

PART 3 – RULES GOVERNING HOW THE COUNCIL OPERATES

4. Scrutiny Procedure Rules

Chairs and Deputy Chairs

1. The Chair will preside over meetings.
2. If the Chair is absent then the Deputy Chair will preside.
3. If the Chair and the Deputy Chair are absent, then the committee will appoint one of its members to preside.
4. Persons presiding over meetings in the place of the Chair will have the same powers and duties as the Chair.
5. Whenever the Chair rises during a debate, the meeting will be silent.

Quorum

6. No business will be transacted at a meeting of a Scrutiny committee where there are fewer than five members present, or three for the Health Scrutiny Committee.
7. If a meeting becomes inquorate after it has commenced, then it will be adjourned. Remaining business will be considered at the next meeting.

Matters for Decision

8. All matters for decision will be included within the agenda.
9. The Chair may agree that an item of business which is urgent will be dealt with at a meeting even if it is not on the agenda for that meeting. The Chair will give the reason for the urgency.
10. Business will be dealt with in the order in which it is set out in the agenda unless the Chair decides otherwise.
11. There will be an early item on every agenda requiring members to declare any relevant interests in any item appearing on the agenda. Members are required to observe the requirements in the Member Code of Conduct (see Section 4 Part 6) and withdraw from the meeting at the appropriate point where they have an interest which requires them to do so.

Minutes Records and Disclosure of Information Minutes

12. At each ordinary meeting the Chair will move that the minutes of the last meeting be confirmed as an accurate record.

13. Only matters relating to the accuracy of the minutes can be raised by way of a Motion proposed, seconded and voted upon. Where no issues are raised, or after any Motion has been dealt with, the Chair will sign the minutes
14. Signed minutes of each committee meeting will be submitted to the next meeting of that committee's parent body.
15. Any question about the accuracy of any minute of a body must be considered and determined by that body at its next meeting.

Placing Items on the Agenda

16. Any member of the Council (having due regard to any relevant guidance) is entitled to have a matter relevant to the remit of the Scrutiny Committee placed on its next available meeting agenda by serving no fewer than 10 clear working days' notice on the Director of Governance (see Councillor Call for Action in Part 2 Section 11).
17. A member may not (unless a Scrutiny Member acting under section 21(8) of the Local Government Act 2000) give notice under this part requesting the inclusion of more than one item of business on the same meeting agenda.
18. Council or the Cabinet may require a Scrutiny Committee to consider a matter and report.
19. If a matter referred to it under paragraph 16, 17 or 18 cannot be dealt with at the meeting in question, the Scrutiny Committee will schedule the matter into their Work Programme as soon as reasonably practicable.

Public Access to Meetings

20. Committee meetings will be ordinarily be held in public unless the information to be discussed:
 - (a) cannot be discussed in public without risk of breaching a duty of confidence that the authority is under (usually because the information to be discussed was supplied in confidence or is subject to a court order prohibiting its disclosure); and/or
 - (b) is exempt from disclosure under Schedule 12A of the Local Government Act 1972, the Freedom of Information Act 2000, the Data Protection Act 1998, the Human Rights Act 1998 or any other legislation relating to the prevention of disclosure of information
21. If all (or, upon decision, part) of any committee meeting is held in private with the exclusion of the press and public, reasons for the need for such exclusion will be given by reference to any or all of the relevant circumstances referred to in paragraph 20(a) and/or (b).

Rules of Debate

22. The following rules of debate will apply but the Chair may apply a more informal style of debate to suit any particular meeting. The Chair will ultimately determine all matters relating to the conduct of the debate when any informal style of debate is applied.

Motions Without Notice

23. Only Motions relating to business on the agenda of the committee may be proposed.
24. A committee member may propose Motions without notice but they will not be discussed unless seconded.
25. The Chair may require Motions to be handed up in writing before they are further discussed or put to the meeting.

Motions During Debate

26. The following Motions may be moved whether or not another Motion is already under debate:
- (a) to give the consent of the committee where such consent is required by the Procedure Rules
 - (b) any Motion relating to an item currently under discussion
 - (c) to refer the matter to an appropriate body, individual or subsequent committee meeting
 - (d) to withdraw a Motion
 - (e) to amend a Motion
 - (f) to proceed to the next business
 - (g) to put the question
 - (h) to adjourn the debate
 - (i) to adjourn the meeting
 - (j) to extend the time allowed for speeches
 - (k) to suspend a particular Procedure Rule(s)
 - (l) to exclude the press and public
 - (m) that a member who misconducts themselves should not be heard further
 - (n) that a member should leave the meeting

Motions and Rescinding Decisions

27. Unless brought upon a recommendation in a report before the committee, no Motion may be moved which would have the effect of rescinding any decision of the committee passed within the preceding six months, or which is to the same effect as a Motion which has been rejected within that period.

Amendments and Alterations to Motions

28. An amendment to a motion must:
- (a) be relevant to and intelligible with the motion;
 - (b) add and/or delete a word or words;
 - (c) not introduce a new topic;
 - (d) not negate, contradict or overturn the motion;
 - (e) be worded so that, if it is agreed, it can be passed as a valid resolution;
 - (f) not be, in the opinion of the Director of Governance, defamatory, frivolous, offensive or otherwise out of order.
29. 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, although the Chair may allow two or more amendments to be discussed (but not voted on) together if this would facilitate the proper conduct of the business before the meeting.
30. If an amendment is carried, the Motion as amended shall take the place of the original Motion and shall become the substantive Motion upon which any further amendment may be moved.
31. After an amendment had been carried, the Chair will read out the amended Motion before accepting any further amendments or, if there is none, putting it to the vote.
32. If an amendment is lost, another amendment may be moved on the original Motion.
33. Not more than one amendment may be made to a Motion by any one member.
34. A member may alter a Motion of which they have given notice with the consent of meeting, or in the case of a Motion proposed and seconded, with the consent of the seconder and the meeting. In either case the meeting's consent shall be signified without discussion.
35. Any alteration proposed must of the type permitted to be moved as an amendment.

Withdrawal of Motions

36. A member may withdraw a Motion which they have proposed

Closure of Motions

37. At the conclusion of a member's speech, another member may move (without comment) any of the Motions set out in paragraph 26(f) to (i) inclusive.
38. Upon the seconding of a Motion to proceed to next business, the Chair will (unless of the opinion that the matter has not been sufficiently discussed) invite the right of reply to be exercised in respect of the Motion under discussion and then put it to the vote before proceeding to the next business.
39. Upon the seconding of a Motion to put the question, the Chair will (unless of the opinion that the matter has not been sufficiently discussed) put the Motion to put the question to the vote and, if it is passed, invite the right of reply to be exercised in respect of the Motion under discussion before putting it to the vote.
40. Upon the seconding of a Motion to adjourn the debate or meeting, the Chair will (unless of the opinion that the matter has not been sufficiently discussed) put the adjournment Motion to the vote without inviting the right of reply to be exercised in respect of the Motion under discussion.

Content and Length of Member Speeches

41. Members will confine speeches to the question under discussion, a personal explanation or a point of order. No speech may exceed five minutes, without the consent of the committee. The five minute time limit will exclude any time lost as a result of other members rising on a point of order or personal explanation.

Only One Member to Speak at a Time

42. Whilst a member is speaking, the other members will remain silent unless intervening on a point of order or in personal explanation.

Order of Speeches

43. The Mover of a Motion will speak first, followed by the Secunder. When seconding a Motion, a member may advise the Chair that they reserve their right to speak until later in the debate.
44. If two or more members indicate their intention to speak, the Chair will determine the order of speeches

Right of Reply

45. The Mover of a Motion will have a right to reply at the close of the debate on the Motion, immediately before it is put to the vote.
46. If an amendment is moved, the Mover of the original Motion will have a right of reply at the close of the debate on the amendment.
47. The mover of the amendment will have a right of reply to the debate on the amendment immediately before the Mover of the original Motion exercises their right of reply at the close of the debate.

Points of Order and Personal Explanations

48. A member may intervene on a point of order or in personal explanation and will be entitled to be heard immediately.
49. A point of order will relate only to an alleged breach of a Procedure Rule or statutory provision and the member will specify the Procedure Rule or statutory provision and the way in which they consider it to have been breached.
50. A personal explanation will be confined to some material part of a former speech by the intervening Member which appears to them to have been misunderstood in the current debate.
51. The ruling of the Chair a point of order or on the admissibility of a personal explanation will be final and not open to discussion.

Voting Method of Voting

52. All matters will be decided by a simple majority of those Members present and voting in the room at the time the question is put.
53. Members must be in their designated seats for their vote to be counted.
54. Voting will be by a show of hands (or such other method as is agreed by the Chair), or if there is no dissent and no call for a vote, by the Chair being satisfied of the unanimous approval of the meeting.

Casting Vote

55. Where there are equal votes cast for a Motion, the Chair may exercise a second or casting vote.

Recording Votes

56. A member may require, after a vote is completed, that the minutes of the meeting record whether and how they voted.
57. If one third of the members present so request, the vote will be recorded to show whether and how each Member voted.
58. A member may, immediately after the item of business is voted upon, request that a lost Motion be recorded in the minutes.

Records of Attendance

59. Council members attending the whole or part of a meeting must sign their name on the attendance sheet provided.

Rights of Other Council Members

Attendance at Committee

60. Notwithstanding their rights as a member of the public, members who are not members of the committee ('visiting members') may attend any meeting of a committee (even if considering Exempt Information) if required for the purposes of performing their duties as members. Cabinet members will not be expected to attend, unless invited. Advice should be taken where meetings will be considering personal information of a sensitive or confidential nature.
61. Visiting members:
- (a) may not vote on committee business
 - (b) must notify the Chair before the start of the meeting, if they wish to speak on a particular item. If advance notice is not given, visiting members will only be allowed to speak at the Chair's discretion
 - (c) will, at the discretion of the Chair, be invited to speak at the beginning of the debate on any item notified under paragraph (b), and be invited to sum up at the end of a debate
 - (d) will not, other than as provided for in paragraph (c) or by the Chair, be permitted to participate in any debate at the meeting

Disorderly Conduct and Disturbances

62. The Chair may direct (or a member may move), in respect of any member considered to be misconducting themselves, that the member shall not be heard further.
63. The Chair may direct (or a member may move), either following a direction (or resolution) under paragraph 62, or directly in the case of gross misconduct, either:
- (a) that the member in question leaves the meeting or
 - (b) that the meeting is adjourned
64. The Chair, in the event of a general disturbance at any meeting which they consider to be disrupting the orderly transaction of business, may adjourn the meeting for as long as is considered necessary.
65. The Chair may warn any member of the public in respect of their conduct at a meeting. In the case of persistent or gross misconduct, the Chair may direct any person to be removed from the meeting.
66. In the event of a general disturbance in any part of the meeting room open to the public, the Chair may direct that part of the room to be cleared.

Officer Advice

67. The Chair may request an appropriate officer to offer advice or draw the attention of the committee to any relevant factors where a debate involves questions of a technical, legal, financial, operational or administrative nature.

Interpretation of Procedure Rules

1. The Chair (who may take advice from the Director of Governance) determines all matters relating to the interpretation or application of the Procedure Rules which arise during a meeting. The Chair's decision shall be final.
2. The Director of Governance determines all matters relating to the interpretation or application of the Procedure Rules which arise between meetings. The Director of Governance's decision shall be final.
3. Any requirement to make a notice or information available to anyone shall be fulfilled by publishing that information on the Council's website such that it is readily available to be viewed or printed off from the website and, on request, printed off at council offices to be given to personal callers in hard copy.
4. References in the Procedure Rules to an officer includes references to any duly authorised representative of that officer.
5. References in the Procedure Rules to members shall (unless the context otherwise requires) to be taken to mean references to members of the Council, Cabinet or committee in question.
6. References in the Procedure Rules to Motions includes (where the context so requires or admits) references to amendments to Motions.
7. References in the Procedure Rules to committees includes all committees, sub-committees, panels and boards constituted by the Council that exercise delegated powers, but excluding any committee, sub-committee, panel or board that operates solely in an advisory capacity.
8. Reference in the Procedure Rules to a day or days shall be taken to mean between the hours of 09:00 and 17:00 on any day that is not a Saturday, Sunday or public holiday.
9. References in these Procedure Rules to a period of days that is to elapse between the occurrence of two specified events shall be taken to mean clear days calculated by excluding the day upon which both of the specified events occur.

Notice Requirements

10. All Notices given by members under the Procedure Rules will be treated as having been given to the recipient by any of the following means:
 - (a) post properly addressed to the recipient at their usual business address
 - (b) leaving it properly addressed for the recipient at their usual business address
 - (c) email sent to an email address designated by the recipient for this purpose from an email account registered with the Council in the member's name

- (d) submitting a form on the Council's website designated for this purpose
11. All notices given to members under the Procedure Rules shall be treated as having been given to the recipient by any of the following means:
- (a) post properly addressed to the recipient at their usual address (being their usual place of residence or any other address that the member has notified to the Director of Governance for these purposes)
 - (b) leaving it properly addressed for the recipient at their usual address or if requested (by notice given to the Director of Governance), either in addition to or substitution for the methods set out in paragraphs 121(a) and (b)
 - (c) email sent to an email account registered with the Council in the member's name from an email account registered to the Council
12. All notices given under the Procedure Rules must be given in writing, contain all of the information that is reasonably required in order to properly communicate the purpose and effect of the notice, and be signed (which shall include electronic signatures) by the person or persons required to give the notice in question.
13. If more than one signatory is required to give valid notice, any single notice given must bear all the signatures of all necessary signatories and be given in accordance with paragraph 121(a) or (b). Alternatively, each of the required signatories may give individual notices in accordance with paragraph 121(c) or (d) above.
14. Notices shall be deemed to have been given:
- (a) in the case of 121(a) or 122(a), on the day upon which delivery would ordinarily occur in the normal course of the method of post chosen (provided proof of posting is available)
 - (b) in the case of 121(b) or 122(b), on the day upon which the notice is left
 - (c) in the case of 121(c) to (d), on the day upon which receipt is acknowledged otherwise than by any automated process
 - (d) in the case of 122(c), on the day upon which notice is sent

Example Calculation of Time in Respect of Notice Periods

15. The following example is provided to demonstrate the effect of paragraphs 121 and 122. In the following example, it is assumed that none of the weekdays referred to is a public holiday.
16. If a notice is required to be given five days before a meeting, then giving the notice and the meeting are the two specified events for the purposes of paragraph 121.

17. Assuming the meeting is to be held on a Monday, then the latest a notice may be given is on the first of the two preceding Fridays, between 09:00 and 17:00 hours.
18. If so given, the Friday upon which the notice is given ranks as the day upon which the first event occurs for the purposes of paragraph 121. The five week days in the ensuing week then rank as the required five clear days between giving the notice and day upon which the meeting is being held.

Fri	Sat	Sun	Mon	Tues	Weds	Thurs	Fri	Sat	Sun	Mon
Notice Given	Not counted	Not Counted	Clear Day 1	Clear Day 2	Clear Day 3	Clear Day 4	Clear Day 5	Not Counted	Not Counted	Meeting