

SURREY HEATH BOROUGH COUNCIL

Surrey Heath House
Knoll Road
Camberley
Surrey
GU15 3HD

Friday, 8 April 2022

To: The Members of the Surrey Heath Borough Council

Dear Councillor,

You are hereby summoned to attend a meeting of Surrey Heath Borough Council to be held in the Council Chamber, Surrey Heath House on Wednesday, 20 April 2022 at 7.00 pm. The business which it is proposed to transact at the meeting is set out below.

Please note that this meeting will be recorded.

Yours sincerely

Damian Roberts

Chief Executive

1. Apologies for Absence

To report apologies for absence.

3. Report of the Returning Officer

To receive the report of the Returning Officer in relation to the by-election for the Bisley & West End ward (to follow).

5. Leader's Announcements

8. Questions from Councillors

Top deal with questions, if any, received under Council Procedure Rule 11.

9. Executive, Committees and Other Bodies

To receive the open minutes of the following bodies (minutes reproduced in the

Minute Book), to answer questions (if any) in accordance with Council Procedure Rule 11.5 and to consider the recommendations as set out below:

- (a) Executive – 28 February and 15 March 2022
- (b) Planning Applications Committee – 7 April 2022
- (c) Performance and Finance Scrutiny Committee – 17 February and 9 March 2022
- (d) External Partnerships Select Committee – 1 March 2022
- (e) Employment Committee – 6 April 2022
- (f) Joint Staff Consultative Group – 3 March and 29 March 2022

10. Motions

Councillor Rodney Bates to move that:

“this Council

- (i) notes
 - a. that since 2001, over 600 communities across the UK have secured Fairtrade status;
 - b. that Surrey County Council achieved Fairtrade status in September 2015 and that Rushmoor, Guildford and Addlestone also have Fairtrade status within its vicinity;
 - c. the principles of an area with Fairtrade status namely any community that:
 - supports Fairtrade and deepens understanding of the benefits that Fairtrade brings;
 - takes action by choosing Fairtrade products whenever possible and encourages others to do likewise;
 - achieves and continues to take action on the five Fairtrade goals set by the Fairtrade Foundation;
- (ii) believes that Fairtrade is an important value within our community and that we should take positive action towards achieving Fairtrade status across the Borough;
- (iii) supports Fairtrade and serve Fairtrade products wherever possible and practical at Council events, meetings and within Council buildings;
- (iv) promotes awareness and understanding of Fairtrade across Surrey Heath using its Council communication channels and to highlight the Council’s commitment to this principle;

- (v) establishes a local Fairtrade steering group including representatives from this Council, local business, education, relevant community groups and the faith community to develop a Fairtrade campaign and action plan for Fairtrade status; and
- (vi) submits the application for formal Fairtrade status for the Borough of Surrey Heath by no later than 31 March 2023.”

11. Governance Working Group (Pages 5 - 50)

To consider the report of the Head of Legal & Democratic Services (attached).

12. Committee Memberships

To consider the report of the Head of Legal & Democratic Services (report to follow).

13. Leader's Question Time

The Leader to answer questions from Members in relation to the Executive functions.

14. Exclusion of Press and Public

The Mayor to move “That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the consideration of the business set out in items 15 and 16 below on the ground that they involve the likely disclosure of exempt information as defined in paragraphs 3 of Part 1 of Schedule 12A of the Act.”

15. Urgent Action (Pages 51 - 60)

16. Review of Exempt Items

To review those items or parts thereof which can be released as information available to the public.

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Surrey Heath Borough Council
Council
20 April 2022

Governance Working Group

Head of Service: Gavin Ramtohal – Head of Legal & Democratic Services
Report Author: Rachel Whillis – Democratic Services Manager
Key Decision: No
Wards Affected: n/a

Summary and purpose

To review and agree the Governance Working Group's recommendations in respect of the Council, Executive, Committees and Other Bodies Procedure Rules.

Recommendation

The Council is advised to RESOLVE that

- (i) Council Procedure Rules be amended, as set out at Annex A to this report;
- (ii) the Executive Procedure Rules be amended, as set out at Annex B to this report; and
- (iii) the Committees, Sub Committees and Other Bodies Procedure Rules be amended, as set out at Annex C to this report.

1. Background and Supporting Information

- 1.1 The review of the Procedure Rules forms part of the holistic review of the Constitution being undertaken by the Monitoring Officer.

2. Council Procedure Rules

- 2.1 The Council is asked to consider the proposed changes to Council Procedure Rules recommended by the Governance Working Group, as set out below.

Calling Meetings

- 2.2 The Working Group considered whether to add wording to clarify that, where an extraordinary meeting is called to consider a motion that the Chief Executive is minded to reject in accordance with Procedure Rules 12.3 and 12.4, this meeting will not be called. The Working Group did not pursue this suggestion.
- 2.3 The Group also discussed whether extraordinary meetings should continue to be confined to a single item of business. It was agreed that, whilst

extraordinary meetings should be restricted to the item(s) for which the meeting has been called, they should be able to consider more than one item of business. Extraordinary meetings would continue not to consider items such as minutes of the previous meeting.

Motions

- 2.4 The Procedure Rules on motions have been reviewed with a focus on upholding the following principles:
- The business addressed by the Council is relevant and does not conflict with the responsibilities of another statutory body.
 - Decisions are made by the correct decision maker, in accordance with the provisions of the Local Government Act 2000.
 - Decisions are concise and, where relevant, well informed by the necessary professional advice.
 - Members seeking to submit a motion have a clear understanding of the parameters for a motion.
- 2.5 The scope of motions is currently very broad and consideration was given to whether more context/ qualification is required for the statement that a motion can encompass matters which “affect the Borough of Surrey Heath”. Having discussed this matter, no changes were proposed by the Group.
- 2.6 Where a decision is considered to be out of order, improper, unlawful, or has significant budgetary implications, there is currently no facility for an officer to provide formal advice where the motion is included on an agenda due to 10 members formally making this request. Whilst the Chief Executive will endeavour to resolve any concerns through dialogue with the Member submitting the motion before the agenda is published, the Working Group agreed that provision should be made for the Chief Executive to publish formal advice, in case an agreement cannot be reached. It was also agreed that the Member submitting the motion would have the right to accompany this with a written explanation of their reasons for seeking the decision.
- 2.7 The Working Group discussed motions that refer to executive decisions and the separation of functions between the Council and Executive, as provided for in the Local Government Act 2000, associated legislation and guidance. It was felt that where the decision requested of the Council should instead be referred to the Executive or a scrutiny committee, Council Procedure Rules 12.6 and 14.11(i) already provided the necessary mechanisms for this purpose.
- 2.8 Members discussed motions that have significant financial implications outside the agreed budget and agreed that the source for funding that decision must be contained as part of the motion. In practice, this requires the Chief Executive having authority to reject a motion where financial implications are not been addressed in the motion, but this would only be exercised where the Chief Executive has unsuccessfully sought to resolve this prior to publication of the agenda. Members of the Working Group discussed

whether to indicate a value for a 'significant financial implication' but recognised that, considering the current financial climate, any value posed could cease to be appropriate.

- 2.9 It was agreed to add wording to provide that, where two similar motions are received and the action requested in the second motion could be achieved by amendment to the first motion, the second will be rejected. In practice, this does not preclude officers from working with the Members submitting each motion to enable them to include a combined motion on the agenda.
- 2.10 The Group agreed to place a limit of 350 words in a motion and also agreed that any amendments to motions should be restricted to an additional 150 words. No changes were proposed to the number of motions permitted per meeting or the number of councillors required to sign a notice of motion.

Rule of Debate and Length of Speech

- 2.11 The Working Group is recommending removing the right for the seconder to reserve their speech until later in the debate. The Group recognised that by the time a seconder speaks it could be irrelevant if the debate has moved on and removing the option would also support a better structure for the debate.
- 2.12 In relation to Budget meetings, it is proposed that movers and seconders of amendments will be given the same rights to length of speech as the movers and seconders of motions on notice. This will allow those moving amendments to the budget/ alternative budgets greater time to present their arguments.
- 2.13 The Constitution is currently silent on the length of time any other member may speak during a debate. It is proposed to add wording to state that they may not speak for more than 3 minutes, except when considering the budget.
- 2.14 The paragraphs relating to Point of Order and Personal Explanation have been moved and an additional clause added to the definition of a personal explanation.

Presentation of officer reports

- 2.15 At present, all debates relating to decisions and recommendations arising from officer reports are treated as motions and conducted under the rules of debate. The Working Group considered whether officers should introduce their report, which would be followed by a Member moving a motion relating to the report. It was agreed that this should be the adopted procedure where the report relates to the function of a statutory officer or where the Council has asked the officer to produce a report, but otherwise reports would be introduced by Members. It is not proposed to change Council Procedure Rules to reflect this suggestion.

Questions at Council meetings

- 2.16 The Working Group reviewed the provisions for asking questions at Council meetings and proposed to alter how Questions at Council are ordered at meetings so the standard Council agenda would contain the following:
- Penultimate item on Part I of the agenda – Questions by Members of the Public
 - Final item on Part I of the agenda - Questions received in accordance with (Procedure Rule 11), followed by Leader’s Question Time (Procedure Rule 11A)
- 2.17 The proposal above would not require any changes to the Procedure Rules.

Voting

- 2.18 Procedure Rule 17 – Voting has been amended to allow for recorded votes to be conducted electronically where possible. Where it is not possible to conduct the vote electronically, a recorded vote will be conducted by a roll-call vote. The Working Group discussed adding a minor amendment to state that this would only refer to those present in the room. However, on reflection, this has not been included as it does not alter the position that only those legally entitled to vote will be allowed to do so and, furthermore, it future-proofs the Constitution in the event that the law is changed to allow members attending virtually to vote.
- 2.19 In relation to the Mayor’s Casting Vote, the Working Group discussed whether words should be added to clarify how this relates to a vote on the budget or nominations to positions. Following the discussion it was agreed to provide further clarification in relation to voting on appointments, but to retain the current position in relation to voting on the Budget.
- 2.20 The Working Group is also proposing adding an additional sentence to Rule 17.6 to clarify that, where there is only one candidate for a position, they will be elected.

State of the Borough Debate

- 2.21 The State of the Borough Debate has not been well used in recent years. It is also carried out at the request of the Leader. The Working Group proposes to remove the section entirely. The Leader can use his discretion to deliver a State of the Borough address during his announcements, if he wishes.

Procedure Rule 25 - Procedure Rules to be Given to Members

- 2.22 It is proposed to remove this section as it is archaic and not currently undertaken in practice.

3. Executive Procedure Rules

- 3.1 Executive Procedure Rules have been reviewed. It is proposed to make a minor amendment to Rule 9 to reflect the requirements set out in the Scrutiny Committee Procedure Rules at Part 4, section C of the Constitution.

4. Committees, Sub Committees and Other Bodies Procedure Rules

- 4.1 Minor amendments to the Committees, Sub Committees and Other Bodies Procedure Rules have been amended to reflect changes the senior management restructure. In addition, a number of other changes are proposed as detailed below.

Membership and Quorum of Sub Committees

- 4.2 Section 8 has been extended to include sections transferred from the Terms of Reference at Part 3 of the Constitution as they are more appropriately contained within Part 4 of the Constitution. This is also reflected in new paragraphs 21.1 and 21.2 of the Procedure Rules.
- 4.3 A paragraph has been added to provide for substitutes to participate in sub committees, if necessary, where the membership cannot be formed from the main body of the committee. Further provision has been allowed for further extending the pool for appointing members to Hearing or Appeals Sub Committees in exceptional circumstances.

Attendance at Meetings of the Joint Staff Consultative Group

- 4.4 An additional statement has been added to Section 12 to clarify that attendance by councillors at Joint Staff Consultative Group meetings will only be allowed in exceptional circumstances. This is to preserve the balance of Member and Staff Representatives on this negotiating body.

Voting at Planning Applications Committee

- 4.5 A minor amendment has been made to clarify that the reasons for proposing a decision contrary to an officer recommendation must be given prior to a vote being taken. This is to give transparency and good governance for decision making by ensuring that councillors are clear about the reasons on which they are voting for a decision.
- 4.6 The wording relating to voting has been altered to allow for electronic voting, although the requirement will remain for names to be publicly stated for the record by an officer.

5. Proposal and Alternative Options

- 5.1 It is proposed that Council reviews the Governance Working Group's proposals and agrees the recommendations, along with any further changes it considers appropriate.

6. Contribution to the Council's Five Year Strategy

1.1 No matters arising at this time.

7. Resource Implications

7.1 There are no specific resource implications arising from the review.

8. Legal and Governance Issues

8.1 None, other than as set out above.

9. Monitoring Officer Comments:

9.1 Article 12 of the Council's Constitution recognises the Monitoring Officer's duty to monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

10. Other Considerations and Impacts

Environment and Climate Change

10.1 No matters arising at this time.

Equalities and Human Rights

10.2 No matters arising at this time.

Risk Management

10.3 No matters arising at this time.

Community Engagement

10.4 No matters arising at this time.

Annexes

Annex A - Proposed amendments to Council Procedure Rules

Annex B – Proposed amendments to Executive Procedure Rules

Annex C – Proposed amendments to Committees, Sub Committees and Other Bodies Procedure Rules

Background Papers

None

PART 4 - PROCEDURAL RULES

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13. Motions without notice

14. Rules of Debate

- 14.1 No speeches until motion seconded
- 14.2 Right to require motion in writing
- 14.3 Secunder's speech
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- 14.5 Length of speech
- 14.6 When a member may speak again
- 14.7 Amendments to motions
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- 14.10 Right of reply
- ~~14.11 Point of order~~
- ~~14.12 Personal explanation~~
- 14.13~~4~~ Motions which may be moved during debate
- 14.12~~4~~ Closure motions
- ~~14.13 Point of order~~
- ~~14.14 Personal explanation~~

15. ~~State of the Borough of Surrey Heath debate~~

- ~~15.1 Calling of debate~~
- ~~15.2 Form of debate~~
- ~~15.3 Chairing of debate~~
- ~~15.4 Results of debate~~

16. Previous decisions and motions

- 16.1 Motion to rescind a previous decision
- 16.2 Motion similar to one previously rejected

17. Voting

- 17.1 Majority
- 17.2 Mayor's casting vote
- 17.3 Show of hands

- 17.4 Roll Call Vote
- 17.5 Right to require individual vote to be recorded
- 17.6 Voting on appointments

- 18. Minutes**
 - 18.1 Signing the minutes
 - 18.2 No requirement to sign minutes of previous meeting at extraordinary meeting
 - 18.3 Form of minutes

- 19. Record of attendance**

- 20. Exclusion of public**

- 21. Members' conduct**
 - 21.1 Mayor standing
 - 21.2 Standing to speak
 - 21.3 Mayor to decide order of speaking
 - 21.4 Only one councillor to stand
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 - 21.6 Member to leave the meeting
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- 22. Disturbance by public**
 - 22.1 Removal of member of the public
 - 22.2 Clearance of part of meeting room

- 23. Suspension and amendment of council procedure rules**
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- 24. Interpretation of Procedure Rules**

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PART 4 - PROCEDURAL RULES

SECTION A

COUNCIL PROCEDURE RULES

1. Annual Meetings - Timing and Business

1.1 Annual Meeting of the Council following the ordinary election of councillors

Following the ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors.

This Annual Meeting will:

- (i) elect a person to preside if the Mayor is not present;
- (ii) elect the Mayor;
- (iii) elect the Deputy Mayor;
- (iv) receive the report of the Returning Officer (as appropriate);
- (v) approve the minutes of the last meeting;
- (vi) receive apologies for absence;
- (vii) receive any announcements from the Mayor and/or the Head of the Paid Service;
- (viii) elect the Leader for a four year term of office;
- (ix) appoint at least one scrutiny committee and such other committees and working groups as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Part 3, Table 1 of this Constitution);
- (x) agree the scheme of delegation or such part of it as the Constitution determines it is for the Council to agree (as set out in Part 3 Table 3 of this Constitution);
- (xi) consider any business set out in the notice convening the meeting, including motions and questions

1.2 Annual Meeting in other years

In any other years, the annual meeting will take place in March, April or May and will conduct the business set out at 1.1 above with exception of the election of the Leader.

1.3 Establishment of and Appointment to Committees and Working Groups of Council

At all Annual Meetings, the Council will:

- (i) decide which committees and working groups of Council to establish for the municipal year;
- (ii) decide the size and terms of reference for those committees and working groups of Council;
- (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 working group of Council;
- (v) appoint to those committees and working groups of Council on the nomination of the Party Group Leaders except where appointment to those bodies has been delegated by the Council or is exercisable only by the Leader;

(Note: whilst committees will ordinarily consist of Members, the Council may appoint committee members who are not members of the Council except where the committee concerned deals with the control or regulation of the Council's finances or of its area);

- (vi) appoint chairmen and vice chairmen of the committees and working groups of Council.

2. Ordinary meetings

Ordinary Meetings will usually be held ~~at approximately nine week intervals in~~ July, October, December, February and April. Ordinary meetings will:

- (i) elect a person to preside if the Mayor and Deputy Mayor are not present;
- (ii) approve the minutes of the last meeting;
- (iii) receive apologies for absence;
- (iv) receive any declarations of interest from members;

- (v) receive any announcements from the Mayor, the Leader, Members of the Executive or the Head of the Paid Service;
- (vi) present retirement and long service awards (if any) to employees of the Council;
- (vii) receive questions or presentations from the public, consistent with the Public Speaking Rules at Part 4 of this Constitution;
- (viii) receive, debate and respond to any petitions presented in accordance with the Petition Scheme at Part 4 of this Constitution;
- (ix) deal with any business from the last Council meeting;
- (x) receive questions from Members and provide answers in accordance with Rule 11;
- (xi) receive notice of any changes to the membership of Committees made by the Chief Executive in accordance with the wishes of the political groups;
- (xii) consider the appointment of a Chairman of a Committee either as a result of the change in membership of Committees or following a vote of no confidence by a Committee in accordance with Scrutiny Committees and Committees, Sub Committees and Other Bodies Procedure Rules at Part 4;
- (xiii) at the appropriate meeting, set the Council Tax for the coming year and at that meeting receive a statement of the Council's financial position by the Leader;
- ~~(xiv) at an appropriate meeting, to receive and debate a State of the Borough address by the Leader;~~
- (xv) receive and consider all other reports, minutes and recommendations of the Leader, individual Portfolio Holders, the Executive and committees;
- (xvi) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (xvii) consider motions in accordance with Rule 12;
- (xviii) consider any other business specified in the summons to the meeting;
- (xix) receive a report on key decisions taken outside policy and budget by reason of special urgency;

- (xx) permit Members to ask questions and receive answers from the Leader or specific Portfolio Holders in Executive Question Time;
- (xxi) make decisions in relation to those items considered at the meeting which are no longer to be regarded as exempt.

3. Extraordinary meetings

3.1 Calling extraordinary meetings.

Those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings:

- (i) the Council by resolution;
- (ii) the Mayor;
- (iii) the Monitoring Officer;
- (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; and
- (v) a Scrutiny Committee, if it so resolves, where it believes that a decision by the Leader, individual Portfolio Holder or the Executive was not wholly within budget or policy.

3.32 Business

In order to preserve the use of extraordinary meetings for debates concerning one-off, major matters the business which can be conducted at extraordinary meetings will be confined to a single item/the item(s) of business for which it has been called, with no consideration of previous minutes or reports from committees etc.

4. Time and place of meetings

The time and place of meetings will be determined by the Chief Executive and notified in the summons. Meetings will normally be held in the Council Chamber at Surrey Heath House and will commence at 7.00 pm.

5. Notice of and summons to meetings

- 5.1 The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Local Government Act 1972 and the Access to Information Procedure Rules.
- 5.2 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~~, unless a meeting is convened at less notice and this requirement cannot be met.

5.3 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. Cancellation of a Meeting

6.1 The Chief Executive may, after consultation with the Mayor, cancel a scheduled meeting if, in his/her opinion, there is insufficient business to justify calling it.

6.2 Once a meeting has been called in accordance with Rule 5 above, the meeting will not be cancelled unless it is impractical to hold such a meeting. The Chief Executive, after consultation with the Mayor, may rule that the meeting is cancelled and will advise all councillors and interested parties.

7. Chair of meeting

The person presiding at the meeting may exercise any power or duty of the Mayor.

8. Quorum

8.1 The quorum at a meeting of the Council is ten. If, after thirty minutes from the notified start time of the meeting, a quorum is not present, the business will be adjourned to a fixed date and time, or to the next Ordinary Meeting.

8.2 If during any meeting of the Council the Mayor, after counting the number of members present, declares that there is not a quorum present, the meeting will be adjourned.

8.3 When voting on a motion to remove the Leader of the Council, the quorum required is at least three quarters of the total number of members of the Council.

9. Duration of meeting

9.1 At 10.00pm the Mayor must ask the members present whether they wish to adjourn the meeting immediately, conclude the business of the evening by 10.30pm or adjourn to a different date. The meeting must adjourn no later than 10.30pm.

9.2 The Council will only suspend this Standing Order on rare occasions when circumstances justify doing so. The motion to suspend this Standing Order must be seconded and then put to the vote without discussion.

10. Public Participation and Petitions

10.1 Members of the public and public groups and bodies may, at ordinary meetings, ask questions of members or make presentations in accordance with the Council's Public Speaking Rules set out at Part 4 of the Constitution.

10.2 Petitions at Council Meetings will be received, debated and responded to in accordance with the Petitions Scheme (Part 4 of the Constitution).

11. Questions by members

11.1 Questions on notice at full Council

Subject to Rule 11.2, a member of the Council may ask:

- the Mayor;
- the Leader or a member of the Executive; or
- the chairman of any committee or sub-committee

a question on any matter in relation to which the Council has powers or duties or which affects the Borough of Surrey Heath. Where the question meets the requirements of 11.2 below, the ~~Executive~~ Head of Corporate Legal & Democratic Services will give a copy of each question to every councillor attending the meeting.

11.2 Notice of questions

A member may only ask a question under Rule 11.1 if either:

- (a) they have given notice in writing of the question to the Chief Executive to arrive no later than 5 pm three clear working days before the meeting; or

(Note: if the Council meeting is on a Wednesday, the question must be received by 5.00 pm on the Thursday preceding the meeting providing there are no Bank Holidays in this period.)

- (b) the question relates to urgent matters, they have the consent of the Mayor to the question being put and the content of the question is given to Chief Executive by 10.00 am on the day of the meeting.

11.3 Response

The question will be put and answered without discussion. An answer given may be given:

- (a) by reference to published material of the Council or that which is readily available to the members; or
- (b) in writing.

The question and the written response will be circulated to Councillors by no later than 2.00pm on the day of the Council meeting.

11.4 Supplementary question

- (a) A member asking a question under Rule 11.1 may ask one supplementary question without notice of the member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply and the answer will be given as in 11.3 above.
- (b) If an answer to the supplementary question is to be made in writing, the answer must be circulated to all members of the Council by e-mail.

11.5 On Minutes of the decisions made by the Leader, Portfolio Holders, Executive or Committees

A member of the Council may ask the Leader or the chairman of a committee any question without notice upon an item of the minutes of the decisions of the Leader, individual Portfolio Holders, the Executive or a committee when that item is being received or under consideration by the Council.

11A. Leader's Question Time

- 11A.1 The purpose of Leader's Question Time is to allow Members to ask questions of the Leader which relate to his/her area of responsibility.
- 11A.2 The Leader, will respond to questions from Members each meeting.
- 11A.3 The Leader may respond orally, by reference to published material or that which is readily available to the members, or in writing. The Questions will be put and answered without debate.
- 11A.4 The total time allocated to Leader's Question Time will be no more than 20 minutes.

12. Motions on Notice

12.1 Notice

Except for motions which can be moved without notice under Rule 13, written notice of every motion, must be received by the Chief Executive at least seven clear days before the meeting, and be signed by the councillor(s) giving the notice.

(Note - seven clear days does not included the day of the meeting i.e. If the Council meeting is on a Wednesday the motion must be received by 5 p.m. on the Friday two weeks before the meeting providing there are no Bank Holidays in this period.)

12.2 Motion set out in agenda

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

12.3 Scope

Motions must be about matters for which the Council has a responsibility or which affect the Borough of Surrey Heath

Motions shall contain no more than 350 words. Any amendments to motions shall contain no more than 150 additional words.

12.4 Improper, Out of Order or Not Relevant Motions

If the Chief Executive receives a notice of motion and entertains any doubt as to whether the motion is

- (i) improper;
- (ii) unlawful;
- (iii) out of order;
- (iv) ~~or~~ not relevant to a matter for which the Council has a responsibility or which affects the Borough of Surrey Heath; or
- (v) requesting action which has financial implications that are outside the approved budget and where the budgetary implications have not been addressed in the motion

he or she must consult the Mayor before inserting or rejecting it. A motion rejected in this manner must not be inserted in the agenda except upon the written request of 10 members of the Council, at which point the Chief Executive will accompany the motion with a written report containing the relevant advice councillors need to take into consideration. The mover of the motion will have the right to accompany this report with a written explanation of their reasons for moving the motion.

Where a motion is received and the action requested is substantially similar to the action requested in a motion already received and accepted for inclusion on an agenda, the motion will be rejected by the Chief Executive after consultation with the Mayor.

12.5 Motions not Moved at the Meeting

The Council will treat as withdrawn any motion not moved, either by the member who gave notice or by some other councillor on their behalf, at the meeting at which it appears on the summons, unless its postponement is agreed. A motion must be seconded before any debate can take place.

12.6 Reference of or Dealing with Motions

Any motion the subject matter of which comes within the province of the Leader, individual Portfolio Holder, the Executive or any committee(s) may be

referred without discussion to the Leader, Portfolio Holder or body concerned, or any other body, for consideration and report or be dealt with at the meeting at which it is moved if the Mayor considers it would be advantageous to do so.

12.7 Notice of Reference of Motion

The councillor who has moved the motion must be notified by the **Executive Head of Corporate-Legal & Democratic Services** of the meetings of the body to which it has been referred, and has the right to attend the meeting(s) and to explain the motion.

12.8 Limit on Number of Motions

No councillor must have more than two notices of motion on the same agenda.

12.9 Motion to Replace Leader

- (a) A notice of motion to replace the Leader of the Council must state why the signatories consider the Leader should be removed and be signed by 10 members of the Council and received by the Chief Executive at least five clear days before the meeting.
- (b) Subject to the provisions relating to the quorum required when voting on such a motion (see Rule 8.2 above), at any meeting of the full Council, a councillor may propose that "the Council has no confidence in the Leader". The question shall, after debate, be put and, if carried by at least two-thirds of those councillors present, the Leader shall be removed from office.
- (c) If the Council passes a resolution to remove the Leader from office, a new Leader will be elected at the meeting at which the Leader is removed from office.

13. Motions without notice

The following motions may be moved without notice:

- (a) to appoint a chairman for that meeting or the remainder of the meeting;
- (b) in relation to the accuracy of the minutes of the Council;
- (c) to change the order of business in the agenda;
- (d) to receive the minutes and adopt recommendations of the Leader, individual Portfolio Holders, the Executive, committees or officers;
- (e) to refer, or refer back, a matter to an appropriate body or individual, providing it does not seek to amend or rescind a decision taken using delegated authority;

- (f) in relation to the consideration of an item on the agenda, but the motion must be relevant to that item, not introduce any new subject matter and not seek to amend or rescind a decision taken using delegated authority;
- (g) to appoint a body or a person to a body, arising from an item on the summons for the meeting;
- (h) to withdraw a motion;
- (i) to extend the time limit for speeches
- (j) to amend a motion;
- (k) to proceed to the next business;
- (l) that the question be now put;
- (m) to adjourn a debate;
- (n) to adjourn a meeting;
- (o) to suspend one or more Council Procedure Rule, except for Rules 17.5 and 18.2;

(Note: where the Council wishes to allow freer debate and remove restrictions relating to officers and consultants speaking, councillors speaking more than once, the time limit on speaking and the requirement to stand, Rules 14.6, 14.7 and 21.1 need to be suspended.)

- (p) to exclude the public and press under Section 100A(2) and Section 100A(4) of the Local Government Act 1972 and in accordance with the Access to Information Rules;
- (q) to not hear further a member named under Rule 21.5 or to exclude them from the meeting under Rule 21.6;
- (r) to give the consent of the Council where its consent is required by this Constitution; and
- (s) to carry out a statutory duty or power of the Council not delegated by law or the Constitution to the Leader which, in the opinion of the Mayor, is of an urgent nature.

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. When seconding a motion or amendment, the member will speak immediately after the member proposing the motion or amendment.

14.2 Right to require motion in writing

Unless notice of the 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~~

~~When seconding a motion or amendment, a member may reserve their speech until later in the debate.~~

14.4 Content of Speech

Speeches must be directed to the question under discussion or to a personal explanation or point of order.

14.5 Length of speech

Except with the consent of the Mayor:

(a) in respect of motions moved with notice (Rule 12 above), the mover of the motion may not speak for more than 8 minutes and the seconder 5 minutes

(b) subject to (c), in respect of motions moved without notice (Rule 13 above), the mover and the seconder of the motion may not speak for more than 3 minutes each

(c) in respect of motions moved in accordance with Rule 13 (j) during consideration of the item setting the Annual Budget, the mover of an amendment to a motion may not speak for more than 8 minutes and the seconder 5 minutes

(d) any other member speaking during a debate may not speak for more than 3 minutes, except during consideration of the item setting the Annual Budget where they may not speak for more than 5 minutes.

14.6 When a member may speak again

A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

(a) to speak once on an amendment moved by another member;

(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 (Rule 14.10);
- (e) to raise a point of order (Rule 14.1~~13~~);
- (f) by way of personal explanation (Rule 14.1~~23~~24).

(For this purpose, each separate minute of the decisions of the Leader, individual Portfolio Holder, the Executive, committee, sub-committee or joint committee, or group of minutes being taken together will be regarded as a separate motion.)

14.7 Amendments to motions

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

as long as the effect of (ii) to (iv) is not to negate the motion.
- (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) Notice of intention to move a further amendment, and the nature thereof, may, at the discretion of the Mayor be given before a vote is taken on the amendment before the meeting.
- (d) If an amendment is not carried, other amendments to the original motion may be moved.
- (e) 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.
- (f) 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, with the consent of the Council, alter a motion of which he/she has given notice. The Council's consent will be signified without discussion.
- (b) A member may, with the consent of both the Council and the seconder, alter a motion which he/she has moved without notice. The Council'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 Council and the seconder. The Council'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 or her amendment.

(d) A councillor exercising a right of reply shall confine him or herself to answering previous speakers and shall not introduce new matters or material. The Mayor's ruling on this will be final.

14.11 Point of order

A member may raise 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 Procedure Rules 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.

14.12 Right to personal explanation

A member may make a personal explanation at any time. 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

or correct an earlier statement. The ruling of the Mayor on the admissibility of a personal explanation will be final.

14.1~~31~~ **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) by the mover, to withdraw a motion;
- (b) to amend a motion;
- (c) to postpone consideration of a motion;
- (d) to proceed to the next business;
- (e) that the question be now put;
- (f) to adjourn a debate;
- (g) to adjourn a meeting;
- (h) to suspend one or more Council Procedure Rules;
- (i) to refer the subject of the debate to the Executive, a committee or to an officer for report;
- (j) to exclude the public and press under Section 100A(4) of the Local Government Act 1972 accordance with the Access to Information Rules; and
- (k) to not hear further a member named under Rule 21.3 or to exclude them from the meeting under Rule 21.4.

14.1~~42~~ **Closure motions**

(a) A member may move, without comment, the following procedural motions at the end of a speech of another member:

- (a) to proceed to the next business;
- (b) to take an immediate vote;
- (c) to adjourn a debate; or
- (d) to adjourn a meeting.

(b) On the seconding of any of the above procedural motions, the Mayor will proceed as follows:

Next Business

- (i) If the Mayor considers the item has been sufficiently discussed, he/she will give the mover of the original motion a right of reply and then put to the vote the motion to move to the next business.

An Immediate Vote

- (ii) If the Mayor considers the item has been sufficiently discussed, he/she will put to the vote the motion to move to an immediate vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her original motion to the vote.

Adjourn a Debate

- (iii) If the Mayor considers the item has not been sufficiently discussed and cannot reasonably be discussed on that occasion, he/she will put to the vote the motion to adjourn the debate without giving the mover of the original motion the right of reply.

Adjourn a Meeting

- (iv) If the Mayor considers the item has not been sufficiently discussed and cannot reasonably be discussed on that occasion, he/she will put to the vote the motion to adjourn the meeting without giving the mover of the original motion the right of reply.

(c) Relevance to the Question and No Amendments

A Member moving the adjournment of the debate or the meeting must confine his/her observations to that question and no amendment can be proposed to that motion unless it relates to the time of adjournment.

(d) Adjourned Debate

On resuming an adjourned debate, the Member who moved the adjournment is entitled to speak first. Thereafter, the normal rules of debate will apply.

(e) Second Motion to Adjourn Meeting

A second motion to adjourn the meeting cannot be made within a period of thirty minutes from the first motion unless moved by the Mayor.

~~14.13 Point of order~~

~~A member may raise 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 Procedure Rules 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.~~

~~14.14 Personal explanation~~

~~A member may make a personal explanation at any time. 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 Borough of Surrey Heath debate~~

~~15.1 Calling of debate~~

~~The Leader may call a State of the Borough of Surrey Heath debate annually on a date 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.~~

~~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 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 10 members.

16.2 Motion similar to one previously rejected

A motion or amendment, which in the opinion of the Chief Executive, after consultation with the Mayor, is in similar terms to one which has been rejected at a meeting of Council in the past six months, cannot be moved unless the notice of motion or amendment is signed by at least 10 members. 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

- (a) If there are equal numbers of votes for and against, the Mayor will have a second or casting vote.
- (b) If the Mayor fails to vote when the main vote is taken, an equality of a vote cannot be achieved by the Mayor casting an original vote and following that action with a casting vote. The Mayor's casting vote may be used whether or not the Mayor has already voted.
- (c) In the event of a tied vote, the proposer of the matter under debate shall have the opportunity of making a further speech of no more than 3 minutes. A further vote will then immediately be taken. If deadlock has not been broken, the Mayor must cast a vote in favour of the status quo. The status quo will usually be interpreted as the motion falling.
Where there is a tied vote on the appointment to a position, if relevant the Mayor will vote in favour of the current incumbent, but will otherwise have a free vote.

17.3 Show of hands

Except where a vote is being taken at a budget decision meeting or unless a ~~roll call~~recorded vote is demanded under Rule 17.4, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting."

17.3A Budget Decision Meeting

Immediately after any vote on the budget is taken at the budget decision meeting, there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.

17.4 ~~Roll Call~~Recorded Vote

If, before the Mayor begins to take a vote, three members present at the meeting demand it, the names for and against the motion or amendment or abstentions from voting will be taken down in writing and entered into the minutes.

Where the facility is available, this vote will be conducted electronically.
Where this is not possible, Eeach member present will be called by name and asked to indicate whether they are voting in favour of, or against the motion or amendment or abstaining from voting.

17.5 Right to require individual vote to be recorded

Where any member requests it immediately after the vote is taken, their vote will be recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

17.6 Voting on appointments

If there are more than two people nominated for any position to be filled by the Council and there is no clear majority of the votes cast in favour of one person, then the candidate who received the fewest votes must be eliminated from the voting and a fresh vote taken. This process will, if necessary, continue until a majority of votes has been cast in favour of one person.

Where there is only one candidate, they will be elected.

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 Section 100A(4) of the Local Government Act 1972 and the Access to Information Rules in Part 4 of this Constitution or Rule 22 (Disturbance by Public).

21. Members' conduct

21.1 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.

21.2 Standing to speak

When a member speaks they must stand and address the meeting through the Mayor.

21.3 Mayor to decide order of speaking

If two or more councillors indicate their wish to speak, the Mayor will decide the order of speaking.

21.4 Only one councillor to stand

While a councillor is speaking, all other councillors must remain seated and silent unless rising to a point of order or in personal explanation.

21.5 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.

21.6 Member to leave the meeting

If the 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.

21.7 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. Suspension and amendment of council procedure rules

23.1 Suspension

All of these Council Procedure Rules except Rule 17.5 and 18.2 may be suspended by motion on notice or without notice. Suspension can only be for the duration of the meeting.

23.2 Amendment

Any motion to add to, vary or revoke these Council Procedure Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

24. Interpretation of Council Procedure Rules

The ruling of the Mayor as to the application of any of the Council Procedure Rules, or as to any proceedings of the Council, must not be challenged at that meeting of the Council.

25. ~~Council Procedure Rules to be given to Members~~

~~25.1—A printed copy of these Procedure Rules will be provided to each Member.~~

~~25.2—Any amendment to these Procedure Rules will be notified in writing to every Member within 10 working days from the date of the meeting at which the amendment is approved by the Council.~~

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PART 4 - PROCEDURAL RULES

SECTION B

EXECUTIVE PROCEDURE RULES

1. Members of the Executive

- 1.1 The Executive will consist of the Leader and Deputy Leader together with at least 1, but not more than 8, councillors appointed to the Executive by the Leader. The Leader will report the appointments, and any changes to these appointments, to the Council.

2. Executive Decisions

- 2.1 The arrangements for the discharge of Executive functions will be set out by the Leader. The Leader may provide for Executive functions to be discharged by:

- (i) the Leader him/herself;
- (ii) the Executive as a whole;
- (iii) a Committee of the Executive;
- (iv) an individual Member of the Executive;
- (vi) an officer;
- (vii) an Area Committee;
- (viii) joint arrangements; or
- (ix) another local authority.

- 2.2 The Leader will report the arrangements, and any changes to the arrangements, to the Council

3. Working Groups

- 3.1 The Leader/Executive may appoint such working groups as is considered appropriate.

4. The Leader's Scheme of Delegation of Executive Functions

- 4.1 The Leader's Scheme of Delegation of Executive Functions will be determined and/or amended by the Leader. The Leader will report the Scheme as determined, and any amendments to it, to the Council.

5. Executive Meetings

5.1 Meetings of the Executive will be set by the Leader and included in the calendar of meetings. The Leader may call meetings in addition to those in the agreed calendar of meetings. The Executive will normally meet at Surrey Heath House unless another location is agreed by the Leader with the Chief Executive.

6. Public or Private Meetings

6.1 All meetings of the Executive at which decisions are taken, whether or not they are key decisions within the meaning of the Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012 will take place in public, except where the Executive is considering exempt business.

7. Quorum

7.1 The Quorum for a meeting of the Executive is one third of the membership, rounded up or 3 whichever is the larger.

8. How Decisions are to be taken by The Executive

8.1 Executive decisions which are to be taken by the Executive as a whole will be taken at a meeting convened in accordance with the Access To Information Procedure Rules in Part 4 of this Constitution.

8.2 The Executive will deal with proposals relating to the policy framework or budget in accordance with the Budget and Policy Framework Rules in Part 4.

9. Date When Executive Decisions Take Effect

9.1 When decisions have been taken by the Executive, the Monitoring Officer will issue to all members of the Council a summary of the decisions as soon as reasonably practical, normally by 5 p.m. on the following working day.

9.2 Decisions taken by the Executive can be called-in for scrutiny by a Scrutiny Committee. The protocol for call-ins is set out in the Scrutiny Committee Procedure Rules in Part 4. Requests for call-ins must be submitted by 5pm on the fifth working day following the issue of the summary of decisions. Decisions of the Executive will take effect or be actioned six working days after the issue of the summary unless the call-in process has been triggered.

9.3 Where a decision of the Executive is considered by the Monitoring Officer and Chief Executive to be urgent, it can take effect immediately the summary of the decision is published. If the decision is subsequently called – in, the Scrutiny Committee may still review the decision although the outcome will be not affected.

10. Decisions by the Leader and Individual Portfolio Holders

- 10.1 Where the Leader or an individual Member of the Executive receives a report which he/she intends to take into account in making an Executive decision, then he/she will not make the decision until at least 5 clear days after receipt of that report.
- 10.2 The officer who prepared the report will, at the same time as giving the report to the Leader or an individual Member of the Executive, give a copy of it to all Members of the Council and make the report publicly available, unless the report is exempt.
- 10.3 As soon as reasonably practicable after an Executive decision has been taken by the Leader or an individual member of the Executive or a key decision taken by an officer, the Chief Executive will prepare a record of the decision, a statement of the reasons for it, any advice sought or received from officers, and the options considered.
- 10.4 The Access to Information Procedure Rules provisions apply to the making of decisions by the Leader or individual members of the Executive, and decisions will be taken at a meeting convened in accordance with those Rules.

11. Conduct of Executive Meetings

- 11.1 The Leader will chair meetings of the Executive at which he/she is present. In the Leader's absence, the Deputy Leader will preside. If both are absent, the Executive will appoint a person from those present to preside at the meeting.

12. Who May Attend

- 12.1 Members of the public may attend any meeting where decisions are being taken by the Leader, individual Portfolio Holder or the Executive except where exempt or confidential information may be considered.
- 12.2 Any member of the Council may attend a meeting where decisions are being taken by the Leader, individual Portfolio Holder or the Executive which is open to the public but shall sit separately from the decision makers so that it is clear to any members of the public who are decision makers. Attendance by any member at these meetings will be recorded in the minutes of the meeting.
- 12.3 A councillor who attends a meeting where decisions are being taken by the Leader, individual Portfolio Holder or the Executive may, when invited to do so by the Leader (or person presiding, as appropriate), speak at the meeting on an item the decision maker is considering before the decision is made.

13. Business at Executive Meetings

- 13.1 At each meeting of the Executive held in public the following business will usually be conducted:

- (a) apologies for absence;
- (b) consideration of the minutes of the last meeting;
- (c) declarations of interest, if any;
- (d) receive, debate and respond to any petitions presented in accordance with the Petition Scheme at Part 4 of this Constitution;
- (e) receive and respond to any questions received from Members under Rule 16 below:
- (f) matters referred to the Executive (by either a Scrutiny Committee or Council) for reconsideration by the Executive in accordance with the provisions contained in the Scrutiny Committee Procedure Rules or the Budget and Policy Framework Rules;
- (g) consideration of reports and recommendations from Scrutiny Committees;
- (h) matters set out in the agenda for the meeting, which shall indicate which are Key Decisions;
- (i) recommendations of the Executive's Working Groups;
- (j) urgent Items, subject to the Access to Information Procedure Rules at Part 4.

14. Putting Items on the Executive Agenda

- 14.1 The Leader may put on the agenda of any Executive meeting any matter which he/she wishes, whether or not authority has been delegated to the Executive, a committee of it or any member or officer in respect of that matter. The Chief Executive will comply with the Leader's request in this respect.
- 14.2 Subject to the agreement of the Leader, any member of the Executive may ask the Chief Executive to make sure that an item is placed on the agenda of the next available meeting of the Executive for consideration. The proper officer will comply with any such request.
- 14.3 Any member of the Council may ask the Leader to put an item on the agenda of an Executive meeting for consideration and, if the Leader agrees, the item will be considered at the next available meeting. The notice of the meeting will give the name of the member who asked for the item to be considered.

15. Application of Council Procedural Rules

The following Council Procedural Rules apply to meetings of the Executive with any references to 'the Council and Mayor' being substituted by 'the Executive and Leader or person presiding at the meeting'.

- (b) Cancellation of a Meeting - Rule 6
- (c) Duration of Meetings - Rule 9
- (e) Voting - Rule 17
- (f) Minutes - Rule 18
- (g) Record of Attendance - Rule 19
- (h) Members' conduct - Rules 21.5, 21.6 and 21.7
- (i) Disturbance by the Public - Rule 22

16. Questions by Members

- 16.1 A Member of the Council may ask the Leader, or a member of the Executive, a question on any matter which relates to an Executive function.
- 16.2 The question will be put and answered without debate. An answer given may be given orally; by reference to published material of the Council or that which is readily available to the members; or in writing.
- 16.3 The period for questions by Members will not last more than 15 minutes.

17. Conflicts of Interest

- 17.1 Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of the Council's Constitution.
- 18.2 If every member of the Executive has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of the Council's Constitution.
- 18.3 If the exercise of an executive function has been delegated to a committee of the Executive, a Portfolio Holder or an officer, and a conflict of interest arises, then the function will be exercised in the first instance by the Executive and otherwise as set out in the Council's Code of Conduct for Members in Part 5.

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PART 4 - PROCEDURAL RULES

SECTION D

COMMITTEES, SUB COMMITTEES AND OTHER BODIES PROCEDURE RULES

COMMITTEES AND SUB-COMMITTEES - GENERAL

1. Application

These Rules do not apply to the Executive except for Rules 24 to 33 relating to Working Groups. Procedure Rules for the Executive and Scrutiny Committees are already included in the Constitution elsewhere in Part 4.

2. Size of Committees

The size of Committees and other bodies will be decided by the Council at its Annual Meeting.

3. Terms of Reference

The terms of reference of committees and other bodies is set out in Part 3 of the Constitution.

4. Who may sit on Committees

4.1 All councillors may be members of a committee except:

- (a) At least 2 members of the Employment Committee will be members of the Executive.
- (b) At least one member of the Executive will be appointed to the Appointments Sub Committee.
- (c) At least one member of the Executive will be appointed to a Hearing Sub Committee
- (d) At least one member of the Executive will be appointed to an Appeals Sub Committee
- (e) No more than 25% of the employer's representatives on the Joint Staff Consultative Group will be members of the Executive.
- (f) No more than 10% (rounded up) of members appointed to the Planning Applications Committee will be members of the Executive.

- (d) No more than 10% (rounded up) of members appointed to the Licensing Committee will be members of the Executive.

5. Substitute Members of Committees

- 5.1 Procedures for the appointment of substitute members of committees can be found in the Substitution Procedural Rules at Part 4 of the Constitution.

6. Chairing Committees

- 6.1 The Council will appoint chairmen and vice-chairmen of all committees at its Annual Meeting.
- 6.2 In the absence of the chairman and vice-chairman, the committee will appoint a chairman for that meeting or part of that meeting, as appropriate. The person presiding at the meeting may exercise any power or duty of the chairman.
- 6.3 At any meeting of a committee, a councillor may propose that “the meeting has no confidence in the chairman.” The question will, after debate, be put and if carried by a majority of at least two thirds of the councillors present, the chairman will stand down and the remainder of the meeting will be chaired by the vice-chairman or, in his or her absence (or if he or she was the chairman subject to the vote) by a councillor elected for that purpose by the meeting.
- 6.4 Following a successful vote of no confidence in the chairman, he or she will not officiate at any subsequent meeting of the committee prior to the next meeting of the Council. At that meeting, the Council will consider whether to confirm the vote of no confidence. If by a simple majority the Council decides to confirm the vote, the office of chairman of the committee will be declared vacant and a new chairman will be elected by the Council.
- 6.5 No member of the Executive will chair any meeting of the Planning Applications Committee, the Licensing Committee or the Joint Staff Consultative Group or be the vice-chairman of that Group.

7. Appointment of Sub-Committees

- 7.1 Committees may appoint such sub-committees as they consider appropriate.
- 7.2 The terms of reference of any sub-committee which can exercise statutory powers, such as the Licensing Sub-Committee, are set out in Part 3 of the Constitution.
- 7.3 Sub-committees shall appoint their chairman in such manner and for such period as they may determine.

8. Membership and Quorum of Sub-Committees - General

- 8.1 With the exception of ~~the Licensing Sub-Committee, 8.2, 8.3 and 8.4 below whose membership shall comprise members of the parent committee,~~ at least two-thirds of the members appointed to any sub-committee will be members of the Council unless decided otherwise by the Council.
- 8.2 The membership of a Licensing Sub-Committee shall comprise 3 members of the Licensing Committee. The quorum of a meeting of a Licensing Sub-Committee is 3.
- 8.3 The membership of an Appeals Sub-Committee or Hearing Sub-Committee shall comprise 3 members of the Employment Committee. The membership of an Appointments Sub-Committee shall comprise 5 members of the Employment Committee. The quorum for any meeting of a Sub-Committee of the Employment Committee is 3.
- 8.4 The membership of a Standards Sub-Committee shall comprise 3 members of the Audit & Standards Committee. The quorum of a meeting of a Standards Sub-Committee is 3.
- 8.5 Substitute members of the Audit & Standards Committee and Employment Committee may participate in their respective sub-committees in the event that members of the Committee are unavailable or are otherwise unable to participate due to conflicts of interest. In exceptional circumstances, including where an item relates to a decision of the Employment Committee or the committee's membership is otherwise prejudiced the membership of a sub-committee of a Hearing or Appeals Sub Committee may be drawn from the wider membership of the Council, with priority towards member representatives from the Joint Staff Consultative Group.
- 8.6 Substitute members of sub-committees will only be permitted where the committee has appointed those substitutes. Substitute members may only attend meetings to take the place of the ordinary member where that member will be absent for the whole of the meeting.

9. Time and Place of Meetings

Meetings of committees or sub-committee will normally be held at Surrey Heath House, in public, at the dates and times specified in the annual timetable of meetings set by the Chief Executive.

10. Duration of Meetings

- 10.1 At all committee meetings, subject to 10.2 below, at 10.00pm no further items of business will be conducted save for the conclusion of the item of business under discussion and that the meeting be adjourned to another date if there are outstanding items.
- 10.2 At meetings of the Planning Applications Committee, should only one further application remain to be determined at 10.00pm, then the Committee may consider that further application;

10.3 Committees are unable to suspend the Procedure Rule relating to the duration of the meeting.

11. Special Meetings of Committees

11.1 The Chairman, the Mayor, or five members of a committee may call a special meeting of a committee at any time.

11.2 The summons to a special meeting will set out the business to be considered, and no other business will be considered at the meeting.

12. Who May Attend

12.1 Members of the public may attend any committee or sub-committee meeting except where exempt or confidential information is being considered.

12.2 With the exception of an Appointments Sub Committee, a Hearing Sub Committee, an Appeals Sub Committee, the Joint Staff Consultative Group or the Employment Committee when considering any items on Part II of the agenda that in the view of the Monitoring Officer and ~~Executive~~ Head of Transformation HR, Performance & Communications, in consultation with the Chairman and Vice Chairman of the Employment Committee, directly affect an individual's employment, any councillor may attend any committee or sub-committee meeting.

12.3 In order to respect the balance of Member and Staff Representatives on the Joint Staff Consultative Group, attendance at meetings by councillors who are not members of the Consultative Group will only be agreed in exceptional circumstances.

12.~~34~~ Attendance by any councillor at committee or sub-committee meetings will be recorded in the minutes of the meeting.

12.~~54~~ With the exception of meetings of the Licensing Sub-Committee, a councillor who attends a meeting of a committee or sub-committee may speak at the meeting on any agenda item.

12.~~65~~ A councillor who has moved a motion at Council which has been referred to a committee will be informed of the committee meeting at which it will be considered so that he/she can attend.

12A. Voting

12A.1 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.

12A.2 If there are equal numbers of votes for and against, the Chairman will have a second or casting vote.

(a) If the Chairman fails to vote when the main vote is taken, an equality of a vote cannot be achieved by the Chairman casting an original vote and following that action with a casting vote. The Chairman's casting vote may be used whether or not the Chairman has already voted.

(b) with the exception of (c) below, in the event of a tied vote, the proposer of the matter under debate shall have the opportunity of making a further speech of no more than 3 minutes. A further vote will then immediately be taken. If deadlock has not been broken, the Chairman must cast a vote in favour of the status quo. The status quo will usually be interpreted as the motion falling.

(c) There will be no restriction on how the Chairman of the Planning Applications Committee chooses to exercise a casting vote.

12A.3 The Chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

12A.4 If, before the Chairman begins to take a vote, three members present at the meeting demand it, the names for and against the motion or amendment or abstentions from voting will be taken down in writing and entered into the minutes. Each member present will be called by name and asked to indicate whether they are voting in favour of, or against the motion or amendment or abstaining from voting.

12A.5 Where any member requests it immediately after the vote is taken, their vote will be recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

13. Application of Council Procedure Rules

The following Council Procedure Rules apply to meetings of committees and sub-committees with any references to 'the Mayor' being substituted by 'the Chairman'.

- (a) Notice of and Summons to Meetings - Rule 5
- (b) Cancellation of a Meeting - Rule 6
- (c) Previous decisions and motions - Rule 16
- (d) Minutes - Rule 18
- (e) Record of Attendance - Rule 19
- (f) Members' conduct - Rules 21.5, 21.6 and 21.7
- (g) Disturbance by the Public - Rule 22

14. Quorum

14.1 The quorum for meetings of committees and sub-committees, except as provided for below, is one third of the membership rounded up, subject to a minimum of 2.

- 14.2 The quorum of the Licensing Sub-Committee is 3 members.
- 14.3 If after thirty minutes, a quorum is not present, the business will be adjourned to a fixed date or time or to the next ordinary meeting.
- 14.4 If during any meeting the Chairman notes that there is not a quorum present the meeting will be adjourned.

15. Business

At each meeting of a committee or sub-committee held in public, the following business will be conducted:

- (a) apologies for absence;
- (b) consideration of the minutes of the last meeting;
- (c) declarations of interest, if any;
- (d) review of exempt items, if any;
- (f) the business as set out in the agenda.

16. Putting Items on the Agenda

- 16.1 With the exception of meetings held for a specific statutory purpose, a chairman may require the Chief Executive to put on the agenda for any meeting, any matter which falls within the terms of reference of his/her committee or sub-committee.
- 16.2 Subject to the agreement of the chairman, any member of a committee or sub-committee, may ask the Chief Executive to place an item on the agenda for the next available meeting of the committee or sub-committee.

17. Exclusion of Public and Confidentiality

- 17.1 Members of the public and press may only be excluded either in accordance with Section 100A (4) of the Local Government Act 1972 and the Access to Information Rules in Part 4 of this Constitution or Council Procedure Rule 22 (Disturbance by Public).
- 17.2 No person will disclose any matter dealt with in the absence of the public until such time as the Council, committee or sub-committee has determined that the matter can be released as information available to the public.
- 17.3 In addition, the Chief Executive or Executive Head of Corporate may at any time decide that any matter is no longer exempt within the meaning of Schedule 12A and will advise members accordingly.

PLANNING APPLICATIONS COMMITTEE

18. Planning Applications Committee - Determining Planning Applications and other related consent applications

18.1 The following Rules apply to meetings of the Planning Applications Committee when determining planning applications or other related consent applications.

18.2 General

18.2.1 With the exception of the Chairman, Members of the Committee will be seated alphabetically and clearly separate from any councillors in attendance.

18.2.2 Any councillor in attendance may speak at the meeting in relation to an item. In circumstances where members are not members of the Planning Applications Committee, the first councillor may speak for up to 8 minutes, with any subsequent councillors for up to 5 minutes.

18.2.3 At the start of the meeting, the Chairman will advise any members of the public and press present of the roles of the members of the Committee, the councillors in attendance and the officers.

18.3 Determination of Planning Applications and any other related consent applications

18.3.1 The ~~Executive~~ Head of ~~Regulatory's~~ Planning's report and recommendation will be introduced.

18.3.2 Public speaking to take place in accordance with the Procedure for Public Participation at Meetings set out in Part 4 of the Constitution.

18.3.3 The Chairman will invite debate on the application in relation to the ~~Executive~~ Head of ~~Planning's~~ Regulatory's recommendation.

18.3.4 The Chairman will invite a Member to make a proposal in relation to the ~~Executive~~ Head of ~~Planning's~~ Regulatory's recommendation.

18.3.5 The Chairman will ask for a seconder.

18.3.6 The proposal, once seconded, will be put to the vote. If the vote is lost, the Chairman will seek an alternative proposal.

18.3.7 Voting will be undertaken electronically or by a show of hands but the names of those members voting in favour, those voting against and those abstaining will be called out by ~~the Legal Services Representative~~ an officer so that the names can be recorded on the audio record and in the minutes of the meeting. Where there is a unanimous vote this procedure does not need to be followed and the Chairman will state this for the record.

18.3.8 Members may not participate in the debate or vote in connection with any application unless they are present for the whole consideration of that application.

18.4 Decisions Made Contrary to the ~~Executive~~ Head of ~~Planning's~~ ~~Regulatory's~~ Recommendation

18.4.1 Where the Committee makes a decision to REFUSE an application contrary to the officers' recommendation, Members must give clear reasons for that decision and identify the planning reasons for refusal prior to the vote being taken. The exact wording of those reasons may be delegated to the ~~Executive~~ Head of ~~Planning~~ ~~Regulatory~~ to determine after consultation with the Chairman, Vice Chairman and ward councillors.

18.4.2 Where the Committee makes a decision to APPROVE an application contrary to the officers' recommendation, Members must give clear reasons for that decision, identify the conditions to be imposed and the reasons for the imposition of those conditions prior to the vote being taken. The exact wording of the conditions and the reasons for their imposition may be delegated to the ~~Executive~~ Head of ~~Planning~~ ~~Regulatory~~ to determine after consultation with the Chairman, Vice Chairman and ward councillors.

19 Public Participation at Planning Applications Committee

Public speaking in relation to any application being considered by the Committee will only be permitted in accordance with the Procedure for Public Participation at Meetings set out in Part 4 of the Constitution.

STANDARDS HEARING SUB COMMITTEE

20 Procedure at meetings of Standards Sub Committees

When a written allegation of a complaint against a member of the Borough Council or a parish council within the Borough Council's area has been received, the Sub Committee will follow a set procedure which is set out in the Documents which support the Constitution.

LICENSING SUB-COMMITTEES

21. Appointment of Licensing Sub-Committees

The establishment of and appointment of members and substitute reserve members of Licensing Sub-Committees, which are sub-committees of the Licensing Committee, is delegated to the ~~Executive~~ Head of ~~Corporate~~ ~~Legal & Democratic Services~~.

SUB-COMMITTEES OF THE EMPLOYMENT COMMITTEE

22.1 The Appointments Sub Committee will be supported by a senior officer and a Human Resources officer.

22.2 The Hearing Sub Committee and Appeals Sub Committee will be supported by a Human Resources officer. Where considered appropriate, legal or other independent advisors may also be present at the meeting. The affected employee is entitled to be accompanied by a Trade Union representative or another colleague, as set out in the Council's relevant Human Resources Policy.

WORKING GROUPS

23. Appointment, duration, constitution and terms of reference

The Council, the Executive and every committee and sub-committee may appoint working groups and determine their duration, constitution and terms of reference.

24. Membership

24.1 Membership of a working group need not necessarily be drawn from the appointing body but will generally do so. Except for the Executive, the membership of working groups will reflect the political balance of the Council.

24.2 Membership of a working group will generally comprise councillors. However, if the appointing body considers it to be appropriate, officers of the Council or persons from outside the authority may be appointed as full or co-opted members.

25. Substitutes

Unless otherwise decided by the appointing body, substitutes are permitted to serve as members of working groups at any meeting at which another member of the same political group is absent for the entire meeting. Where possible the same substitute will attend for the sake of continuity.

26. Appointment of Chairman

Working groups will appoint their chairman in such manner and for such period as they may determine.

27. Who May Attend

27.1 The public may not attend meetings of Working Groups.

27.2 Councillors who are not appointed Members of a Working Group may attend a meeting at the discretion of the Chairman subject to the prior approval of the Chairman and notification to the Democratic Services Manager.

27.3 Councillors who are the appointed substitutes of a Working Group may attend any meeting of the Working Group, whether or not the appointed Member is present.

28. Application of Council Procedural Rules

The following Council Procedural Rules apply to meetings of working groups any references to 'the Mayor' being substituted by 'the Chairman'.

- (a) Voting - Rule 17
- (b) Record of Attendance - Rule 19

29. Proceedings to remain Confidential

The proceedings of meetings of Working Groups will remain as confidential until they have been made public with the authority of the Council, the Executive, a committee or sub-committee, as appropriate.

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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