questions from, and provide answers to, the public and members of the Council in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting;
- (vi) receive written reports from the Leader, Chairman of Overview and Scrutiny Committee and each of the Portfolio Holders and receive questions and answers on any of those reports or any matters falling within their area of responsibility;
- (vii) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (viii) consider motions;
- (ix) consider any other business specified in the summons to the meeting, including consideration of proposals from the executive in relation to the Council's budget and policy framework and reports of the Overview and Scrutiny Committees for debate, including annual reports for both Overview and Scrutiny Committees and the Executive on their activities in April of each Council year;
- (x) any matter of public concern allocated to any ordinary Council meeting for the purpose of debate;
- (xi) deal with any items of business deemed by the Chairman as urgent business in accordance with Section 100B(4) of the Local Government Act 1972.

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<p>2.2 State of the District Debates</p> <p>(i) Calling of debate</p> <p>The Leader will call a State of the District debate annually on a date and in a form to be agreed with the Chairman.</p> <p>(ii) Form of debate</p> <p>The Leader will decide the form of debate, with the aim of enabling the widest possible public involvement and publicity. This may include holding workshops and other events prior to or during the State of the District debate.</p> <p>(iii) Results of debate</p> <p>The results of the debate will be disseminated as widely as possible within the community and to agencies and organisations in the area; and considered by the Leader in proposing the budget and policy framework to the Council for the coming year.</p>	<p>AMEND: delete "will" and substitute "may".</p> <p>REASON: avoids a departure from Constitution if a debate is not held.</p>
<p>2.3 Single Issue Council Meetings</p> <p>The Leader may, from time to time, call for a Council meeting to be held dealing with a single issue of critical importance to the residents of the District. The normal rules of debate will apply in the case of 'single issue' Council meetings.</p>	
<p>3. EXTRAORDINARY MEETINGS</p> <p>3.1 Calling Extraordinary Meetings</p> <p>Those listed below may request the Proper Officer to call Council meetings in addition to ordinary meetings:</p>	

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<p>(i) the Council by resolution;</p> <p>(ii) the Chairman of the Council;</p> <p>(iii) the Monitoring Officer; and</p> <p>(iv) any five members of the Council if they have signed a requisition presented to the Chairman of the Council 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.</p>	
<p>3.2 Business</p> <p>An extraordinary meeting of the Council shall transact the business set out in the agenda.</p>	
<p>4. TIME AND PLACE OF MEETINGS</p> <p>Meetings of the Council shall be held at the Civic Offices, High Street, Epping at 7.30 p.m. or at such other time or venue as the Chairman of the Council may determine in consultation with the Chief Executive. All business at Council meetings shall be completed by 10.00 p.m.</p>	
<p>5. NOTICE AND SUMMONS TO MEETINGS</p> <p>One or both of the Joint Chief Executives will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, one or both of the Joint Chief Executives will send a summons signed by him or them by post to every member of the Council, leave it at their usual place of residence or posted or delivered to some other address that a member may notify in writing. 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.</p>	<p>DELETE references to “Joint Chief Executives” and substitute “Chief Executive”.</p>

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<p>6. CHAIRMAN OF MEETING</p> <p>The person presiding at the meeting may exercise any power or duty of the Chairman. Where these rules apply to Committee and Sub-Committee meetings, references to the Chairman also include the Chairman of Committees, Sub-Committees, Boards and Panels.</p>	
<p>7. QUORUM</p> <p>The quorum of a meeting will be one quarter of the whole number of members. During any meeting if the Chairman 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 Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.</p>	
<p>8. DURATION OF MEETING</p> <p>(1) All business of the Council requiring to be transacted in the presence of the press and public shall be completed by 10.00 p.m. at the latest.</p> <p>(2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.</p> <p>(3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.</p>	

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<p>9. QUESTIONS BY THE PUBLIC</p> <p>9.1 General</p> <p>Members of the public may ask questions of the Leader, Chairman of Overview and Scrutiny Committee or any Portfolio Holder at ordinary meetings of the Council.</p>	
<p>9.2 Order of Questions</p> <p>Questions will be asked in the order in which notice of them was received, except that the Chairman may group together similar questions.</p>	
<p>9.3 Notice of Questions</p> <p>A question may only be asked if notice has been given by delivering it in writing or by electronic mail to at least one of the Joint Chief Executives no later than midday seven days before the day of the meeting. Each question must give the name and address of the questioner and must name the member of the Council to whom it is to be put.</p>	<p>DELETE “Joint Chief Executives” from second line and substitute “Chief Executive”.</p> <p>(NB: The deadline for public questions differs from that for Councillors’ questions – see 10.3 below)</p>
<p>9.4 Number of Questions</p> <p>At any one meeting no person may submit more than two questions and no more than two such questions may be asked on behalf of one organisation.</p>	
<p>9.5 Scope of Questions</p> <p>Either of the Joint Chief Executives may reject a question if it:</p> <p>(a) is not about a matter for which the local authority has a responsibility or which affects the District;</p>	<p>DELETE “Joint Chief Executives” from second line and substitute “Chief Executive”.</p>

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<p>(b) is defamatory, frivolous or offensive;</p> <p>(c) is substantially the same as a question which has been put at a meeting of the Council in the past six months; or</p> <p>(d) requires the disclosure of confidential or exempt information.</p>	
<p>9.6 Record of Questions</p> <p>One of the Joint Chief Executives will enter each question in a book open to public inspection and will immediately send a copy of the question to the member to whom it is to be put. Rejected questions will include reasons for rejection. Copies of all questions will be circulated to all members on the agenda for the relevant Council meeting, which will be made available to the public attending the meeting.</p>	<p>DELETE “Joint Chief Executives” and substitute “Chief Executive”.</p>
<p>9.7 Asking the Question at the Meeting</p> <p>The Chairman 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 Chairman to put the question on their behalf. The Chairman 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.</p>	
<p>9.8 Supplemental Question</p> <p>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 and must be only for purposes of elucidation. The Chairman may reject a supplementary question on any of the grounds in Rule 9.5 above.</p>	

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<p>9.9 Written Answers</p> <p>Any question which cannot be dealt with during public question time, either because of lack of time or because of then non-attendance of the member to whom it was to be put, will be dealt with by a written answer.</p>	
<p>9.10 Reference of Question to the Executive or a Committee/Sub-Committee</p> <p>Unless the Chairman 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 Executive or a Committee. Once seconded, such a motion will be voted on without discussion.</p>	
<p>10. QUESTIONS BY MEMBERS</p> <p>10.1 On Reports of the Executive or Committees</p> <p>A member of the Council may ask the Leader, or the Chairman of Overview and Scrutiny or a Portfolio Holder any question without notice on an item of the report of the Executive or a Committee when that item is being received or under consideration by the Council.</p>	
<p>10.2 Questions Following Notice at Full Council</p> <p>Subject to Rule 10.4, a member of the Council may ask:</p> <ul style="list-style-type: none">(a) the Chairman;(b) the Leader;(c) a Portfolio Holder(c) the Chairman of any Committee or Sub-Committee	

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<p>(d) a question on any matter in relation to which the Council has powers or duties or which affects the Epping Forest District.</p>	
<p>10.3 Notice of Questions</p> <p>A member may only ask a question under Rule 10.2 if either:</p> <p>(a) they have given at least seven working days notice in writing of the question to the Chief Executive; or</p> <p>(b) the question relates to urgent matters, they have the consent of the Chairman to whom the question is to be put and the content of the question is given to the Chief Executive by 10.00 a.m. on the day of the meeting.</p>	<p>Delete "working days" and substitute "days" so that a consistent approach with public questions is achieved (see 9.3 above).</p>
<p>10.4 Replies to Questions</p> <p>An answer may take the form of:</p> <p>(a) direct oral answer;</p> <p>(b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or</p> <p>(c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.</p> <p>Answers to questions falling within categories (a) and (b) above shall be made available to the member asking the question one hour before the meeting of the Council at which the question will be put. Answers to questions under (c) above will be circulated to all councillors.</p>	

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10.5 Supplementary Question

A member asking a question under Rule 10.2 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.

10.6 Questions without notice at full Council

A member of the Council may ask the Leader, Chairman of Overview and Scrutiny or any member of the Cabinet any question without notice on any non-operational matter in relation to which the Council has powers or duties or which affect the administrative area covered by the (Epping Forest District Council) or part of it or the inhabitants of that area or some of them, or which relates to a written response given by the Leader, Chairman of Overview and Scrutiny Committee or a member of the Cabinet.

10.7 Response to a question without notice

An answer to a question without notice may take the form of:

- (a) direct oral answer from the Leader or, at the request of the Leader, from another member of the Cabinet;
- (b) direct oral answer from the Chairman of the Overview and Scrutiny Committee or, at their request, from another member dealing with that issue as part of an Overview and Scrutiny review;
- (c) where the desired information is in a publication of the Council or other published work, a reference to that publication;
- (d) where the reply cannot be conveniently be given orally, a written answer circulated later to the questioner; or

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<p>(e) where the question relates to an operational matter, the Leader, Chairman of Overview and Scrutiny Committee or a member of the Cabinet will request that a response be given direct to the questioner by the relevant Chief Officer.</p>	
<p>10.8 Limit on the Time for Questions</p> <p>A time limit of 20 minutes shall be set for questions under Rule 10.6. Any question which cannot be dealt with within the time available will receive a written reply.</p>	
<p>11. MOTIONS ON NOTICE</p> <p>11.1 Notice of Motion</p> <p>Except for motions which can be moved without notice under Rule 12, written notice of every motion, signed by at least the mover and seconder of the proposed motion, must be delivered to the Chief Executive not later than seven days before the date of the meeting. These will be entered in a book open to public inspection.</p>	
<p>11.2 Motions to be set out in Agenda</p> <p>Motions for which notice has been given will be listed on the agenda in the order in which each notice was received, unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.</p>	
<p>11.3 Scope of Motions</p> <p>Motions must be about matters for which the Council has a responsibility or which affect the Epping Forest District.</p>	

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12. MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- (a) to appoint a Chairman 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 the Executive, Committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) closure motion - that the question be now put (see Procedure Rule 13.11);
- (k) closure motion - to adjourn a debate (see Procedure Rule 13.11);
- (l) closure motion - to adjourn a meeting (see Procedure Rule 13.11);
- (m) that Rule 8 (relating to completion of business in public session) be waived to permit the public session to continue beyond 10.00 p.m.
- (n) to suspend a particular council procedure rule;

(e) AMEND by adding the words: "but excluding those appointments which are the responsibility of the Leader of Council" after "meeting" in the second line

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<p>(o) to exclude the public and press in accordance with the Access to Information Rules;</p> <p>(p) not to hear further a member named under Rule 20.3 or to exclude them from the meeting under Rule 20.4;</p> <p>(q) to extend the time allowed for any member's speech under Rule 13.4; and</p> <p>(r) to give the consent of the Council where its consent is required by this Constitution.</p>	
<p>No further changes are proposed to the Council Procedure Rules</p>	