

Appendix B

Extracts from the Constitution – Chairing the Council, Councillors Questions and Motions

Part 2

Article 5 – Chairing the council

5.1 Role and function of the chairman

The chairman will be elected by the council annually.

The chairman of the council, and in his/her absence, the vice-chairman, will have the following roles and functions:

- to uphold and promote the purposes of the constitution, and to interpret the constitution when necessary on advice from the chief executive or monitoring officer
- to preside over meetings of the council so that its business can be carried out efficiently and with regard to the rights of members of the council and the interests of the community
- to ensure that the council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not on the cabinet are able to hold the cabinet to account
- to promote public involvement in the council's activities
- to attend, or nominate some other non-cabinet member to attend such civic functions as he/she determines appropriate, given the essentially ceremonial character of the office, acknowledging that representation on matters of a political nature is more appropriately handled by the leader of the council or another member of the cabinet.
- to agree matters of special urgency to the extent permitted by the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 as amended.

Part 4

Councillors' Questions

57. A member of the Council may ask the Leader of the Council, any other member of the Cabinet or Chairman of a committee or sub-committee any question without notice on a report of the Cabinet, Cabinet member or a committee or sub-committee when that report is being received or under consideration by the Council.

Questions on notice

58. In respect of council meetings, a member of the council may ask

- the Chairman of Council
- Leader of the Council
- Cabinet member
- Chairman of a committee

as appropriate, a question on any matter in relation to which the council has powers or duties or which affects the Council's administrative area at all ordinary meetings on matters which are not included in a report to the council.

59. In respect of committee meetings, a member of the council may ask a question of the Chairman of the committee a question on any matter in relation to the powers and duties of that committee at all ordinary meetings on matters which are not included in a report to that committee.
60. In the case of extraordinary meetings of council and committees, questions must relate to the subject(s) under consideration at the extraordinary meeting.

Notice of questions

61. Questions must be delivered in writing or by electronic mail to the Director of Resources no later than 5pm four clear working days before the meeting. This means that for a meeting held on a Tuesday, questions must be received by 5pm Tuesday of the preceding week (less any intervening bank holiday). The period of notice is to allow sufficient time for a response to be formulated.
62. In exceptional circumstances the Chairman may allow questions without the full period of notice having been given where he or she is satisfied there is sufficient justification. In these circumstances, there is no guarantee that a full reply will be given at the meeting.
63. Notice of each question must include the name of the member asking the question and to whom the question is to be put.

Scope of questions

64. The question must be relevant to the powers and duties of the Full Council/committee and be clear and concise. A question will be rejected where it:
- does not relate to a matter for which the Council/committee has a responsibility or which affects the council's administrative area
 - is defamatory, frivolous, offensive, vexatious, unlawful or otherwise improper
 - relates to any non determined planning or licensing application
 - requires the disclosure of confidential or exempt information
 - names or identifies individual service users, members of staff or members of staff of partner agencies
 - considered by the Chairman to be inappropriate for the particular meeting.

65. The Chairman's ruling on rejection of a question will be final following consultation with the Monitoring Officer.
66. Where a question is rejected on the above grounds, the councillor shall be advised of the reasons for rejection. Time permitting, the councillor will be given an opportunity to submit an amended question that will be considered afresh against the criteria in paragraph 64 (reasons for rejection). For the avoidance of doubt, questions amended in this way, must be delivered within the timescale referred to at paragraph 61 above.

At the meeting

67. Questions will be dealt with in order of receipt subject to the Chairman's discretion to group together questions on the same or similar subject.
68. The Chairman may choose to take questions as read. However, if a councillor wishes to ask his or her question at the meeting, he or she will be given up to three minutes to ask each question. If the councillor is not able to be present at the meeting, he or she can nominate another councillor to ask the question on his or her behalf. If no alternative councillor is nominated, the Chairman may ask the question on the councillor's behalf or indicate that a reply will be given in writing where possible within five working days of the meeting.
69. The relevant member of the council or another councillor on their behalf, will aim to provide a response in advance of, or at, the meeting. **Where it is not possible to provide a response at the meeting, a written response will be sent to the councillor where possible within five working days of the meeting and copied to all councillors or members of the committee as appropriate.**

Supplementary question

70. For each question submitted, a councillor will be permitted to ask one supplementary question without notice which must be relevant to the original question or arise from the response given. The Chairman may reject the supplementary question on the grounds listed in paragraph 64 above (reasons for rejection).
71. The person to whom the question has been put or another councillor on their behalf, shall answer the supplementary question if he or she is able to do so at the time. If this is not possible, a written response will be provided to the councillor where possible within five working days of the meeting.

Form of response

72. A response may take the following forms:

- **a direct oral answer,**
- where the answer is contained within a publication of the Council or in any report or minutes by reference to those documents
- a written reply

No debate on questions

73. Ordinarily, no debate shall be allowed on questions presented or responses given. In exceptional circumstances only the Chairman may allow discussion. No decision can be made arising from a question other than to refer it to council, cabinet or a committee by way of a motion which shall be moved, seconded and voted on without discussion.

Circulation of questions and responses

74. Upon receipt, copies of questions will be circulated to the Chairman and Vice-Chairman of Council or committee as appropriate, Leader of the Council and the

member of council to whom the question is to be put and any other relevant councillors.

75. Copies of questions received in accordance with these rules will be provided to all councillors or members of the committee as appropriate prior to the meeting.
76. Copies of responses where available, will be circulated to councillors two days before the meeting unless this is not possible due to exceptional circumstances. (Note: Volume of questions could be regarded as an exception circumstance).

Record of questions

77. The minutes of the meeting shall record the name of the councillor asking the question, the subject matter, and the name of the councillor replying.

Motions on notice

Notice

78. Except for motions which can be moved without notice under paragraph 101, written notice of every motion signed by at least two members of council must be delivered to the Director of Resources no later than ten clear working days before the date of the meeting. This is to ensure that where appropriate a report is prepared to assist Council in its consideration of the motion.
79. In exceptional circumstances and in cases of urgency, the Chairman may accept motions without the full period of notice having been given.
80. Delivery can be by electronic means provided that the Director of Resources is satisfied that it has been sent by the councillors concerned.
81. Notices of motion may be moved at the Annual Meeting or any ordinary meeting of the Council.
82. Notices of motion may be moved at extra-ordinary meetings of the Council but only if the notice of motion relates to the subject matter of that extra-ordinary meeting.
83. There is no limit on the number of notices of motion that may be submitted to each meeting. However, the Chairman will apply this rule in the context of the length of the agenda to ensure proper conduct of the business to be transacted.

Scope

84. Motions must be clear and concise and be about matters for which the council has a responsibility or which affect the council's administrative area.
Motions will be rejected where they:
 - do not relate to a matter for which the council has a responsibility or which affect the council's administrative area or those living in that area
 - are defamatory, frivolous, offensive, vexatious, unlawful or otherwise improper
 - relate to any non determined planning or licensing application
 - name or identify individual service users, members of staff or members of staff of partner agencies
 - considered by the Chairman to be inappropriate for the particular meeting or undermines the purposes of the constitution.
85. The Chairman's ruling on rejection of a motion will be final following consultation with the Monitoring Officer.
86. Where a motion is rejected, the councillors concerned will be advised as soon as possible giving reasons for rejection. Where time permits, the councillors concerned

may submit an amended motion which will be considered afresh against the criteria in paragraph 84 above. For the avoidance of doubt, motions amended in this way must be delivered within the timescale referred to at paragraph 78 above.

Recording of motions

87. On receipt of notices of motion received in accordance with these rules, the Director of Resources will enter the details of the motion and the time and date of receipt in a book. This book shall be open for inspection by members of the public during normal office hours.
88. Motions received in accordance with these rules will be listed on the agenda in the order in which notice was received subject to the Director of Resources' discretion to group together motions on the same or similar subject, unless the councillors giving notice state in writing that they propose to move it to a later meeting or withdraw it.

At the meeting

89. The Chairman will invite the proposer, or one of the councillors, who has given notice of the motion to move the motion. Where these councillors are not available at the meeting, the motion can be moved and seconded by any other councillors.
90. A notice of motion must be moved at the meeting, it must then be seconded. If the motion is not moved and seconded, it will, unless postponed by consent of the Council, be treated as abandoned and may not be moved without fresh notice.
91. Once moved and seconded at the meeting, the councillor proposing the motion will be given up to five minutes in which to present his or her motion.
92. The Chairman will give the relevant cabinet member an opportunity to respond to the motion giving him or her up to five minutes in which to do so.
93. On considering a notice of motion and subject to paragraphs 95-100 below, the following options shall then be open to the council:
 - debate the motion and vote on it
 - refer it to an appropriate member body with or without debate
 - refer it to the Leader of Council with or without debate
94. The Chairman will move that the motion either be debated on the day or referred to the appropriate member body. This will be seconded by the Vice-Chairman of Council or in his or her absence, another member of the council and put to the vote without discussion. On the question of referring the motion to an appropriate member body, the only amendment the Chairman will accept is to which member body the motion should be referred.
95. If the motion relates to a function exercisable only by the council then the council will debate the motion and on consideration of a report, determine the motion or refer it to a future meeting of the Council.
96. If the motion relates to a function that has been delegated to another member body then the council will vote without debate on whether to refer the motion to that member body.
97. If referred to another member body that member body must consider the motion at its next available meeting. The mover and seconder of the motion will be invited to attend that meeting if they are not already members of that body in order to present their motion but will not be able to vote unless they have voting rights. The member body must report back to the council as soon as practicable by way of the minutes of that meeting.
98. If the notice of motion is referred to another member body following debate at council, a summary of the debate at council together with any recommendation will be taken

into account by the member body when considering the motion.

99. If the notice of motion relates to an executive function, the motion will be referred to the Leader of the Council. The Leader will write to the proposers of the motion with a copy to all members of the council, advising them what steps he or she proposes to take.
100. Any decision of council arising from a motion must comply with the principles of decision making as set out in Part 2, paragraph 14.2 of this Constitution.