

FORWARD PLAN

Agenda Item No. 4

In accordance with Regulations 13 and 14 of The Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2000, As Amended, details of matters likely to be the subject of key decisions to be made by the City Council in the following 4 month period, commencing on Thursday, 1st February, 2007 are set out hereunder. Anyone wishing to make representations to the City Council Cabinet or to the Decision maker about the matter in respect of which the decision is to be made may do so by writing to the Chief Executive, 17 Claypath, Durham City, DH1 1RH by no later than Thursday, 1st February, 2007.

Topic	Decision Maker	Target Date for Decision to be made	Consultees (if any)	Contacts	Background Documents
Review of Debt Management Strategy	*Cabinet	March, 2007	CAB, Welfare Rights	Head of Financial Services Tel: 0191 3018622	Existing Debt Management Strategy, Financial Services Business Plan.
Durham Castle and Cathedral World Heritage Site Management Plan (Reporting back of Consultation progress and amendments to Plan)	*Cabinet	January, 2007	Numerous Consultees	Head of Cultural Services Tel: 0191 3018800	Durham Castle and Cathedral World Heritage Site Management Plan
2020 Visioning Project (Reporting on Consultation, amendments and seeking endorsement of Masterplan)	*Cabinet	January, 2007	Numerous Consultees	Head of Cultural Services Tel 0191 3018800	Visioning Project

***Cabinet Members:** Councillors Bell, Dickie, Holland, Jackson, Rae, Reynolds, Southwell, Thomson, van Zwanenberg, and Woods

Publication Date: Thursday, 18th January, 2007

Effective Date: Thursday, 1st February, 2007.

Councillor F. Reynolds
Leader of the Council
Forward Plan No. 57

SCRUTINY COMMITTEE
29 January 2007
DECISIONS TAKEN BY PORTFOLIO MEMBERS

No.	Portfolio Member	Nature of Decision	Date
1	Councillor Reynolds	Application received from Miss S Doran of 50 Oatlands Way, Pity Me, Durham enquiring whether the Council would consider selling to her land adjacent to her property for use as garden only. Recommend that an area of 72 metres or thereabouts be offered to the applicant	11.12.06
2	Councillor Reynolds	Application received from Mrs Turner of 137 Bek Road, Newton Hall enquiring if the Council would consider selling land to the rear of her property which she intends to protect and maintain the current usage of the area. Recommend that the application is refused	15.12.06
3	Councillor Reynolds	Application received from Mr & Mrs Stephens of 37 Commercial Street, Brandon enquiring whether the Council would consider offering to them land around the edges of their property under Licence – Durham Centre for Education. Their application was subsequent to the area already being fenced off by the Stephens, upon receipt of a letter outlining their encroachment on to Council land inviting them to apply to buy the said land. The intended use is to secure the property, Durham Centre for Education from vandalism/criminal damage. Recommend the sale of the land.	15.12.06
4	Councillor Rae	Application received for a Durham City Enterprise Grant of £875 as follows:- Lee Clark t/a Clark Mobile Therapies - £375 Robert Challoner t/a RJC Decorating - £500 Recommend approval of the Grant as above	11.12.06
5	Councillor Holland	Application received for a Durham City Enterprise Grant of £2,872 as follows:- David Ward t/a D Ward & Son - £500 Ray Pirt t/a Rays Valeting Services - £372 Simon Hesletine/Stephen Hall t/a Halls Northern Ltd - £500 Paul Sibson t/a North East Counselling & Psychotherapy - £500 John Robson/Dawn Harrison t/a J D Mouldings & Castings - £500 Steve Vine t/a The Drum Loft - £500 Recommend approval of the Grant as above	11.12.06
6	Councillor Holland	Application received from Unit 16 Langley Moor Workshops for authority to renew lease. Recommend authorisation of the renewal of the Lease to Milburn Auto Repairs for a period of 1 year	8.11.06

7	Councillor Holland	Application for a Durham City Enterprise Grant of £1,000 as follows:- Fiona Duckworth t/a Fiona Duckworth Consulting - £500 Ken Ronson t/a Hett Private Hire - £500 Recommend approval of the Grant as above	
8	Councillor Reynolds	Application received from Miss J Ward of 36 Park Avenue, Coxhoe enquiring if the Council would consider allowing her to lease land to the rear of her property – approx. 71 sq. metres or thereabouts. Miss Ward currently leases a plot and now wishes to increase the size of her garden further. Recommend that subject to contract and conditions an area of 71 sq. metres or thereabouts be offered to the applicant on lease on terms to be agreed by the County Valuer	3.01.06
9	Councillor Woods	Application has been received from Mr Bankhead of Gateaux Direct enquiring if the Council would consider allowing him to place a catering trailer in the Market Place, Monday to Saturday between the hours of 7.00 p.m. until 3.00 a.m. Recommend the application be refused	2.01.07
10	Councillor Holland	Application for a Durham City Enterprise Grant received from:- Jamie Dury t/a J D Sports Therapy - £500 Fiona Mawson t/a Anam Cara - £500 Andrea Townsley t/a Clever Cloggs Day Nursery - £500 Recommend approval of grants to:- Fiona Mawson - £500 Andrea Townsley - £500 Recommend refusal of grant to Jamie Dury	4.01.07
11	Councillor Thomson	Application has been made in respect of a Disturbance payment as a result of the Council compulsorily displacing the applicant from his home (Ref 306) Recommend a payment of £1,000 be made to the applicant as he was displaced from a One Bedroom Bungalow	18.10.06
12	Councillor Thomson	Application has been made in respect of a Disturbance payment as a result of the Council compulsorily displacing the applicant from his home (Ref 309) Recommend a payment of £1,000 be made to the applicant as he was displaced from a One Bedroom Bungalow	18.10.06
13	Councillor Reynolds	Application received from Cassop-cum-Quarrington Parish Council enquiring whether the Council would consider allowing them to place a refurbished Miner's Coal Wagon on an area of Council land under Licence. Recommend that the application be approved – on Licence	7.01.07
14	Councillor Rae	Application received for a Durham City Enterprise Grant from:-	5.01.07

		Lee Hosking t/a Kings Plastering - £500 Recommend approval of grant	
15	Councillor Thomson	Application received in respect of a Disturbance payment as a result of the Council compulsorily displacing the applicant from her home (Ref 308) Recommend a payment of £1,000 be made to the applicant	19.10.06
16	Councillor Holland	Applications received for a Durham City Enterprise Grant of £1,000 as follows:- John Dresser t/a City Carpet Care - £500 Joan Dawson t/a Joan Dawson Therapeutic Counselling - £500 Recommend approval of grant to applicants	11.1.07
17	Councillor Holland	Application received for Durham City Enterprise Grant of £3,500 as follows:- Paul Clark t/a Dig It Gardening Maintenance - £500 Trevor Ward t/a TAG Garage Doors - £500 John Charlton t/a Charlton Tiling - £500 Mark Stephenson t/a Sounding Board - £500 Laura Del Genis t/a Conscious Elegance - £500 Giancarlo Viglianisi – t/a JC Creative Solutions - £500 Devin McManus .- t/a The Mortgage Resue Company - £500 Recommend approval of grant to Paul Clark Trevor Ward John Charlton Mark Stephenson Giancarlo Viglianisi – totalling £2,500 Refusal of grant to Laura Del Genis Devin McManus – totalling £1,000	10.1.07
18	Councillor Reynolds	Application for authorisation to relocate Enterprise Agency to Millennium Place on a 3 year lease at CRC1 Recommend approval	21.12.06
19	Councillor Reynolds	Application received from Durham County Council enquiring if the City of Durham Council would consider allowing the location of a signpost into City of Durham land at Finchale Road, Framwellgate Moor, opposite the highway junction with Aykley Road showing location of Framwellgate Moor Primary & Nursery School Recommend that Subject to Contract and conditions that the application be approved	12.01.07
20	Councillor Reynolds	Application received from Mr Jackson of 48 Green Crescent, Coxhoe enquiring if the Council would consider selling to him land adjacent to his property. The land would be used for garden and it is landlocked. Recommend approval of sale of 164 square metres or thereabouts to applicant	12.01.07

REPORT FOR SCRUTINY COMMITTEE

COUNCIL PROCEDURE RULES – REPORT FROM SCRUTINY WORKING PARTY

1. Background

- 1.1 During 2005, Scrutiny Committee considered a report from a working group which had been set up to look at the council's procedure rules. That group made a number of recommendations which were approved and adopted by Scrutiny Committee and the report was forwarded to Council on the 11 July 2005. Council however decided the issue should be referred back to Scrutiny Committee for further consideration.
- 1.2 Scrutiny Committee considered the matter initially on the 5 September 2005. There was some discussion about whether the original working group (consisting of Councillors Dickie, Gibbon, Kellett, Leake and Mrs Simmons) should be re-convened or whether the group should be expanded, to enable "newer" members of the city council to take part in the exercise to bring a fresh perspective to the issue.
- 1.3 The matter was considered by the Scrutiny Committee again on the 7 November 2005 and expressions of interest were invited.
- 1.4 At the Scrutiny Committee on the 30 January 2006 it was agreed that the membership of the working group should be increased to 12 members (on a politically balanced basis of 6: 4: 2) and nominations were requested.
- 1.5 Seven nominees were agreed at the meeting of the Scrutiny Committee on the 6 March. Eventually after some confusion about membership following expressions of interest lodged by other members who were not included in the list of nominations considered by the Scrutiny Committee on the 6 March, the first meeting of the reconstituted scrutiny working group was held on the 2 June 2006. The membership consisted of Councillors Simmons (in the Chair), Pitts, Shaw, Thomson, Gibbon, Bell, Kellett, Robinson, Syer, Lodge and Dickie.

2. First Meeting

- 2.1 At the first meeting on the 2 June, the group considered the report which had been prepared by the previous group and which had been approved and adopted by Scrutiny Committee but referred back by Council.
- 2.2 That initial report had made a number of recommendations. As a first step members of the group looked at the individual recommendations to see whether they wished to endorse them or revisit the matter.
- 2.3 The earlier report is attached as Appendix A.
- 2.4 The recommendations from that earlier report which the working group considered should be endorsed and should form part of this second report are set out below.

Issue

Recommendation

Two year appointments

Appropriate amendments should be made to the Constitution to reflect the fact that it is the City Council's policy to make

appointments to committees and to Chairmanships/Vice-Chairmanships for a two year period.

Questions at Council meetings

The recommendation of the earlier scrutiny working group was that it was inappropriate to allow the Chief Executive to reject questions from Members. It had been suggested that there might be a similar provision within the rules, to that which applies in relation to questions from the public. This would allow the Chief Executive to reject a question on the grounds that it was defamatory, frivolous or offensive; substantially the same as a question put within the last 6 months, would require the disclosure of exempt information or that the question did not relate to the business of the meeting or the functions and responsibilities of the authority. It was considered however that any amendment was inappropriate and that Members should be at liberty to ask questions freely at council meetings.

Provision of recording equipment

The recommendation of the first working group that this should be pursued had been overtaken by the decision of Cabinet on the 17 May 2006 to record certain council meetings and the subsequent endorsement by Full Council at its meeting on the 11 July 2006 to amend the Constitution to reflect this decision.

Handbooks

It was agreed it would be useful to prepare a small handbook (A5 size) for Members in relation to the Council Procedure Rules and other essential extracts from the Constitution, for use as an aide memoir.

Public Speaking at Committees

With the exception of Development Control Committee where there is a well established practice, members of the working party agreed that this should not be introduced.

Declarations of Interest

It was agreed there should be a standing item at the beginning of all agendas for the meeting to receive declarations of interest, in addition to the provision which is already made for this within the Council Procedure Rules. Members also agreed it was important that Councillors who declared an interest at a meeting should give details of the nature of that interest and not simply reply on the record on the blue form. The new template for Cabinet reports has incorporated this recommendation.

Training

It was agreed that the best training for Members in Chairmanship skills was via experience.

2.5 One of the issues considered by the first working group was that of a formal recess for the City Council. The group thought it was useful for Members to have a recess during the month of August and that this should be adopted as council policy. There was agreement however that there was no need to have a recess during the month of May. The reconvened scrutiny working group looked again at this issue and felt that the issue of recess should not be prescribed. Instead they recommended that the matter should be left to custom and practice.

2.6 When considering whether the Chief Executive should have power to “vet” questions from Members in the same way as he could decline questions from members of the public on certain grounds, the working group had a discussion about the provision in the Council Procedure Rules which deals with the scope of motions to Council. This provides that every motion shall be relevant to some matter in which the council have powers or duties or which affects the city. Members will be aware that the Chief Executive has the power to reject a question from a member of the public on similar grounds. The concern which some members of the group had was in relation to matters of national rather than local interest being made the subject of motions to Council. As a result of the discussion it was agreed that the word “disproportionately “ should be added to council procedure rule 12.3 and a similar addition should be made to paragraph (a) under council procedure rule 8.5. The effect of the addition is that matters which are raised by members of the public in a question and similarly issues which are incorporated in motions to Council must affect the City Council directly or, if it is a national issue, have some relevance to the City Council which is over and above the effect on the rest of the country generally.

2.7 A number of other recommendations which had been included in the first report for Scrutiny Committee were deferred for further consideration. These were:-

- Limitation on Questions at Council meetings from the public
- Vetting of Members’ Questions
- Time limit on meetings
- Recess
- Frequency and timing of meetings
- Substitutes
- State of the City Debate
- Attendances at Conferences and Seminars
- Councillors speaking at committee when not a member

2.8 Members of the group also considered some additional issues which had not been part of the earlier report to Scrutiny Committee and suggested that these might be included in the scrutiny exercise. These issues related to the interpretation of points of order and points of personal explanation.

2.9 Finally the working group considered the recommendation of the earlier group in relation to mid-term vacancies. A recommendation had been included in the earlier report which was prompted by the untimely death of a former Deputy Mayor and the resignation of the former Leader. Amendments were proposed to the Constitution which would allow for such vacancies arising mid-term to be dealt with expeditiously. The draft provisions dealt with the issue of appointment to the office of Mayor and Deputy Mayor as well as the appointment of the Leader and members of the Cabinet. The earlier recommendations were acceptable to the newly constituted working group but some minor amendments were made to the proposed amendments to the Constitution for the sake of clarity. At a subsequent meeting the working group said it was appropriate to make reference within the procedure rules to the circumstances in which disqualification might arise.

3. Second Meeting

3.1 The working group met again on the 7 July 2006. Only three members of the panel were able to be present on that occasion and whilst some progress was made a number of the topics which were thought to be more controversial were deferred until another meeting when more members of the group were able to be present.

- 3.2 The initial working group had considered the State of the City Debate. At that time there had been only two debates held and the second had been quite different to the first. The working group recommended that the second debate had been too long and that there was a need to keep the proceedings to a strict timetable. There was also a feeling that members of the public who submitted questions to the panel should be required to attend the debate to put their question in person. There was some discussion about the form which the debate should take and one suggestion made by the initial working group was that a broad topic could be chosen each year, (related to the work of the authority) so that there could be a short presentation by officers in relation to that topic, followed by questions from the floor.
- 3.3 This subject had been taken up by members of the scrutiny working group at their first meeting in June. Some criticism was expressed of previous arrangements, largely on the basis that questions to a panel did not necessarily constitute a debate. Members of the working group were of the view that the State of the City Debate was an opportunity for the council to engage with the public and although it was accepted that the visioning exercise had been an exceptional case, there was general agreement it was not appropriate for the City Council to simply decide on a topic in which the council was interested and to discuss this with other agencies.
- 3.4 The topic was raised again at the meeting in July. Reference to other authorities' Constitutions was made and it was noted that many authorities had exactly the same wording as the City Council's procedure rule. A number of other authorities had however simply omitted this provision in its entirety from their Constitution. Some authorities had used the words 'address' to replace debate and a neighbouring district council had decided to allot a 20 minute slot within their Scrutiny Committee under which members of the public could bring up topics and questions for discussion. This seemed to be a replacement for the State of the City Debate.

Members noted the differing approaches but did not make any recommendation for amendment to the City Council's procedure rule in this regard.

4. Third Meeting

- 4.1 The working group met again on the 22 September 2006. A consensus was reached in relation to the under mentioned items:-

Issue	Recommendation
Limit on questions from the public at Council meetings	It was agreed that as there did not appear to be any particular problem with multiple questions from members of the public at the present time, no further action need to be taken in relation to reducing the limit to 1 question per meeting.
Time limit on meetings	<p>The earlier Scrutiny report had suggested that two or three hours was a maximum period during which members could expect contribute effectively to a debate. That group had recommended therefore the Constitution should be amended to make provision for a meeting to be brought to a close after the proceedings had lasted for 2 hours 30 minutes.</p> <p>The new working group after some considerable debate decided that it did not wish to support this earlier recommendation. The group noted in particular that in the</p>

event of a meeting being seriously delayed, there was nothing to stop a member from moving an adjournment. There was general acceptance that if Council members showed appropriate respect for the Mayor and accepted the Mayor's rulings then overrunning of meetings should not present a particular difficulty. It was agreed therefore that no further action should be taken in this regard.

Points of Order and Points of Personal Explanation

It was felt that generally there was some misunderstanding about what amounted to a point of order and a point of personal explanation. Members of the working group felt strongly that the mover of a motion should be able to rise on a point of personal explanation without being in danger of closing the debate. The group looked in particular at the Standing Orders of Westminster City Council in relation to this topic and agreed that a similar provision should be put forward by way of recommendation to the Scrutiny Committee. It was noted however, that Westminster require any member rising on a point of order to specify the particular rule or statutory provision which it was alleged had been breached. The working group felt this was likely to cause a problem in practice. Instead they agreed that a member rising on a point of order should be required to explain the nature of his/her objection to whatever had been said. Members of the working group also suggested that any amendment to the Constitution should also make reference to rising on a point of information as well as on a point of order or a point of personal explanation

Frequency and timing of meetings

It was recommended that the council procedure rules should contain a requirement to have a minimum of 8 Council meetings in any one year.

Attendances at Conferences and Seminars

A pro-forma was approved for completion by attendees at conferences and seminars and it was agreed that there should be a formal report on attendance to the appropriate committee or Cabinet meeting.

A copy of the pro-forma is attached as Appendix B.

Petitions

When members of the working group were considering whether it was appropriate to limit questions posed by members of the public at Council meetings to one per person or organisation (rather than 3 as at present) it was suggested that if the limit were to be reduced then there should be a similar limit for the number of petitions which were presented at any one meeting by anyone individual or organisation.

It had been agreed that the present procedure rule in relation to questions from the public should not be amended because it was not seen as causing any particular problem at the present time. Similarly it was agreed that no further action should be taken in relation to a similar amendment for petitions and that this procedure rule too should remain as it is.

5. Fourth Meeting

- 5.1 The working group met again on the 15 December 2006 and considered two outstanding issues which had been deferred from the previous meeting.

Issue	Recommendation
Substitutes	There should be no change to the present arrangements.
Councillors speaking At Committee when not a Member	No change to the present arrangements was proposed. Members of the working group noted with appreciation that Chairs, particularly the Scrutiny Chairs, offered facilities to non-members of their respective committees and panels to speak at meetings and in particular local members with an interest in the topic under consideration were given every opportunity to contribute to the discussion. On the understanding that this flexibility should continue, there was no need to amend the council procedure rules to make specific provision for non-members to speak at committee.

The working group also considered the draft report which had been prepared for the Scrutiny Committee. The only issue which was raised was in relation to training for Chairs and Vice Chairs. The original working group had recommended that the best training for Members in chairmanship skills was via experience and did not make any provision for specific training to be offered. Initially the current working group had accepted that recommendation. On reflection however, Members sought to revisit the matter and were in agreement that whilst the benefit of experience in chairing a meeting could not be gain said, it was felt that the opportunity to undertake specific training in chairmanship skills should be offered to all Members of the City Council given the role all Members now had in relation to community leadership. It was recommended therefore that training in chairmanship skills should be offered as part of Member development.

A copy of the Council Procedure Rules, with appropriate amendments to reflect the recommendations of the scrutiny working group, and in A5 format is attached as Appendix C.

6. Venue for Council Meetings

- 6.1 One matter which was considered by the scrutiny working group arose from the discussion on frequency and timing of meetings but is not strictly a matter which falls within the purview of the Council Procedure Rules. Members will recall that when IDeA were working with members it had been suggested to the Leader that the Mayor's Chamber was an unsuitable venue for Cabinet and other committee meetings because of the electronic lock which IDeA felt did not encourage public attendance at such meetings. As a consequence of the comments made by IDeA representatives, the Leader had instructed that Cabinet, Scrutiny and Development Control Committee meetings should in future all take place within the main hall of the Town Hall. Members of the scrutiny working group were concerned at this change. There was a general feeling that the Mayor's Chamber was a much more suitable venue for Cabinet and Scrutiny meetings (although it was recognised that because of the limit on numbers there would be occasions when it would be necessary to use the main hall). Enquiries were made as to whether the electronic lock could be amended to make the Mayor's Chamber more user friendly during meetings to members of the public.
- 6.2 The Technical Manager, Property Services advised that the electronic lock had been installed initially for security reasons. There were two courses of action open to

members if they wished to amend the lock. This could be disabled if necessary and the Janitors would then be required to lock the door with a key when the room was not in use. Alternatively a replacement product could be sourced which would allow the electronic lock to be overridden as and when required.

7. Conclusion

- 7.1 The scrutiny exercise has now been completed. Scrutiny Committee is requested to consider this report and to indicate whether the proposed amendments to the Council Procedure Rules are acceptable and if so to endorse the report for consideration by Full Council. For ease of reference, the recommendations of the working group are listed in Appendix D.

REPORT FOR SCRUTINY COMMITTEE

27TH June 2005

COUNCIL PROCEDURE RULES – REPORT FROM THE SCRUTINY WORKING PARTY

The City Council's Constitution is currently being reviewed. A working group of Scrutiny members was set up to look specifically at the Council's Procedure Rules. Several gaps in the rules had been identified and the working group consisting of Councillors Dickie, Gibbon, Kellett, Leake and Mrs Simmons had been appointed to see what amendments to the Procedure Rules could usefully be recommended. Former Councillor Shepherd had also been appointed to the working group but because of his resignation from the City Council he only attended the first meeting.

Initially the group identified a number of areas which they wished to consider in detail. Their subsequent recommendations are set out in the body of the report. Councillor Simmons was elected Chairman of the working group.

The group met on the 7th December 2004, on the 31st January 2005, the 14th February 2005, the 16th May and the 13th June 2005. Minutes from those meetings have been made available in the Members' Room.

Recommendations

A copy of the extract from Part 4 of the City Council's Constitution dealing with the Council's Procedure Rules is attached as appendix A. This shows the amendments proposed by the working group. In the main these can be grouped under the following headings.

1. Two year appointments

Appropriate amendments have been made to the Constitution to reflect the fact that as a general rule the City Council makes appointments to committees and to Chairmanships etc for a two year period.

2. Questions at Council meetings.

At the present time the Rules provide that no one individual may submit more than 3 questions at a council meeting and similarly no more than 3 questions may be submitted on behalf of one organisation. The group considered that this limit should be tightened. They recommended that the public should be limited to one question per person per council meeting and to one question per organisation.

So far as questions by Members were concerned there was some discussion about whether the Council Procedure Rules should contain provision for questions from Members to be rejected in the same way as the Chief Executive has power to reject a question from a member of the public namely on the grounds that the question does not refer to a matter for which the City Council has a responsibility or which affects the city; the question is defamatory, frivolous or offensive; the question is substantially the same as a

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question put within the last 6 months; the question requires the disclosure of confidential or exempt information; or does not relate to the business of the meeting.

It was decided that it would be inappropriate to allow the Chief Executive to reject Members' questions. There was however a recommendation that provision should be made within the Council's Procedure Rules for a composite reply to be given to more than one question if there was sufficient similarity between questions.

3. Mid Term Vacancies

In an effort to address the issue which arose recently with the untimely death of the former Deputy Mayor and the resignation of the former Leader, proposals have been included within the Council Procedure Rules for dealing with vacancies which occur mid term. There are provisions in relation to the Mayor and Deputy Mayor, the Leader and appointments to Cabinet.

4. Time limit on meetings

The working group considered whether a time limit should be imposed, with particular reference to meetings of the Council and Cabinet. There was some agreement that two to three hours was the maximum period during which Members could expect to contribute effectively to a debate although one Member of the group was not in favour of curtailing meetings in any circumstances. Provision has been made in the draft amendments to the rules for the attention of Members to be drawn to the time after a meeting has lasted for two hours with a view to the proceedings being brought to a close after two hours 30 minutes.

5. Provision of recording equipment and microphones

The working group considered the implications of installing recording equipment for some of the Council's meetings. A majority of the group thought this should be pursued, but only after the issue of the acoustics in the Town Hall had been addressed. Provision has therefore been made in the Constitution by amending the blanket prohibition on the recording of proceedings. Members also recommended the more extensive use of microphones at committee meetings.

6. In addition to these specific amendments to the Council's Procedure Rules, the Members of Scrutiny working party considered some more general issues in relation to the way in which the City Council works. Their recommendations were as follows:-

- i) It was useful for Members to have a recess during the month of August. This should be adopted as Council policy. There was no necessity to have a recess during the month of May.
- ii) Frequency and timing of meetings – no change was proposed for the time being. It was felt that this was something which could be considered further following the IDeA recommendations. However, the working group were in favour of experimenting with the timing of meetings to provide for more day time meetings, provided that sufficient notice was given, to enable Members with other commitments, to make alternative arrangements.

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- iii) Handbooks – it was agreed it would be useful to prepare a small handbook for Members of the Council Procedure Rules and other essential extracts from the Constitution to use as an aide memoir.
- iv) Substitutes – The working group looked at the issue of whether it would be appropriate to provide for substitutes as a general rule at Committee meetings (recognising that provision was already made at Licensing Panel) but their conclusion was that this was not appropriate.
- v) State of the City Debate – Members considered the arrangements for the State of City Debate and noted that the two previous debates had been dealt with in quite different ways. There was general agreement that last years debate was too long and that there was a need to keep the proceedings to a strict timetable. The working group also agreed that any person submitting a question to the panel should be required to attend the debate to put the question in person. There was some discussion about the form which the debate might take and one suggestion was that a broad topic be chosen each year (related to the work of the authority) so that there could be a short presentation by officers in relation to that topic, followed by questions from the floor. Members acknowledged that the Gala was an excellent venue for the event and time limit of two hours was considered to be appropriate.
- vi) Public speaking at committees – With the exception of Development Control where there is a well established practice, members of the working party agreed that this should not be introduced.
- vii) Declarations of interest – The panel felt it would be useful to have a standing item at the beginning of all agendas for the meeting to receive declarations of interest in addition to the provision which is already made for this within the Council Procedure Rules.
- viii) Attendance at conferences seminars etc – It was agreed that when Members are appointed to attend such events, there should be a follow up report to the appropriate committee. On a similar topic, the working group considered it was preferable for appointees to outside bodies to be requested to keep Members advised on a regular basis of the work undertaken by those outside bodies.
- ix) Training – There was general agreement from the working group that training in relation to chairing skills was not particularly helpful and that the best training for Members was to acquire chairing skills via experience.
- x) Councillors speaking at Committees when not a member – The working group recognised that current practice differs across the Scrutiny panels. Some Scrutiny Chairs are very flexible and allow all attendees to contribute. There was unanimous approval that Councillors should have an unfettered right to speak at committee on issues which affect their particular ward. The panel was also very firmly of the view that what they were seeking to achieve was a balanced debate. The need of the Chairman to keep order was acknowledged and members of the group accepted that it was not

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possible to lay down prescriptive rules about who could speak and when. The panel recommended that Members continue to give notice to the Chairman of their wish to speak on a particular topic, wherever possible but also urged Chairmen to be as flexible as they could in allowing interventions and questions from non-members of the committee in the interests of open debate.



CITY OF DURHAM COUNCIL

ATTENDANCE AT CONFERENCES AND SEMINARS

The City Council's Code of Practice on civic hospitality provides that attendance at conferences and meetings may be authorised by the Cabinet if the conference is on the list approved by the City Council or in circumstances where attendance has been specifically authorised in advance. Attendances at such conferences should, other than in exceptional circumstances, be authorised only where the subject matter is of direct relevance to the powers of the City Council.

The Code of Practice suggests that following attendance at a conference or seminar the attendees should prepare a report to be submitted to the Cabinet, if requested, for information on the matters discussed at the conference/seminar and the report should demonstrate how the benefits of attendance are commensurate with the expenditure incurred.

You are asked therefore to complete the attached pro forma and return it to the Director of Legal and Administration Services at your earliest convenience.

This pro forma could also be used by members of the council who are nominated to outside bodies and the like.

CONFERENCE/SEMINAR FEEDBACK

1. Name of Member:
2. Event attended:
3. Date of event:
4. Cabinet authorisation:
5. Please give brief details of the conference/seminar/meeting attended. Please indicate the capacity in which you attended the event; the purposes of the conference/seminar/meeting and the benefits which accrued from attendance. These might be information supplied, training needs met or networking opportunities pursued.

If the event is regularly held then it would be helpful if you were to indicate whether you thought participation in future meetings was advisable.

COUNCIL PROCEDURE RULES

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1. ANNUAL MEETING OF THE COUNCIL

1.1. Timing and Business

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 subject to the provisions of Rule 1.3,**

- (i) elect a person to preside if the Mayor is not present;
- (ii) elect the Mayor;
- (iii) appoint the Deputy Mayor;
- (iv) approve the Minutes of the last Meeting;
- (v) receive any announcements from the Mayor;
- (vi) elect the Leader;
- (vii) appoint the Deputy Leader;
- (viii) agree the number of Members to be appointed to the Executive and appoint those Members of the Cabinet;
- (ix) appoint at least one Scrutiny Committee, a Standards Committee and such other Committees as the Council considers appropriate and to deal with matters which are neither reserved to the Council nor are Executive functions (as set out in Part 3 of this Constitution);
- (x) agree the Scheme of Delegation (as set out in Part 3 of this Constitution);
- (xi) approve a programme of Ordinary Meetings of the Council for the year; and
- (xii) consider any business set out in the Notice convening the Meeting.

1.2 Selection of Councillors on Committees and Outside Bodies

At the Annual Meeting, the Council **will, subject to the provisions of Rule 1.3,**

- (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 [and substitutes] to Political Groups in accordance with the political balance rules;
- (iv) receive nominations of Councillors to serve on each Committee and Outside Body;
- (v) appoint to those Committees and Outside Bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Executive; and
- (vi) appoint the Chairmen and Vice-Chairmen of Committees.

1.3 The election of Leader, the appointment of Deputy Leader, the appointment of Cabinet Members, the nominations of Councillors to serve on each committee and the appointment of Chairmen and Vice Chairmen of Committees in each case is made for a period of 2 years.

2. ORDINARY MEETINGS OF THE COUNCIL

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's Annual Meeting. **There will be a minimum of 8 meetings of the Council in any one municipal year (inclusive of Annual Council)**

Ordinary Meetings will:

- (i) elect a person to preside if the Mayor or Deputy Mayor 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 Mayor, Leader, or Members of the Cabinet;
- (v) receive questions from, and provide answers to, the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting;
- (vi) deal with any business from the last Council meeting;
- (vii) receive Reports from the Cabinet and the Council's Committees and receive questions and answers on any of those Reports;
- (viii) receive Reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (ix) consider Motions; and
- (x) consider other business specified in the Summons to the meeting including consideration of proposals from the Cabinet in relation to the Council's Budget and Policy Framework and reports of the Scrutiny Committees for debate.

3. EXTRAORDINARY MEETINGS OF THE COUNCIL

3.1 Calling Extraordinary Meetings

Those listed below may request the Proper Officer to call Council Meetings in addition to Ordinary Meetings:-

- (i) the Council by resolution;
- (ii) the Mayor;
- (iii) the Monitoring Officer; and
- (iv) 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.

3.2 Business

The business to be conducted at an extraordinary meeting shall be restricted to the item of business contained in the request for the extraordinary meeting and there shall be no consideration of previous minutes or reports except that the Mayor may at his absolute discretion permit other items of business to be conducted for the efficient discharge of the Council's business.

4. TIME AND PLACE OF MEETINGS

The time and place of meetings will be determined by the Chief Executive and notified in the summons.

5. NOTICE AND SUMMONS TO MEETINGS

The Chief Executive 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, the Chief Executive will send a summons signed by him or her by post to every Member of the Council or leave it at their usual place of residence. 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.

6. CHAIR OF MEETING

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 and Sub-Committees.

7. QUORUM

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.

8. QUESTIONS BY THE PUBLIC

8.1 General

Members of the public may submit written questions of Members of the Cabinet at ordinary meetings of the Council.

8.2 Order of Questions

Questions will be asked in the order notice of them being received, except that the Mayor may group together similar questions.

8.3 Notice of Questions

(Minute 403(a), 11th November, 2003)

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Chief Executive, during normal office working hours by not later than 5 o'clock in the afternoon of the Monday in the week preceding the next meeting of the Council. 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.

Receipt of the Question will be acknowledged.

8.4 Number of Questions

At any one meeting no person may submit more than 3 questions and no more than 3 such question may be asked on behalf of one organisation.

8.5 Scope of Questions

The Chief Executive may reject a question if it:

- (a) is not about a matter for which the City Council has a responsibility or which affects the City **disproportionately**
- (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 six months;
- (d) requires the disclosure of confidential or exempt information; or
- (e) does not relate to the business of the meeting.

8.6 Record of questions

The Chief Executive 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 and will be made available to the public attending the meeting.

8.7 Asking the question at the meeting

(Minute 620, 2nd March, 2004)

The Mayor will invite the questioner to put the question or ask the Chief Executive to put the question to the Member named in the Notice. 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.

8.8 Written answers

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.

8.9 Record in Minute Book

(Minute 522(c), 13th January, 2004)

All answers, whether given orally or in writing, shall be recorded in the Council Minute Book.

8.10 Reference of question to the Cabinet or a Committee

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.

9. QUESTIONS BY MEMBERS

9.1 Questions relating to the Reports by Cabinet and Committees

A Member of the Council may ask the Leader of the Council or a **Portfolio Holder or the Chairman of a Committee** any question without notice in relation to any decision taken by the Cabinet, a Committee or the Council or any Member under Delegated authority during the intervening period since the previous Council meeting ~~upon an item of the report of the Cabinet or a Committee when that item is being received or under consideration by the Council.~~

9.2 Written Questions

(Minute 403(a), 11th November, 2003)

A Member of the Council may, provided that notice has been given by delivering it in writing or by electronic mail to the Chief Executive, during normal office working hours by not later than 5 o'clock in the afternoon of the Monday in the week preceding the next meeting of the Council, ask the Leader of the Council, a Member of the Cabinet, the Chairman of any Committee or Sub-Committee, any question on any matter in relation to which the Council has powers or duties or which affects the City.

Receipt of the Question will be acknowledged.

Copies of all questions will be circulated to all Members and will be made available to the public attending the meeting.

9.3 Urgent Questions

With the permission of the Mayor given on the grounds that he/she is of the opinion that the matter is urgent, such questions as are referred at Rule 12.2 may be put without notice having been given. A copy of any such question should however, if possible, be delivered to the Chief Executive not later than 10 o'clock in the morning on the day of the meeting.

The Chief Executive shall arrange for a copy of any such question received by him to be given as soon as possible to the Mayor and the person to whom the question is to be put and arrange for a copy to be displayed in the Members' Room at the Town Hall.

9.4 Every question shall be put and answered without discussion but the person to whom a question has been put may decline to answer or by arrangement may nominate some other Member to answer on his behalf.

9.5 If after a reply to a written question any Member considers that the reply requires elucidation, he may ask for a further reply but only one such supplementary question shall be allowed.

9.6 Response

An answer may take the form of an oral answer or where the desired information is contained in a publication of the Council or other published work, a reference to that publication or where the reply to the question cannot conveniently be given orally, a written answer circulated to all Members of the Council. **A composite reply may be given to more than one question if the questions are sufficiently similar.**

9.7 Record in Minute Book

(Minute 522(c), 13th January, 2004)

All answers, whether given orally or in writing, shall be recorded in the Council Minute Book.

10. PETITIONS BY MEMBERS

Petitions may be presented by any Member of the Council but shall not be accompanied by any speech or comment other than the reading of the petition and every such petition shall, without discussion, stand referred to the appropriate Director/Head of Service for such action as he/she shall deem appropriate following consultation with the relevant Member of the Cabinet.

11. PETITIONS BY THE PUBLIC

(Minute 117, 6th July, 2004)

11.1 General

Any Member of the Public, being a resident or a registered Local Government Elector for the area of the Authority, may present a written Petition at Ordinary Meetings of the Council. The Petition must relate to a matter with which the Council is concerned and must contain at least 25 signatures and addresses of persons all of whom are either a resident or a registered Local Government Elector in the area of the Authority.

Petitions shall not be presented to Council by Members of the Public on the following matters:-

- (a) judicial or quasi-judicial matters;
- (b) individual planning applications, licence applications, grant applications or appeals;
- (c) a named Officer or Member of the Council;
- (d) confidential or exempt information under the Access to Information provisions;
- (e) party political matters, or
- (f) support for national issues with no or little link to the City.

11.2 Order of Petition

The Petition shall be presented in the order in which notice of it is received by the Chief Executive.

11.3 Notice of Petition

A Petition may only be received if notice has been given by delivering it in writing or by electronic mail to the Chief Executive, during normal office working hours by not later than 5 o'clock in the afternoon of the Monday in the week preceding the next meeting of the Council.

11.4 Scope of Petition

The Chief Executive may reject a Petition if it:-

- (a) is not about a matter for which the City Council has responsibility or which affects the City;
- (b) is defamatory, frivolous or offensive;
- (c) is substantially the same as a Petition which has been presented at meeting of the Council in the past six months; or
- (d) requires the disclosure of confidential or exempt information.

11.5 Presentation of Petition at the Meeting

The person presenting the Petition, may address the Council for not more than five minutes on the subject of the Petition, but thereafter shall not have the right to speak further.

Where the subject matter of a Petition is within the terms of reference of the Cabinet or Scrutiny Committee/Panel, it shall without discussion, stand referred to the next meeting of the Cabinet or appropriate Scrutiny Committee/Panel for detailed consideration.

Otherwise, it shall be referred to the appropriate Director/Head of Service for such action as he/she deems appropriate, following consultation with the relevant Member of the Cabinet.

11.6 Record of Petition

The minutes of the meeting shall record the receipt and wording of the Petition, the name of the resident or spokesperson and the group or organisation which they represent, but the substance of the speech shall not be recorded.

The appropriate Director/Head of Service will arrange for the outcome of the Petition to be reported to the Council.

12. MOTIONS ON NOTICE

(Minute 403(a), 11th November, 2003)

12.1 Notice

Notice of every motion other than a motion which can be moved without notice under Rule 13, shall be delivered in writing or by electronic mail to the Chief Executive during normal office working hours by not later than 5 o'clock in the afternoon of the Monday in the week preceding the next meeting of the Council

Receipt of the Motion will be acknowledged.

The Chief Executive shall arrange for it to be dated, numbered in the order in which it is received, and entered in a book which shall be open to the inspection and copying of every Member of the Council, and shall as soon as practicable place a copy in the Members' Room in the Town Hall.

12.2 Motions to be set out in Summons

The Chief Executive shall set out in the summons for every meeting of the Council all motions of which notice has been duly given in the order in which they have been received, unless the Member giving such notice intimated in writing, when giving it, that he proposed to move it at some later meeting, or has since withdrawn it in writing.

12.3 Scope of Motions

Every motion shall be relevant to some matter in relation to which the Council have powers or duties or which affects the City **disproportionately**.

13. MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- (a) Appointment of a Chairman of the meeting at which the motion is moved;
- (b) Motions relating to the accuracy of the minutes;
- (c) That an item of business specified in the summons has precedence;
- (d) To refer something to an appropriate body or individual;
- (e) Appointment of a Committee or Member thereof, occasioned by an item mentioned in the summons to the Meeting;
- (f) Adoption of reports and recommendations of Committees or Officers and any consequent resolutions;
- (g) To withdraw a motion;
- (h) Amendments to motions;
- (i) Extend the time limit for speeches;
- (j) That the Council proceed to the next business;
- (k) That the question be now put;
- (l) That the debate be now adjourned;
- (m) That the Council do now adjourn;
- (n) Suspend a particular Council procedure

- rule;
- (o) To exclude the public and press in accordance with the Access to Information Rules;
- (p) A Statement by the Chairman under Section 100A(2) of the Local Government Act 1972 to exclude the public;
- (q) That a Member under Rule 21.3 be not further heard or under Rule 21.4 do leave the meeting;
- (r) Inviting a Member to remain (Pecuniary Interests); and
- (s) Giving the consent of the Council where the consent of the Council is required by this Constitution.

14. RULES OF DEBATE

14.1 No speeches until motion 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.

14.2 Right to require motion in writing

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

14.3 Secunder's Speech

A member when seconding a motion or amendment may, if he then declares his intention to do so, reserve his speech until a later period of the debate.

14.4 Only one Member to stand at a time

A Member when speaking shall stand and address the Mayor. If two or more Members rise, the Mayor shall call on one to speak; the other or others shall then sit. While a Member is speaking the other Members shall remain seated, unless rising to a point of order or in personal explanation. **The mover of a motion may make a personal explanation at any time and such explanation will not be regarded as the exercise of a right of reply and thereby close the debate.**

14.5 Content and length of speeches

A member shall direct his/her speech to the question under discussion or to a personal explanation or to a point of order. No speech shall exceed five minutes in the case of the mover of a motion, and three minutes in all other cases except by the consent of the Council.

14.6 When a Member may speak again

A Member who has spoken on any motion shall not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by
- (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.

14.7 Amendments to Motions

- (a) An amendment to a motion must be relevant to the motion and will either be:
 - (i) 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.

but such omission, insertion or addition of words shall not have the effect of negating the motion before the Council.

- (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 an amendment is not carried, other amendments to the original motion may be moved.
- (d) 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.
- (e) 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.

14.8 Alteration of Motion

- (a) 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.
- (b) 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.

- (c) Only alterations which could be made as an amendment may be made.

14.9 Withdrawal of Motion

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.

14.10 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 his/her amendment.

14.11 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;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn the debate;
- (f) to adjourn the 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 Rule 21.3 or to exclude them from the meeting under Rule 21.4.

14.12 Closure Motions

- (a) A Member may move, without comment, the following motions at the end of a speech of another Member:
 - (i) to proceed to the next business;
 - (ii) that the question be now put;
 - (iii) to adjourn the debate; or
 - (iv) to adjourn a meeting.
- (b) If a motion to proceed to the next business is seconded and the Mayor thinks the item has been sufficiently discussed, he/she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

- (c) If a motion that the question be now put is seconded and the Mayor 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.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor 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.

14.13 Points of Order

A Member may rise 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 Mayor on the matter will be final. ~~Any member speaking at the time a point of order is raised, shall resume his/her seat.~~

14.14 Personal Explanation/Points of Information

A Member may make a personal explanation ~~or raise a point of information~~ at any time. ~~A personal explanation/point of information may only be made by a member who~~

- a) ~~has spoken earlier in the debate then in progress, who wishes to correct a misstatement he/she has made; or~~
- b) ~~wishes to correct a statement made about him/her by the person then speaking; or~~
- c) ~~wishes to correct a misquotation by the person then speaking of facts originally put by him/her earlier in the debate.~~

~~The ruling of the Mayor on a personal explanation/point of information shall be final and shall not be open to debate.~~

~~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 Mayor on the admissibility of a personal explanation will be final.~~

15. STATE OF THE CITY DEBATE

15.1 Calling of debate

The Leader will call a state of the City debate annually on a date and in a form to be agreed with the Mayor.

15.2 Form of debate

The Leader will decide the form of the 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 City debate.

15.3 Chairing of debate

The debate will be Chaired by the Mayor.

15.4. Results of debate

The results of the debate will be:

- (i) disseminated as widely as possible within the community and to agencies and organisations in the area; and
- (ii) considered by the Leader in proposing the Budget and Policy Framework to the Council for the coming year.

16. PREVIOUS DECISIONS AND MOTIONS

16.1 Motions to rescind a previous decision

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

16.2 Motion similar to one previously rejected

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 twenty five Members of the Council. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

17. VOTING

17.1 Majority

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

17.2 Mayor's casting vote

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.

17.3 Show of hands

Unless a ballot or recorded vote is demanded under Rules 17.4 and 17.5, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

17.4 Ballots

The vote will take place by ballot if four Members present at the meeting demand it. The Mayor will announce the numerical result of the ballot immediately the result is known.

17.5 Recorded Vote

If four 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. A demand for a recorded vote will override a demand for a ballot.

17.6 Right to require individual vote to be recorded

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.

17.7 Voting on appointments

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.

18. MINUTES

18.1 Signing the Minutes

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.

18.2. No requirement to sign minutes of previous meeting at extraordinary meeting

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

18.3 Form of Minutes

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

19. RECORD OF ATTENDANCE

All Members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

20. EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 22 (Disturbance by Public).

21. MEMBERS' CONDUCT

21.1 Standing to speak

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.

21.2 Mayor Standing

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

21.3 Member not to be heard further

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.

21.4 Member to leave the Meeting

If a 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.

21.5 General disturbance

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

22. DISTURBANCE BY PUBLIC

22.1 Removal of member of the public

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.

22.2 Clearance of part of meeting room

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

23. RECORDING OF COUNCIL PROCEEDINGS

23.1 Meetings of the Council and Cabinet may be sound recorded for the purposes of assisting with the recording of decisions. The Sound recording, which shall not be available to the press and public shall be erased as soon as the Minutes of the relevant meeting have been approved at a subsequent meeting.

23.2 The Chief Executive /or Director of Legal and Administration may authorise the sound recording of other meetings of Committees and sub committees where it is considered this would be useful or appropriate in the conduct of the business of the Council.

23.3 Otherwise the taking of photographs or the recording of any proceedings, or the use of any means to enable persons not present to see or hear any proceedings (whether at the time or later), or the making of any oral report on any proceedings as they take place is prohibited without the express consent of the Council having first been obtained.

Any person acting in contravention of this Council Procedure Rule may be required to leave the proceedings immediately by the person presiding thereat.

24. RESIGNATION OF COUNCILLOR

A person elected to the office of Councillor may at any time resign his/her office by written notice signed by the Councillor and delivered to the Chief Executive. The resignation shall take effect immediately upon receipt by the Chief Executive of such notice.

25. RESIGNATION FROM OFFICE

A person elected to the office of

- Mayor
- Deputy Mayor
- Leader
- Deputy Leader
- or appointed Chairman or Vice Chairman of a committee of the City Council
- or nominated to represent the City Council on an outside body

may at any time resign his/her office (whether or not he/she resigns as a Councillor) by written notice to that effect and delivered to the Chief Executive. The resignation shall take effect immediately upon receipt by the Chief Executive of such notice.

26. MID TERM VACANCIES

1. A vacancy in an office of the City Council can arise by resignation or by disqualification.
2. A person is disqualified from being a member of a local authority or joint committee:-
 - i) If he/she holds any paid office or employment with the local authority or joint committee
 - ii) If the person is a judged bankrupt or makes a composition or arrangement with his/her creditors
 - iii) Has been convicted of a criminal offence and receives a sentence of imprisonment (whether suspended or not) for a period of not less than three months
 - iv) Is disqualified under Part III of the Representation of the People Act 1983 or under Part III of the Local Government Finance Act 1982.
 - v) By failure to attend any meeting of the local authority within a period of 6 months.

~~25. RESIGNATION OF MAYOR OR DEPUTY MAYOR~~

~~A person elected to the office of Mayor or Deputy Mayor may at any time resign his/her office (whether or not he/she resigns as a councillor) by written notice signed by the Mayor or Deputy Mayor as the case maybe and delivered to the Chief Executive. The resignation shall take effect immediately upon receipt by the Chief Executive of such notice.~~

~~26. RESIGNATION OF LEADER OR DEPUTY LEADER~~

~~A person elected to the office of Leader or appointed to the office of Deputy Leader may at anytime resign his/her office (whether or not he/she resigns as a councillor) by written notice signed by the Leader or Deputy Leader as the case may be and delivered to the Chief Executive. The resignation shall take effect immediately upon receipt by the Chief Executive of such notice.~~

27. FILLING OF A CASUAL VACANCY IN THE OFFICE OF MAYOR OR DEPUTY MAYOR

On a casual vacancy occurring in the office of Mayor or Deputy Mayor an election to fill the vacancy shall be held not later than the next ordinary meeting of the Council and shall be conducted in the same manner as an ordinary election.

28. FILLING OF CASUAL VACANCY IN THE OFFICE OF LEADER OR DEPUTY LEADER

On a casual vacancy occurring in the office of Leader or Deputy Leader an election to fill the vacancy shall be held not later than the next ordinary meeting of the Council and shall be conducted in the same manner as an ordinary election.

29. FILLING OF CASUAL VACANCY IN THE OFFICE OF A CABINET MEMBER

29.1 On a casual vacancy occurring in the office of a Portfolio Holder (other than the Leader or Deputy Leader) the Leader shall be entitled to appoint one of the Members of the same political party as the outgoing Portfolio Holder to fill the vacancy.

29.2 On a casual vacancy occurring in the office of a Cabinet Member without Portfolio the Leader of the political party which appointed the outgoing Cabinet member shall be entitled to appoint a replacement.

~~30. TERMINATION OF MEETING~~

~~Where a meeting of the Council or meeting of the Cabinet has sat for 2 hours 30 minutes (including any adjournments) then, unless after the expiration of two hours it has been resolved to continue the sitting beyond 2 hours 30 minutes the Chairman shall draw the Council's attention to the time, whereupon:-~~

- ~~(a). All council procedure rules except rules 21 and 22 shall be deemed to have been suspended;~~
- ~~(b). All outstanding reports shall be deemed to be received;~~
- ~~(c). Any motion then under debate including any amendments to such motion shall if appropriate be voted upon without further debate in the manner prescribed in (d) below;~~
- ~~(d). Notices of Motion under council procedure rule 12 not previously disposed of shall automatically lapse. If any such motion, including any amendment, has been under debate for 20 minutes or more then that motion together with any amendment which has been moved and seconded shall be put to the vote without further debate. A motion which lapses in accordance with this rule shall not be treated as having been negatived.~~
- ~~(e). The Chairman shall then call, in agenda order, the item number of each outstanding matter in any report. After each item has been called Members shall indicate their vote on a show of hands but no debate or division shall be permitted. Immediately after a vote is taken any Member may require to have recorded in the Minutes his/her vote as for, against or as an abstention.~~

30. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

30.1 **Suspension**

All of these Council Rules of Procedure except Rule 17.6 and 18.2 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. Suspension can only be for the duration of the meeting.

30.2 Amendment

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.

31. APPLICATION TO COMMITTEES AND SUB-COMMITTEES

All the Council Rules of Procedure apply to meetings of the full Council. None of the rules apply to meetings of the Cabinet. Only Rules 4-7 and 18-23 (but not Rule 21.1) apply to meetings of Committees and Sub-Committees.

32. INTERPRETATION OF STANDING ORDERS

The ruling of the Mayor as to the construction or application of any of these Standing Orders, or as to any proceedings of the Council, shall not be challenged at any meeting of the Council.

33. PROCEEDINGS AND BUSINESS

33.1 In this Rule:-

“Leader” has the same meaning as in Part II of the Local Government Act 2000;
“Cabinet” has the same meaning as Executive as in Part II of the Local Government Act 2000; and
“plan or strategy” and “working day” have the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001.

33.2 Where the Cabinet of the Council has submitted a draft plan or strategy to the Council for its consideration and, following consideration of that draft plan or strategy, the Council has any objections to it, the Council must take the action set out in Rule 27.3

33.3 Before the Council:-

33.3.1 amends the draft plan or strategy;

33.3.2 approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or

33.3.3 adopts (with or without modification) the plan or strategy, it must inform the Leader of any objections which it has to the draft plan or strategy and must give to him/her instructions requiring the Cabinet to reconsider, in the light of those objections,

the draft plan or strategy submitted to it.

33.4 Where the Council gives instructions in accordance with Rule 34.3, it must specify a period of at least five working days beginning on the day after the date on which the Leader receives the instructions on behalf of the Cabinet within which the Leader may:-

33.4.1 submit a revision of the draft plan or strategy as amended by the Cabinet (the “revised draft plan or strategy”), with the Cabinet’s reasons for any amendments made to the draft plan or strategy, to the Council for the Council’s consideration; or

33.4.2 inform the Council of any disagreement that the Cabinet has with any of the Council’s objections and the Cabinet’s reasons for any such disagreement.

33.5 When the period specified by the Council, referred to in Rule 34.4, has expired, the Council must, when:-

33.5.1 amending the draft plan or strategy or, if there is one, the revised draft plan or strategy;

33.5.2 approving, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft or revised draft) of which any part is required to be so submitted; or

33.5.3 adopting (with or without modification) the plan or strategy, take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the Cabinet’s reasons for those amendments, any disagreement that the Cabinet has with any of the Council’s objections and the Cabinet’s reasons for that disagreement, which the Leader submitted to the Council, or informed the Council of, within the period specified.

33.6 Subject to Rule 34.10 where, before 8th February in any financial year, the Council’s Cabinet submits to the Council for its consideration in relation to the following financial year:-

33.6.1 estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 37 or 43 to 49, of the Local Government Finance Act 1991;

33.6.2 estimates of other amounts to be used for the purposes of such a calculation;

33.6.3 estimates of such a calculation; or

- 33.6.4** amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992, and following consideration of those estimates or amounts the Council has any objections to them, it must take the action set out in Rule 34.7.
- 33.7** Before the Council makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in paragraph 34.6.1, or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992, it must inform the Leader of any objections which it has to the Cabinet's estimates or amounts and must give to him instructions requiring the Cabinet to reconsider, in the light of those objections, those estimates and amounts in accordance with the Council's requirements.
- 33.8** Where the Council gives instructions in accordance with Rule 34.7, it must specify a period of at least five working days beginning on the day after the date on which the Leader receives the instructions on behalf of the Cabinet within which the Leader may:-
- 33.8.1** submit a revision of the estimates or amounts as amended by the Cabinet ("revised estimates or amounts"), which have been reconsidered in accordance with the Council's requirements, with the Cabinet's reasons for any amendments made to the estimates or amounts, to the Council for the Council's consideration; or
- 33.8.2** inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.
- 33.9** When the period specified by the Council, referred to in Rule 34.8, has expired, the Council must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in paragraph 34.6.1, or issuing a precept under Chapter IV of Part I of the Local Government Finance Act 1992, take into account:-
- 33.9.1** any amendments to the estimates or amounts that are included in any revised estimates or amounts;
- 33.9.2** the Cabinet's reasons for those amendments;
- 33.9.3** any disagreement that the Cabinet has with any of the Council's objections; and
- 33.9.4** the Cabinet's reasons for that disagreement, which the Leader submitted to the Council, or informed the Council of, within that period specified.
- 33.10** Rules 34.6 to Rule 34.9 shall not apply in relation to:-

33.10.1 calculations or substitute calculations which a Council is required to make in accordance with section 52I, 52J, 52T or 52U of the Local Government Finance Act 1992; and

33.10.2 amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with section 52J or 52U of that Act.

34. STAFF

34.1 In this Rule:-

“the 1989 Act” means the Local Government and Housing Act 1989; “the 2000 Act” means the Local Government Act 2000; “disciplinary action” has the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001; “Leader” has the same meaning as in Part II of the 2000 Act; “Cabinet” has the same meaning as Executive as in Part II of the 2000 Act; “member of staff” means a person appointed to or holding a paid office or employment under the Council; and “proper officer” means an officer appointed by the Council for the purposes of the provisions in this Rule.

34.2 Subject to Rules 35.3 and 35.7, the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the Council must be discharged, on behalf of the Council, by the Chief Executive as the Officer designated under Section 4 (1) of the 1989 Act as the Head of the Council’s Paid Service, or by an officer nominated by him/her.

34.3 Rule 35.2 shall not apply to the appointment or dismissal, or disciplinary action against:-

34.3.1 the Officer designated as the Head of the Council’s Paid Service;

34.3.2 a statutory Chief Officer within the meaning of section 2 (6) of the 1989 Act (politically restricted posts);

34.3.3 a non statutory Chief Officer within the meaning of section 2 (7) of the 1989 Act or

34.3.4 a person appointed in pursuance of section 9 of the 1989 Act (assistance for Political Groups);

34.4.1 Where a Committee, Sub Committee or Officer is discharging, on behalf of the Council, the function of the appointment or dismissal of an Officer designated as the Head of the Council’s Paid Service, the Council must approve that appointment before an offer of appointment is made to him/her or, as the case may be, must approve that dismissal before notice of dismissal is given to him/her.

34.4.2 Where a Committee or Sub Committee of the Council is discharging, on behalf of the Council, the function of the appointment or the dismissal of any Officer referred to in

Rule 35.3.1, 35.3.2, or 35.3.3 at least one member of the Cabinet must be a member of that Committee or Sub Committee.

34.5.1 In this Rule “appointor” means, in relation to the appointment of a person as an Officer of the Council, the Council or, where a Committee, Sub Committee or Officer is discharging the function of appointment on behalf of the Council, that Committee, Sub Committee or officer, as the case may be.

34.5.2 An offer of an appointment as an Officer referred to in Rule 35.3.1, 35.3.2 or 35.3.3 must not be made by the appointor until:-

34.5.2.1 the appointor has notified the Proper Officer of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment;

34.5.2.2 the Proper Officer has notified every member of the Cabinet of the Council of:-

34.5.2.2.1 the name of the person to whom the appointor wishes to make the offer;

34.5.2.2.2 any other particulars relevant to the appointment which the appointor has notified to the proper Officer; and

34.5.2.2.3 the period within which any objection to the making of the offer is to be made by the Leader on behalf of the Cabinet to the Proper Officer; and

34.5.2.3 either:-

34.5.2.3.1 the Leader has, within the period specified in the notice under Rule 35.5.2.2.3, notified the appointor that neither he/she nor any other member of the Cabinet has any objection to the making of the offer;

34.5.2.3.2 the Proper Officer has notified the appointor that no objection was received by him/her within that period from the Leader; or

34.5.2.3.3 the appointor is satisfied that any objection received from the Leader within that period is not material or is not well founded.

34.6.1 In this Rule “dismissor” means, in relation to the dismissal of an Officer of the Council, the Council or, where a Committee, Sub Committee or another Officer is discharging the function of dismissal on behalf of the Council, that Committee, Sub Committee or other officer, as the case may be.

34.6.2 Notice of the dismissal of an officer referred to in Rule 35.3.1, 35.3.2 or 35.3.3 must not be given by the dismissor until:-

- 34.6.2.1** the dismissor has notified the Proper Officer of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;
- 34.6.2.2** the Proper Officer has notified every member of the Cabinet of the Council of:-
 - 34.6.2.2.1** the name of the person who the dismissor wishes to dismiss;
 - 34.6.2.2.2** any other particulars relevant to the dismissal which the dismissor has notified to the Proper Officer; and
 - 34.6.2.2.3** the period within which any objection to the dismissal is to be made by the Leader on behalf of the Cabinet to the Proper Officer; and
- 34.6.2.3** either:-
 - 34.6.2.3.1** the Leader has, within the period specified in the notice under Rule 35.6.2.2.3, notified the dismissor that neither he/she nor any other member of the Cabinet has any objection to the dismissal;
 - 34.6.2.3.2** the Proper Officer has notified the dismissor that no objection was received by him/her within the period from the Leader; and
 - 34.6.2.3.3** the dismissor is satisfied that any objection received from the Leader within that period is not material or is not well-founded.
- 34.7** Nothing in Rule 35.2 shall prevent a person from serving as a Member of any Committee or Sub Committee established by the Council to consider an appeal by:-
 - 34.7.1** another person against any decision relating to the appointment of that other person as a Member of staff of the Council; or
 - 34.7.2** a Member of staff of the Council against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.

35. DISCIPLINARY ACTION

- 35.1** In Rule 36.2, “Chief Finance Officer”, “disciplinary action”, “Head of the Council’s Paid Service” and “Monitoring Officer” have the same meaning as in Regulation 2 of the Local Authorities (Standing Orders)(England) Regulations 2001 and “designated independent person” has the same meaning as in Regulation 7 of those Regulations.
- 35.2** No disciplinary action in respect of the Head of Council’s Paid Service, its Monitoring Officer or its Chief Finance Officer, except action described in Rule 36.3, may be taken by the Council, or by a Committee, Sub-Committee, a Joint Committee on which the Council is represented or any other person acting on behalf of the Council, other than in accordance with a recommendation in a report made by a designated independent person under Regulation 7 of the Local Authorities (Standing Orders)(England) Regulations 2001 (investigation of alleged misconduct).
- 35.3** The action mentioned in Rule 36.2 is suspension of the Officer for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension

must be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.

**COUNCIL PROCEDURE RULES
REPORT FROM SCRUTINY WORKING PARTY
SCHEDULE OF RECOMMENDATIONS**

Issue	Recommendation
Two year appointments	The election of Leader, the appointment of Deputy Leader, the appointment of Cabinet Members, the nomination of Councillors to serve on each committee and the appointment of Chairmen and Vice Chairmen of committees to be made at Annual Council for a period of two years.
Questions at Council meetings	No change
Handbooks	Council Procedure Rules to be provided in A5 format for all Members.
Public speaking at Committees	No change
Declarations of Interests	Standing item at the beginning of all agendas for the meeting to receive declarations of interest. Details of the nature of interest to be given at the meeting as well as on the blue form.
Recess	Issue not to be prescribed. Instead matter to be left to custom and practice.
Motions to Council	Currently Motions must be relevant to some matter in which the council has powers or duties or which affects the city. The word disproportionately should be added to this requirement and a similar amendment should be made to the scope of questions under Council Procedure Rule 8.5
Mid Term Vacancies	Provision made to deal with vacancies arising mid-term in the office of Mayor, Deputy Mayor, Leader and Members of the Cabinet.
Disqualification	The Council Procedure Rules should set out the circumstances in which disqualification might arise.

Appendix D

State of the City Debate	This debate is an opportunity for the council to engage with the public. No amendment to the Council Procedure Rules suggested but it was noted it was not appropriate for the City Council simply to decide on a topic in which the council was interested and to discuss this with other agencies.
Limit on questions from the public at Council meetings.	No change. It being recognised that there was no particular problem with members of the public submitting multiple questions.
Time limit on meetings	No change. Although the Members of the City Council were urged to show appropriate respect for the Mayor and accept the Mayor's ruling. It was also noted there was nothing to stop a Member from moving an adjournment in the event of a meeting being seriously delayed.
Points of Order and Points of Personal Explanation	It was suggested that the wording of the provision should be amended to include reference to points of information.
Frequency and timing of meetings	There should be a minimum of 8 Council meetings in any one year.
Attendances at conferences and seminars	A pro-forma was approved by completion by attendees (see Appendix B) and there should be a formal report back to the appropriate committee or Cabinet meeting.
Petitions	No need to limit the number of petitions submitted at any one meeting.
Substitutes	No action needed
Councillors speaking at Committee when not a member	No amendments proposed
Venue for Council meetings	Reservations of IDEa on the suitability of the Mayor's Chamber noted and the suggestion was made that amendments to the electronic lock should be considered to make the Mayor's Chamber more user friendly.

SCRUTINY COMMITTEE

REPORT OF THE COMMUNITY SERVICES SCRUTINY PANEL

REVIEW OF SCRUTINY OF HOMELESSNESS

1. Background

The Council is legally obliged to assist anyone who presents themselves as homeless, whether by providing advice, housing or other support.

The Homelessness Strategy was prepared in 2003, and was one of the areas looked at when the Panel considered Homelessness in 2004. The Panel's report was approved and adopted by Cabinet, with a recommendation that it be reviewed within two years.

2. Aims

The Panel wished to consider what progress had been made towards the recommendations made in their last report on this topic, and also to consider any further recommendations that could be made in light of further information that was presented to them.

3. Actions

The Strategy and Development Manager, Homelessness Prevention Officer and Project Manager from DASH attended the Panel's meeting on 5 December 2006 to update Members with progress.

Members were advised that all local authorities were required to produce a Homelessness Strategy, and that this was to be revised every five years. City of Durham's was due for review in 2008 and work on this had already commenced. The Strategy was monitored on a monthly basis, and outstanding actions had been prioritised. Four focus groups had been set up to progress these actions.

(a) Domestic Violence

One focus group looked at issues to do with domestic violence. A Domestic Violence Co-ordinator had recently been appointed, and there was a multi-agency approach to dealing with this area. It was requested that the information leaflet on Domestic Violence be circulated to all Members for information.

(b) Moving-on Accommodation

The provision of 'moving-on' accommodation was considered by a second focus group. Problems occurred in providing this accommodation, particularly for people with additional needs e.g. people recently release from prison or young single mothers. Some limited floating support could be arranged. The introduction of starter properties was being investigated, however this would require intense revenue support. Some funding may be available from the Supporting People Fund, and there was ongoing dialogue with various partners to try to raise the necessary funding. The Council was in a position to provide properties, but there was a reliance on outside agencies e.g. DASH, DISC and DART to provide additional services and support.

The Council had a duty to provide accommodation for homeless people with priority need but advice and help might also be given to some people who did not have priority.

With regard to temporary accommodation, DASH could provide accommodation and support for up to 28 days. As properties were vacated, there were usually other occupants waiting to move in.

A number of properties were available in the Gilesgate area for this purpose, and therefore the property at Redwood, Brandon was no longer needed and had been closed. It had also become a target for vandalism.

A post of Homelessness Prevention Officer had been created by the Council, paid for using Government funding. This post was funded until March 2008. If at this time, the funding was no longer available, the Authority would have to decide whether to retain the post and fund it. This post had been filled in June 2006, and to date, 106 cases had been dealt with, or were currently ongoing.

Homelessness prevention relied on having time to prevent someone becoming homeless e.g. through rent arrears or inability to meet mortgage payments. It was noted that there was a difference between those who were unable to pay and those who were unwilling. There was a need to identify those who were potentially vulnerable to losing their tenancy to provide early advice and assistance.

35 applicants had re-presented themselves as homeless in the last year.

The reasons for repeat homelessness were often complex and frequently related to domestic violence. Measures to prevent this relied on the combined working of Council Officers and support agencies.

(c) Private Rented Sector

A third focus group considered issues about the private rented sector, such as access to bonds, and where landlords requested say a month's rent in advance. It was noted that Housing Benefit did not always cover market rents being charged for some properties.

(d) Funding Opportunities

The fourth group were tasked with exploring funding opportunities. The skills and experience of the Council's Funding Officer was used for this.

4. Outcomes

In respect of the recommendations made in the previous report, the Homelessness Strategy was being monitored, reviewed and revised, measures to prevent repeat homelessness were being developed, particularly by the new Homelessness Prevention Officer, partnership working with DASH, DISC etc continued to be developed, an additional member of staff had been appointed at Housing specifically to deal with homelessness prevention, and additional emergency accommodation was provided via DASH.

It was felt that additional information was required by the Panel on mental health issues and homelessness, and it was suggested the Durham County Council and the PCT be invited to a future meeting to consider this area.

According to a previous survey the number of people said to be sleeping rough in Durham was recorded as nil. The Panel questioned whether this was the case and asked that this be reviewed.

The Panel agreed that the post of Homelessness Prevention Officer was of great benefit, and should be retained by the Council, and felt a review of this topic in 12 months would be appropriate.

5. Recommendations

- (i) That the Council continues to progress and monitor the Homelessness Strategy an Action Plan and works with Partners to provide support and prevent repeat homelessness.
- (ii) That the information leaflet on domestic violence be circulated to all Members for information.
- (iii) That the Council aims to retain the position of Homelessness Prevention Officer beyond the expiry of the fixed term contract in 2008.
- (iv) That the Review of Rough Sleeping be updated, possibly by the subject being brought to the attention of the county-wide Housing Action Partnership.
- (v) That representatives of Durham County Council and County Durham PCT be invited to attend a Panel meeting to discuss homelessness in relation to mental health issues and support provision, and that this be arranged for six months' time.
- (vi) That the Panel receives and update on the Homelessness Strategy and Action Plan after they have been reviewed by the Authority in 2008, the Panel's recommended review date being July 2008.

Community Services Scrutiny Panel
January 2007

Note:

Charities/Organisations providing services relating to Homelessness:

- DASH - Durham Action on Single Housing
- DART - Discharge & Resettlement Team
- DISC - Developing Initiatives for Support in the Community