

PART 4

A. Meeting Procedure Rules

Part A– Shadow Council meetings

1 Shadow Council meetings

- 1.1 The Shadow Council will decide when its meetings will take place. Details will be contained in a calendar of meetings which will be approved by the Shadow Council.
- 1.2 Meetings will commence at 6.30pm at a place (or places) to be agreed by the Shadow Council. The Chair, or the Shadow Council, can agree to hold a meeting at a different place or time.
- 1.3 A special meeting can be called by resolution or by the Chair, or five Shadow Councillors can ask the Chair, in writing, to call a special meeting. If the Chair does not agree, then those Shadow Councillors can call the meeting by giving written notice to the Interim/Appointed Monitoring Officer. The Interim/Appointed Monitoring Officer, in consultation with the Chair, may also call a special meeting.

2 Chair and Vice-Chair of the Shadow Council

- 2.1 At its first meeting, the Shadow Council will elect its Chair and appoint its Vice-Chair for the Shadow Period.
- 2.2 The Chair of the Shadow Council, or in his/her absence the Vice- Chair (who will have the same powers and duties as the Chair), will preside at meetings of the Shadow Council. Where both the Chair and Vice-Chair are absent, the Shadow Council will appoint another Shadow Councillor, other than a member of the Shadow Executive Committee, to chair the meeting, who will have the same powers and duties as the Chair.
- 2.3 In accordance with Article 5 of this Constitution, the Chair is responsible for, and must conduct themselves in accordance with, the following:
 - (a) upholding and promoting the purposes of this Constitution and interpreting it with appropriate advice when necessary;
 - (b) presiding over meetings of the full Shadow Council to ensure that business is carried out efficiently, effectively and fairly between the different political groups whilst preserving the rights of Shadow Councillors and the interests of members of the public;
 - (c) ensuring that at Shadow Council meetings, matters of concern to local communities can be debated through the appropriate Shadow Councillors;
 - (d) ensuring that Shadow Councillors who are not on the Shadow Executive Committee or who do not hold the Chairpersonship of a main Committee are able to hold those office holders to account;

- (e) promoting public involvement in the Shadow Council's affairs and acting as a contact between members of the public and organisations and the Shadow Council

3 Quorum

- 3.1 No business shall be dealt with at a Shadow Council meeting if there are fewer than one quarter (34) of the whole number of members of the council are present. Where the meeting has started and the number of Shadow Councillors present is fewer than one quarter of the number of Shadow Councillors, the Chair will adjourn the meeting. Where the Chair does not give a date and/or time, all business not completed will be considered at the next meeting.

4 What the Shadow Council can decide

- 4.1 The Shadow Council will decide such matters as required by the law and those matters set out in Part 3 of this Constitution.

5 Order of business

- 5.1 Business shall be dealt with in the order in which it is set out in the agenda unless the Shadow Council decides otherwise.

6 Urgent business

- 6.1 Business cannot be dealt with at a Shadow Council meeting unless it is included in the Summons.

7 Confirmation of Minutes

- 7.1 Minutes of the last Shadow Council meeting must be confirmed at the next ordinary meeting of the Shadow Council.
- 7.2 Only matters relating to the accuracy of the Minutes can be raised, which must be done by way of a motion which is proposed, seconded and voted upon. Where no issues are raised, or after the motion has been dealt with, the Chair shall sign the Minutes.

8 Record of Shadow Executive Committee Decisions and Minutes of Committees and Sub-Committees

- 8.1 The Record of Decisions of the Shadow Executive Committee, as well as the reports prepared by the Shadow Executive Committee for the Shadow Council and the Minutes of any other Committees will be submitted to the next ordinary meeting of the Shadow Council.
- 8.2 These will be noted and the Minutes will be received by a decision of the Shadow Council.

- 8.3 Any question about the accuracy of any matter before the Shadow Council from the Shadow Executive Committee or a Committee must be considered and determined by the Shadow Executive Committee or that Committee at its next meeting. It is not a matter for the Shadow Council.

9 Matters for decision by the Shadow Council

- 9.1 All matters for decision by the Shadow Council shall be included with the agenda.
- 9.2 When the item is reached on the agenda, the Leader, the relevant Portfolio Holder or the Chair of the relevant Committee will, where appropriate, move the recommendation or advice of the Shadow Executive Committee or Committee, or endorsement of a Shadow Executive Committee or a Committee decision. Another Shadow Councillor may second the motion and may reserve the right to speak until later in the debate.
- 9.3 The Chair cannot ask the Shadow Council to agree to withdraw a recommendation of the Shadow Executive Committee or a Committee under, Appendix 3, paragraph 10, unless new and relevant information has become available after the decision of the body concerned. The information must be disclosed to the Shadow Council.

10 Motions moved without notice

- 10.1 Appendix 1 lists those motions and amendments which can be moved at a Shadow Council meeting without notice.

11 Public participation at Shadow Council meetings

- 11.1 A public speaking time of up to a maximum of 30 minutes will apply to Shadow Council meetings, as detailed in Appendix 6.
- 11.2 Members of the public may also submit questions in accordance with the process set out in Paragraph 12 and Appendix 6.

12 Questions

12A Questions by Councillors and Members of the Public at Shadow Council meetings

- 12.1 A Shadow Councillor or a member of the public may ask the Chair, Leader, the Portfolio Holder or the Chair of a Committee any question about a matter which the Shadow Council, the Shadow Executive Committee or the Committee has powers, duties or responsibilities.
- 12.2 Questions must be sent in writing to the Interim Monitoring Officer at least three clear working days before the meeting.

- 12.3 The Chair may agree to take urgent questions where they consider that it has not been possible for a Shadow Councillor to give the required notice, provided that a copy of the question is given to the Interim/Appointed Monitoring Officer before the meeting starts.
- 12.4 A question will be rejected by the Chair in consultation with the Interim/Appointed Monitoring Officer where it:
- (a) does not relate to a matter for which the Shadow Council /committee has a responsibility;
 - (b) is defamatory, frivolous, offensive, vexatious, unlawful or otherwise improper;
 - (c) requires the disclosure of confidential or exempt information;
 - (d) names or identifies individual service users, members of staff or members of staff of partner agencies; or
 - (e) is considered to be inappropriate for the particular meeting.
- 12.5 A Shadow Councillor or a member of the public may ask no more than three questions at any meeting.
- 12.6 Subject to Rule 12.5 questions will be asked in the order of receipt and answered without discussion. In replying, the Shadow Councillor answering the question will use their reasonable endeavours to address the matters raised in the question. The Shadow Councillor to whom the question is addressed may decline to answer any question or may:
- (a) reply directly;
 - (b) reply by reference to a publication;
 - (c) reply by written answer with a copy to such other Shadow Councillors as the Shadow Council agrees; or
 - (d) refer the question to an appropriate committee or to the Shadow Executive Committee.
- 12.7 Following the answer to each question, the questioner may, with the permission of the Chair, ask a supplementary question which relates to the initial answer. A reply may not be given if the question is: not related to the initial answer; is unduly lengthy; or is inappropriate. The Shadow Councillor answering the supplementary question will decide whether or not to reply
- 12.8 The time allowed for Members and the public to ask questions under this Rule will be a maximum of 30 minutes, but is otherwise a matter for the discretion of the Chair who, in exercising his/her discretion, will have regard to the

business to be transacted at the meeting and the objective of ensuring that the meeting is managed efficiently.

12B Questions relating to Portfolio Holder Presentations

- 12.9 A period of up to forty-five minutes will be allowed at Shadow Council meetings during which members of the Shadow Executive Committee will be able to put forward presentations relating to their respective portfolios and upon which Members will be able to ask them questions.
- 12.10 Such presentations may be presented either in writing or verbally or by a combination of the two, but in any event the verbal presentation should not exceed three minutes in duration. If a written presentation is made it should be circulated to all Members before the start of the meeting, and it should be kept concise.
- 12.11 Upon completion of the presentation Members may ask questions relating to it. Subject to Rule 12.12 below there is no limit on the number of questions Members may ask and there is no requirement for prior notice of questions.
- 12.12 In order to keep to the forty-five minute limit and/or maintain fairness between Members, the Chair may limit the number of questions (or further questions) to be asked, either in total or by any one Member, or to any one Portfolio Holder.
- 12.13 This Rule shall not apply to the Annual Council meeting, or to Shadow Council Meetings called to deal with special items of business (including the meeting when the Council Tax is set).

13 Notices of Motion

- 13.1 A notice of motion must relate to matters for which the Shadow Council has direct responsibility.
- 13.2 The arrangements for submitting and dealing with notices of motion are set out in Appendix 2.

14 Rules of Debate

- 14.1 The rules of debate to be followed at Shadow Council meetings are set out in Appendix 3.

15 Rescission of earlier resolution

- 15.1 Subject to Rule 15.2, at a meeting of the Shadow Council, no motion or amendment shall be moved to rescind any resolution of the Shadow Council which was passed within the preceding six months or which is to the same effect as one which has been rejected within that period.
- 15.2 Such a motion may be moved if:

- (a) it is recommended by the Shadow Executive Committee or a Committee;
or
- (b) notice of such motion has been given under Rule 13 and signed by at least 15% of the total number of Shadow Councillors who include members from more than one political party.

16 Voting

- 16.1 Each Shadow Councillor has one vote except as provided for in Article 26(7) of the 2019 Order when the Shadow Councillors described in the Article shall have two votes on all questions coming or arising before the Shadow Council.
- 16.2 Voting will be by a show of hands or where practical and the means are available to those present, by electronic means.
- 16.3 When a Shadow Councillor asks for a recorded vote to be taken, and 10% of the overall number of Shadow Councillors (14) stand in their places to support the request, the vote will be recorded to show whether each Shadow Councillor voted for or against the motion or abstained. If necessary a Shadow Councillor may raise their hand instead of standing in order to indicate their support for a request for a recorded vote.
- 16.4 A recorded vote will not be taken if the vote has already begun to be taken by a show of hands.
- 16.5 A Shadow Councillor may require, after a vote is completed, that the Minutes of the meeting record how he/she voted or abstained.
- 16.6 A Shadow Councillor may, immediately after the item of business is voted upon, request that a lost motion or amendment be recorded in the minutes.
- 16.7 Where there are equal votes cast for a motion or amendment the Chair or the person presiding will have a second or casting vote.

17 Offices and Appointments

- 17.1 Voting to elect or appoint the Chair and Vice- Chair of the Shadow Council, or Shadow Councillors to any office or position where more than one person is nominated shall be a show of hands or where practical and the means are available to those present, by electronic means.
- 17.2 If on a vote no person receives more than half of the votes cast, the name of the person with the least number of votes will be withdrawn. Further votes will be held until one person receives a clear majority.
- 17.3 The Chair, or person presiding, will have a second or casting vote where the votes are equal.

18 Election of Chair of Committees and Sub-Committees

- 18.1 The Chair of every Committee and Sub-Committee excluding the Shadow Executive Committee will be elected at the first meeting of the Shadow Council where possible. The Vice Chairs will be elected at the first meeting of the Committee or Sub-Committee.
 - 18.2 The Shadow Councillor elected to each office must be a member of the relevant Committee or Sub-Committee.
 - 18.3 Where a vacancy occurs in any office, an election will be held at the next ordinary meeting of the Committee or Sub-Committee concerned.
 - 18.4 Unless the Shadow Council decides otherwise, the election will be conducted by a show of hands and may relate to a number of offices. Rule 17 will apply.
 - 18.5 Where a Chair and Vice-Chair are absent from a meeting of the relevant body, a Chair will be appointed from those members of the body present, provided the meeting is quorate and subject to any restrictions on the eligibility of Shadow Executive Committee members for appointment.
- 19 Urgent Business – Non-Shadow Executive Committee matters**
- 19.1 An item of urgent business which has to be decided before the next meeting of the Shadow Council and which does not fall within the Shadow Executive Committee's functions and responsibility can be determined by the lead officer of the Central Implementation Team, subject to the procedure in Appendix 4.

Part B – Committee and Sub-Committee Meetings

20 Programme of Meetings

- 20.1 Meetings of Committees and Sub-Committees will be set out in the calendar of meetings approved by the Shadow Council under Rule 1.1. There will be a presumption against alterations to the date, time and venue for meetings.
- 20.2 When it is necessary to alter the date, time and/or venue of a meeting, or to arrange a special meeting, the Interim/Appointed Monitoring Officer will consult the Chair of the relevant Committee or Sub-Committee before any action is taken. The Chair of the Committee or Sub-Committee will then determine the matter.

21 Quorum at Committees and Sub-Committees

- 21.1 Subject to paragraph 21.2, no item of business will be transacted at a meeting of a committee or sub-committee unless there are at least one quarter of the members of the body present. However, where the total membership of any committee or sub-Committee comprises 11 or fewer members, the quorum shall be 3.

21.2 No item of business will be transacted at a meeting of the General Purposes Committee unless there are at least twelve members of the Committee present.

22 Minutes of Committees and Sub-Committees

22.1 The Minutes of a Committee or Sub-Committee must be confirmed at its next meeting.

22.2 Only matters relating to the accuracy of the Minutes can be raised. Where accuracy is questioned, this must be by a motion which is proposed, seconded and voted upon.

22.3 Where no issues of accuracy are raised, or after any motion has been dealt with, the Chair shall sign the Minutes.

22.4 The Minutes of any Sub-Committee must be submitted to the next meeting of the parent Committee by the Sub-Committee Chair.

22.5 Members may ask a question or comment on any Minute. The Chair of the Sub-Committee will then reply. There will be no debate on any question or comment raised under this procedure and no further motions can be moved.

22.6 Where a Member has a question or comment on an exempt, private or confidential Minute, the question or comment must be given in writing to the Interim/Appointed Monitoring Officer at least one hour before the start of the meeting.

22.7 Any question about the accuracy of any Minute of a body must be considered and determined by that body at its next meeting.

23 Motions moved without Notice at Committees and Sub-Committees

23.1 Appendix 1 lists those motions and amendments which can be moved without notice.

24 Rules of Debate at Committees and Sub-Committees

24.1 Appendix 3 sets out the rules of debate.

25 Voting at Committees and Sub-Committees

25.1 Voting at Committee and Sub-Committee meetings will be by a show of hands.

25.2 A recorded vote will not be taken if the vote has already begun to be taken by a show of hands.

- 25.3 A Shadow Councillor may require, after a vote is completed, that the Minutes of the meeting record how he/she voted or abstained.
- 25.4 A Shadow Councillor may request that a lost motion or amendment be recorded in the minutes by requesting this immediately after the vote is taken.
- 25.5 Where there are equal votes cast for a motion or amendment, the person presiding at the meeting will have, and must exercise, a second or casting vote.

26 Mover of a Motion at Shadow Council under Rule 13: Attendance at Committee and Sub-Committee

- 26.1 Where a motion has been referred under Rule 13 from the Shadow Council to a Committee or Sub-Committee for consideration and report, the mover of the motion has the right to attend the meeting and to explain the motion.
- 26.2 The mover of the motion will be advised of the date and time of the meeting at which the matter is to be considered and he/she will be sent a copy of the relevant papers.

27 Requests by Members for items of business to be included on agendas of a Committee or Sub-Committee

- 27.1 Appendix 5 to these Procedure Rules sets out details of the process by which a Shadow Councillor can ask for an item of business to be included on the agenda of a Committee or Sub-Committee meeting.

28 Committee and Sub-Committee Agenda - Urgent items of business

- 28.1 Generally, business will only be transacted at meetings of Committees and Sub-Committees which appears in the agenda and which has been available for public inspection at least five clear working days before the meeting or, where the meeting is convened at short notice, from the time the meeting is convened.
- 28.2 The Chair of the Committee or Sub-Committee may agree to deal with an item of business at the meeting if, in his/her opinion, the matter is urgent given the circumstances requiring a decision. The Chair's ruling and the reasons for urgency will be recorded in the Minutes of the meeting.

29 Attendance of Shadow Councillors at Committees and Sub-Committees of which they are not members

- 29.1 Notwithstanding their rights as a member of the public, a Shadow Councillor may attend any meeting of a Committee or Sub-Committee to which he/she has not been appointed, for the purposes of performing his/her duties as a Shadow Councillor, including when exempt or private and confidential business is transacted.

- 29.2 A Shadow Councillor will be given, when he/she arrives at the meeting a copy of the agenda and relevant papers, subject to any restrictions imposed under the Access to Information Procedure Rules.
- 29.3 The Shadow Councillor has no right to vote, but may speak with the consent of the Chair of the meeting.

30 Overview and Scrutiny Committees/Sub-Committees

- 30.1 In applying these Rules to Overview and Scrutiny Committees and Sub-Committees, regard shall be had to the Overview and Scrutiny Procedure Rules which are contained in Part 4 of this Constitution.

Part C – General Provisions

31 Records of Attendance

- 31.1 The Interim/Appointed Monitoring Officer will keep a record of Members attending any meeting of the Shadow Council, the Shadow Executive Committee, any Committee or Sub-Committee.

32 Disclosure of Confidential/Exempt Matters

- 32.1 No Shadow Councillor shall disclose to any person the whole or any part of the contents of any agenda, report or other document which is marked “confidential” or “not for publication” unless and until the document has been made available to the public or the press by or on behalf of the Shadow Council, the Shadow Executive Committee, a Committee or Sub-Committee.
- 32.2 No Shadow Councillor shall disclose to any person other than a Shadow Councillor any matter arising during the proceedings of the Shadow Council, the Shadow Executive Committee, any Committee or Sub-Committee and which comes to his/her knowledge by virtue of his/her office as a Member where such disclosure would prejudice the interest of the Shadow Council or would be contrary to law.
- 32.3 No Shadow Councillor shall, without the consent of the Chair of the appropriate body, disclose to any person any decision or proceedings of that body except:
- (a) when a report on the matter has been circulated to the Shadow Council by that body; or
 - (b) when the decision has become public knowledge; or
 - (c) when the matter comes within the powers of that body and a final decision has been made upon it;

provided that this paragraph shall not authorise any disclosure which would contravene Rules 33.1 or 33.2.

33 Disorderly conduct by Members

- 33.1 If at a meeting any Shadow Councillor, in the opinion of the person presiding, misconducts themselves in any way, the person presiding or any other Shadow Councillor may move "That the Shadow Councillor be not further heard". The motion, if seconded, shall be put and determined without discussion.
- 33.2 If the Shadow Councillor continues the misconduct after a motion under Rule 34.1 has been carried, the person presiding may: either move "That the Shadow Councillor do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion); or adjourn the meeting.
- 33.3 In the event of general disturbance by Shadow Councillors at any meeting which, in the opinion of the person presiding, renders the due and orderly dispatch of business impossible, the person presiding will have the power to adjourn the meeting.

34 Disturbance by members of the Public

- 34.1 If a member of the public interrupts the proceedings at any meeting the person presiding shall issue a warning to him/her. If he/she continues, the person presiding shall order his/her removal from the meeting. In cases of general disturbance in any part of the meeting room open to the public, the person presiding shall order that part to be cleared.

35 Variation and revocation of Procedure Rules

- 35.1 Any motion to vary or revoke these Rules shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Shadow Council.

36 Suspension of Procedure Rules

- 36.1 Subject to Rule 37.2, any of the preceding Procedure Rules may be suspended in respect of any business at a meeting of the Shadow Council, a Committee or Sub-Committee where its suspension is moved except where this would be in contravention of statute.
- 36.2 A motion to suspend Procedure Rules shall not be moved without notice (that is under Procedure Rule 10) unless there shall be present at least one-third of the Members of the Shadow Council or that Committee or Sub-Committee respectively.

37 Interpretation of Procedure Rules

- 37.1 The ruling of the person presiding as to the construction or application of any

of these Procedure Rules, or as to any proceedings of the Shadow Council, shall not be challenged at any meeting.

- 37.2 The person presiding, prior to enacting Rule 38.1, shall consult on any question of interpretation with the Interim/Appointed Monitoring Officer or their designated nominee.

38 Submission of Notices by Members – Electronic Means

- 38.1 A Shadow Councillor may communicate, by electronic means, any notice under any of the Shadow Council's Procedural Rules to initiate any process or procedure provided it is clear that the notice has been originated by that Member.

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Appendix 1 - Procedure Rules relating to the Shadow Council: Meeting Procedure Rules 10 and 29 - Motions which may be moved without Notice

1. Appointment of a Chair of the meeting at which the motion is made;
2. Motions relating to the accuracy of the minutes of the Shadow Council, a Committee or Sub-Committee;
3. That an item of business specified in the summons should have precedence;
4. Reference to the Shadow Council, a Committee, Sub-Committee or the Shadow Executive Committee;
5. Appointment of or appointment to Committees, Sub-Committees or the Shadow Executive Committee occasioned by an item mentioned in the summons to the meeting;
6. Receipt of Records of Decisions and Minutes of Committees and Sub-Committees;
7. Adoption of recommendations of the Shadow Executive Committee, Committees and Sub-Committees and any consequent resolutions;
8. That leave is given to withdraw a motion;
9. That leave is given to alter a motion by the mover of that motion;
10. Receipt of reports of officers and any consequent resolutions;
11. Extending the time limit for speeches;
12. Amendment to reports of which notification has been included within the summons of the meeting;
13. That the Shadow Council proceed to the next business;
14. That the question be now put;
15. That the debate be now adjourned;
16. That the Shadow Council do now adjourn;
17. Authorising the sealing of documents;
18. Suspending Procedure Rules, in accordance with Procedure Rule 37;
19. Motion under Section 100A(4) of the Local Government Act 1972 (as amended) to exclude the press and public;

20. That a Shadow Councillor named under Procedure Rule 34 should not be heard further or should leave the meeting; and
21. Giving consent of the Shadow Council where consent of the Shadow Council is required by these Procedure Rules.

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Appendix 2 - Procedure Rules relating to the Shadow Council: Meeting Procedure Rule 13 - Notices of Motion

1 Procedure

Notice of every motion (other than a motion which under Procedure Rule 10 may be moved without notice) shall be given in writing, signed by the Member(s) of the Shadow Council giving the notice, and delivered, at least ten clear working days before the next meeting of the Shadow Council, to the office of the Interim/Appointed Monitoring Officer by whom it shall be dated, in the order in which it is received.

2 Scope

Motions must be about matters for which the Shadow Council has direct responsibility. If it appears to the Monitoring Officer that the proposed motion is irrelevant, defamatory, frivolous, offensive, vexatious, unlawful or otherwise improper, it will not be listed on the agenda unless the Chair agrees.

A motion will not be accepted if it is substantially the same as a question which has been put or an address made by some other person at the same meeting of the Council or at another meeting of the Council in the past six months.

3 Motions to be set out in Summons

The summons for every ordinary meeting of the Shadow Council will set out all motions of which notice has been duly given, unless the Member giving the notice has intimated in writing, when giving it, that he/she proposed to move it at some later meeting, or has since withdrawn it. The motions will be listed in the summons according to whether they relate to Shadow Executive Committee or non-Shadow Executive Committee functions but otherwise in the order in which they have been received.

4 Withdrawal of Motion which is before the Shadow Council

Where a notice of motion is before the Shadow Council having been formally moved and seconded and the mover wishes subsequently to withdraw it, he/she with the consent of the seconder may do so in writing and with the consent of the Chair of the Shadow Council again in writing.

5 Motions not moved

If a motion set out in the summons is not moved either by a Shadow Councillor who gave notice of it or by some other Shadow Councillor on his/her behalf it shall, unless postponed by consent of the Shadow Council, be treated as withdrawn and shall not be moved without fresh notice.

6 Automatic reference to Shadow Executive Committee,

Committee/Sub-Committee – Non-Shadow Executive Committee Function

If the subject of any motion (which does not relate solely to any Shadow Executive Committee function or part of a function) comes within the powers, duties and responsibilities of any Committee or Sub-Committee or the Shadow Executive Committee, it shall, when it has been moved and seconded, stand referred without discussion to such of those bodies as the Chair may determine, for consideration and report. However, if the Chair considers it conducive to the despatch of business, the motion may be dealt with at the meeting at which it was brought forward. Unless the Chair has indicated that he/she proposes to deal with the motion at the meeting, the mover may formally move the motion and reserve the right to speak until the report on the motion comes before the Shadow Council.

Advice to the Shadow Council on any referred Notice of Motion under this section will be formulated by the Shadow Executive Committee and by such other bodies (Committees/Sub-Committees) as are deemed appropriate. The report to the Shadow Council will set out the views of all bodies consulted on the Notice of Motion. The Minutes of a Committee or Sub-Committee containing advice to the Shadow Council on any referred Notice of Motion shall be dealt with separately from the other Minutes of those bodies.

7 Automatic reference to the Shadow Executive Committee – Shadow Executive Committee Function

If the subject of any motion of which notice has been duly given comes solely within the powers, duties and responsibilities of the Shadow Executive Committee, it shall, when it has been moved and seconded, stand referred to the Shadow Executive Committee to determine subject to the advice from any other body whose views are sought as determined by Shadow Council. The mover on formally moving the motion has the right to speak to the Motion. The seconder may also speak to the Motion. The Chair will allow a period of fifteen minutes for a debate on any such notices of motion. This period shall include any speeches made by the mover and seconder of the motion in question. At the end of the debate if sooner or upon the expiration of the fifteen minutes, the appropriate Shadow Executive Committee Member shall have an opportunity to respond. No speeches including the response shall exceed three minutes. No amendments to the motion may be moved. The motion will then stand referred to the Shadow Executive Committee.

There are no rights of “call in” or “reference to the Shadow Council” where the Shadow Executive Committee has discharged a motion submitted under this Procedure Rule.

8 Deferral of a Notice of Motion

Where a notice of motion has been moved and seconded, and referred for advice, the consideration of the motion may be deferred where the mover and

seconder signify in writing his/her agreement to the deferral and the Chair of the Shadow Council indicates, in writing, his/her agreement on behalf of the Shadow Council. The matter would then come to a subsequent meeting of the Shadow Council for report and decision.

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Appendix 3 - Procedure Rules relating to the Shadow Council, Committees and Sub-Committees - Meeting Procedure Rules 14 and 24 - Rules of Debate

1 Motions and Amendments

No motion or amendment shall be discussed unless it has been proposed and seconded. Where required by the Chair, motions or amendments shall be put in writing and handed to the Chair before they are further discussed or put to the meeting. At meetings other than those of the full Shadow Council, the Chair of that meeting may, at his/her discretion, allow a motion or amendment to be put which is not in writing, provided that the Chair has concluded that the wording of the motion or amendment is understood by all members of the body concerned. This requirement does not apply to motions submitted under Procedure Rule 13.

2 Secunder's Speech

When seconding a motion or amendment a Shadow Councillor may advise the Chair that he/she will reserve his/her right to speak until a later period in the debate.

3 Only one Shadow Councillor to stand at a time

When speaking at a Shadow Council meeting a Shadow Councillor shall if possible stand and address the Chair. While a Shadow Councillor is speaking the other Shadow Councillors will remain seated, unless rising, if possible, on a point of order or in personal explanation.

4 Content and length of speeches

A Shadow Councillor will confine his/her speech to the question under discussion, a personal explanation or a point of order. Except as indicated below, in the case of speeches made by Shadow Councillors when the Shadow Council is agreeing a budget, or where the Shadow Council, Committee or Sub-Committee otherwise agrees, the speech of the mover of a motion shall not exceed five minutes and all other speeches shall not exceed three minutes.

In advance of the meeting at which the Shadow Council is due to agree a budget, the Shadow Council's Political Groups may agree a protocol which makes provision for a limited number of speeches to be made on behalf of each Political Group, and which exceed the three minute limitation contained in these Rules. The Chair will have discretion as to how such a protocol will be implemented at the meeting and, where no agreement can be reached between the Political Groups, whether and (if so) how any extension of the three minute limitation might be permitted to operate.

5 **When a Shadow Councillor may speak again**

At a Shadow Council meeting a Shadow Councillor 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 another Shadow Councillor;
- (b) if the motion has been amended since he/she last spoke, to move a further amendment;
- (c) if his/her first speech was on an amendment moved by another Shadow Councillor, 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 given by paragraph 12A or 14 of this Appendix;
- (e) on a point of order referring to the specific Procedure Rule;
- (f) by way of personal explanation; or
- (g) to move one of the motions specified in 13(b) to (j), below when the procedure in those paragraphs shall be followed.

At Committees or Sub-Committees Shadow Councillors may, at the discretion of the Chair, speak more than once.

6 **Amendments**

An amendment must be relevant to the motion and shall be either:

- (a) to leave out words;
- (b) to leave out words and add others;
- (c) to insert and/or add words;

but such amendment shall not have the effect of negating the motion before the Shadow Council.

7 **Notice of Amendments**

A Shadow Councillor who wishes to propose an amendment to a motion submitted in accordance with Procedure Rule 13 shall be required to submit that motion to the Interim/Appointed Monitoring Officer no less than 48 hours before the start of the meeting. Amendments to reports of which notification has been included within the summons of the meeting may be moved without notice.

8 **Number of Amendments**

Only one amendment may be moved and discussed at a time. No further amendment shall be moved until the amendment under discussion has been disposed of, although the Chair may allow two or more amendments to be discussed (but not voted on) together if this would facilitate the proper conduct of the business before the meeting.

9 **Status of Amendments**

If an amendment is lost, another amendment may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

10 **Alterations to Motions or Amendments**

A Shadow Councillor may alter a motion or amendment of which he/she has given notice and may also, with the consent of the seconder, alter a motion or amendment which he/she has moved. In both cases, the consent of the Shadow Council (the Committee or Sub-Committee) is required. There should be no discussion on whether consent should or should not be given.

11 **Withdrawal of Motion**

A motion or amendment may be withdrawn by the mover provided the seconder and the meeting, without discussion, agree. Once the mover has asked for permission to withdraw, there should be no further discussion, unless the meeting refuses to agree to the request.

12 **Right of Reply**

The mover of the motion shall have a right to reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original motion shall have a right of reply at the close of the debate on the amendment but shall not otherwise speak on it. The mover of the amendment shall have no right of reply to the debate on his/her amendment.

13 **Motions which may be moved during debate**

When a motion is under debate no other motion shall be moved except the following:

- (a) to amend the motion (subject to paragraph 7);
- (b) to adjourn the meeting;
- (c) to adjourn the debate;

- (d) to proceed to the next business;
- (e) to suspend Procedure Rules;
- (f) to refer a matter to the Shadow Council, Shadow Executive Committee, a Committee or Sub- Committee for consideration or reconsideration;
- (g) that the question be now put;
- (h) that a Shadow Councillor be not further heard;
- (i) by the Chair under Procedure Rule that a Shadow Councillor do leave the meeting;
- (j) a motion under Section 100A(4) of the Local Government Act 1972 (as amended) to exclude the public.

14 **Closure Motions**

A Shadow Councillor may move, without comment, at the conclusion of a speech of another Shadow Councillor, "That the Shadow Council proceed to the next business", "That the question be now put", "That the debate be now adjourned", or "That the Shadow Council do now adjourn". When one of these Motions has been seconded the Chair shall proceed as follows:

- (a) on a motion to proceed to next business - unless in his/her opinion the matter before the meeting has been insufficiently discussed, he/she shall first give the mover of the original motion the right of reply, and then put to the vote the motion to proceed to next business;
- (b) on a motion that the question be now put - unless in his/her opinion the matter before the meeting has been insufficiently discussed, he/she shall put to the vote the motion that the question be now put and, if it is passed, give the mover of the original motion the right of reply before putting the motion to the vote;
- (c) on a motion to adjourn the debate or the meeting - if in his/her opinion the matter before the meeting has been insufficiently discussed on that occasion he/she shall put the adjournment motion to the vote without giving the mover of the original motion the right of reply on that occasion.

15 **Points of Order**

A Shadow Councillor may rise (or where necessary, instead raise their hand) on a point of order or in personal explanation and shall be entitled to be heard immediately. A point of order shall relate only to an alleged breach of a Procedure Rule or statutory provision and the Shadow Councillor shall specify the Procedure Rule or statutory provision and the way in which

he/she considers it has been breached. A personal explanation shall be confined to some material part of a former speech by him/her which may appear to have been misunderstood in the current debate.

16 Ruling of Chair on a Point of Order/Personal Explanation

The ruling of the Chair of the meeting on a point of order or on the admissibility of a personal explanation shall not be open to discussion and shall be final. The Chair of the meeting shall consult on any question of interpretation with the Interim/Appointed Monitoring Officer or their designated nominee prior to making a ruling.

17 Respect for the Chair

At the Shadow Council meeting whenever the Chair rises during a debate a Shadow Councillor then standing shall sit down and the Shadow Council shall be silent. In Committee or Sub-Committee meetings, whenever the Chair rises from his/her seat, the Shadow Councillors should remain in their seats and the Committee or Sub-Committee shall be silent.

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Appendix 4 - Procedure Rules Relating to the Shadow Council, Committees and Sub-Committees: Meeting Procedure Rules 18 and 30 - Urgent Business

Non-Shadow Executive Committee Functions

1 Approval of urgent business

Where any matter is urgent and cannot await the next meeting, the lead officer of the Central Implementation Team may take the necessary action, provided that he/she has first consulted the relevant Chair (or Vice- Chair if he/she is not available).

2 Consultation

A copy of the consultation document shall be sent to the appropriate Shadow Executive Committee Member, the Chair of the appropriate Overview and Scrutiny Committee, the group leaders and the Shadow Councillors for the area concerned, if the matter particularly affects one or more electoral areas.

3 Written approval

Any such approval shall be in writing, consideration being given after consultation with the Interim/Appointed Chief Finance Officer and the Interim/Appointed Monitoring Officer.

4 Obligations of the Interim/Appointed Monitoring Officer

The Interim/Appointed Monitoring Officer shall forthwith supply a copy of any approval requiring a report to a Committee or Sub-Committee which has been given by him/her to the lead officer of the Central Implementation Team and the Interim/Appointed Chief Finance Officer.

5 Report to Committee

A report of any action under paragraphs 1 to 4 above of this Procedure Rule shall be made available by electronic means to all Shadow Councillors of the Shadow Council.

Shadow Executive Committee functions

6 Consultation

The lead officer of the Central Implementation Team shall have sole discretion to decide the matter, having first taken into account any views of Shadow Councillors consulted under this procedure. A copy of the consultation document under this procedure shall also be sent to the Chair and Spokespersons of the appropriate Overview and Scrutiny Committee, the appropriate Shadow Executive Committee Member and the Shadow

Councilors for the area concerned, if the matter particularly affects one or more electoral areas.

7 Written Approval

Any such approval shall be in writing, and shall only be given after consultation with the Interim/Appointed Chief Finance Officer and the Interim/Appointed Monitoring Officer.

8 Obligations of the Interim/Appointed Monitoring Officer

A copy of any approval which has been obtained under paragraphs 6 to 8 above shall be supplied forthwith to the Interim/Appointed Monitoring Officer and the Interim/Appointed Chief Finance Officer.

9 Report to Shadow Executive Committee

A report of any decision under paragraphs 6 to 8 above shall be made available by electronic means to all.

10 Access to Information

In processing and deciding any matter under paragraphs 6 to 10 above, the relevant requirements of the Access to Information Procedure Rules will apply, as set out in this Constitution.

Appendix 5 - Procedure Rules relating to Committees and Sub-Committees: Meeting Procedure Rule 27 - Agenda items submitted by Shadow Councillors

- 1 This Rule does not apply to special meetings of Committees and Sub-Committees or to the Shadow Executive Committee.
- 2 A Shadow Councillor may, by notice given to the Interim/Appointed Monitoring Officer no later than ten clear working days before the appropriate meeting, request that an item of business be included on the agenda of a Committee or Sub-Committee.
- 3 A Shadow Councillor may not give notice of more than one item of business for any one meeting. The notice shall state the nature of the business and shall include the signature of that Shadow Councillor.
- 4 This procedure shall not apply where the item of business, if agreed, would have the effect of rescinding or amending any resolution passed by a Committee or Sub-Committee of the Shadow Council within the preceding 12 months.
- 5 Items arising from such notices shall appear on the agenda at the end of the Part 1 or Part 2 business.
- 6 This procedure will apply to Shadow Councillors of the Overview and Scrutiny Committee exercising their rights under Section 9FC of the Local Government Act 2000 and Overview and Scrutiny Committee Procedure Rule 32 to have an item, within the remit of that particular body, included on the Agenda and discussed at the next meeting of that body. The restrictions in paragraph 3 on the number of items shall not apply.

Appendix 6 - Procedure Rules relating to Shadow Council Meetings, Committees and Sub-Committees: Meeting Procedure Rules 11 and 12A

1. Under Procedure Rule 11, members of the public may make statements at meetings of the full Shadow Council, Shadow Executive Committee, and Committees of the Shadow Council. The protocol for statements is as follows:
 - a) Subject to the requirements of this protocol, a member of the public who lives or works in the the area of the Shadow Council may submit a written statement to the Leader of the Shadow Council, a portfolio holder or the Chair of the Shadow Council or of a Committee of the Shadow Council.
 - b) A person wishing to make a statement under this protocol shall submit the statement in writing which must be received by the Interim/Appointed Monitoring Officer at the main office of the Shadow Council at least 24 hours before the beginning of the meeting of the Shadow Council at which it is to be raised. The person's name and address must be included.
 - c) A statement put under this protocol must relate to an item on the public part of the agenda.
 - d) Statements shall be printed in order of receipt and circulated to Shadow Councillors prior to the commencement of the Shadow Council meeting. No discussion shall be allowed upon statements.
 - e) The person making the statement shall normally attend the meeting to read out their statement.
 - f) If statements are unsuitable in form, frivolous, defamatory, derogatory or relate to a matter which the Shadow Council would be likely to consider in the absence of the press and public, the Chair shall have the right to rule the statement out of order.
2. The time for statements from members of the public shall normally commence immediately after the item 'Chair's Announcements' on the Shadow Council agenda. The time limit for making a statement shall be 3 minutes and the time available for statements shall be restricted to a total of 30 minutes.
3. In accordance with Procedure Rule 12A, members of the public (and Shadow Councillors) may ask questions at meetings of the full Shadow Council. The protocol for questions is as follows:
 - a) Subject to the requirements of this protocol, a member of the public who lives or works in the area of the Shadow Council may submit a written question to the Leader of the Shadow Council, a portfolio holder or the Chair of the Shadow Council or of a Committee of the Shadow Council.

- b) A person wishing to ask a question shall submit the question in writing which must be received by the Interim/Appointed Monitoring Officer at the main office of the Shadow Council by 10.00 am three clear working days before the meeting of the Shadow Council at which it is to be asked. The person's name and address must be included.
 - c) A question shall relate to Shadow Council business and shall be so framed as to elicit information rather than make a statement.
 - d) Questions shall be printed in order of receipt and circulated to Shadow Councillors prior to the commencement of the Shadow Council meeting. No discussion shall be allowed upon questions or answers.
 - e) If questions are unsuitable in form, frivolous, defamatory, derogatory or relate to a matter which the Shadow Council would be likely to consider in the absence of the press and public, the Chair of the Shadow Council shall have the right to rule the question out of order.
 - f) Following the answer to each question, the questioner may ask a supplementary question which relates to the initial answer. A reply may not be given if the question is: not related to the initial answer; is unduly lengthy; or is inappropriate.
4. The time allowed for questions under Rule 12A will be a maximum of 30 minutes, but is otherwise a matter for the discretion of the Chair who, in exercising his/her discretion, will have regard to the business to be transacted at the meeting and the objective of ensuring that the meeting is managed efficiently.