

## 4. Procedural Rules

4.1 This section describes the procedure rules that apply to:

- (a) meetings of the full Council (when all members attend as voting members), the Executive and committee meetings and states any exceptions to the rules which apply to specified meetings (see paragraphs 4.2 – 4.17);
- (b) additional rules that apply to the Executive and / or committees (see paragraphs 4.18 – 4.19);
- (c) public access to information (see paragraph 4.20); and
- (d) miscellaneous matters including financial, contract and legal matters (see paragraphs 4.21 – 4.28).

4.2 The procedure rules apply to all formal meetings of full Council, Executive and committee unless otherwise specified in the Table below:

<u>Meeting</u>	<u>Exceptions</u>
Executive	No written motions No Member questions Non-Executive Members are required to notify the Leader in advance <del>if they wish to speak</del> <u>on an agenda item at the Executive</u> Requirement to meet at least <del>128</del> times per year Notes of key decisions are circulated to all Councillors May delegate decisions to committees, an Executive Member or an Officer and for avoidance of doubt is not prevented from discharging functions itself which it has delegated
Licensing & Regulatory Committee	No written motions Public speaking permitted in accordance with published operational arrangements for licensing hearings No public questions No Member questions
Scrutiny Committees	No written motions (other than ones referred to it by Council to consider and resolve) Requirement for Overview and Scrutiny Committees to meet at least 6 times per year (collectively) <del>and for Audit</del> <u>Scrutiny to meet at least 4 times per year</u>

Planning Committee	No written questions or motions Public speaking permitted in accordance with published operational arrangements agreed by the Head of Place and Commercial Services and Chair of the Committee No limit on number of questions from Members of the Committee as part of the consideration of the matter in committee No public questions
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<u>Audit and Governance Committee</u>	<u>No motions</u> <u>No public questions</u> <u>No member questions</u>
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<del>Standards Committee</del>	<del>No motions</del> <del>Public speaking permitted in accordance with published operational arrangements for standards hearings</del> <del>No public questions</del> <del>No Member questions</del>
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<del>—Procedures</del>	<del>Not Politically Balanced</del> <del>No Motions</del> <del>No public questions</del>
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### 4.3 Full Council

#### 4.3.1 Annual Meeting of the Council

Unless otherwise specified by law, in a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors; and in any other year, the annual meeting will take place in March, April or May. The annual meeting will:

- (a) elect a person to preside if the Chair of Council for the previous civic year is not present;
- (b) elect the Chair of Council;
- (c) elect the Vice-Chair of Council;
- (d) approve the minutes of the last Council meeting;
- (e) receive any announcements from the Chair and/or Managing Director;
- (f) elect the Leader (unless the appointment was made for a four year term following the Council election or the Leader post is vacant);
- (g) agree any changes to the Constitution (including any changes to committees)
- (h) appoint the membership of Committees;
- (h)(i) appointment Chairs and Deputy Chairs of Committees
- (i)(j) consider any business set out in the notice convening the meeting.

The order of business shall be at the Chair’s absolute discretion

### 4.3.2 Ordinary Meetings

At Ordinary meetings of the Full Council, the Council will:

- (a) elect a person to preside if the Chair and Vice-Chair are not present;
- (b) approve the minutes of the last meeting;
- (c) receive any declarations of interests from Members;
- (d) receive any announcements from the Chair, Leader, other Members of the Executive or the Managing Director;
- (e) receive questions and answer questions from Members of the Public~~from, and provide answers to, the public in relation to matters which in the opinion of the Chair are relevant to the business of the council;~~
- ~~(f) receive and answer questions from Members which in the opinion of the Chair are relevant to the business of the Council;~~
- ~~(g)~~(f) deal with any business from the last Council meeting;
- ~~(h)~~(g) receive reports from Executive, committees and other bodies (including questions and answers on such reports) as appropriate;
- ~~(h)~~ consider motions;
- (i) receive and answer questions from Members
- (j) consider any other business specified in the summons to the meeting.

The order of business shall be at the Chair's absolute discretion

### 4.3.3 Extraordinary Meetings

Those listed below may request the Managing Director to call Council meetings in addition to ordinary meetings:

- (a) the Council by resolution;
- (b) the Chair of the Council;
- (c) the Monitoring Officer or the Chief Finance Officer; or
- (d) any five Members of the Council if they have signed a requisition presented to the Chair of the Council and they have refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

At such extraordinary meetings the Council will:

- (a) elect a person to preside if the Chair or Vice-Chair of Council are not present;
- (b) receive declarations of interests from Members; and
- (c) receive the report(s) on the subject of the meeting.

## 4.4 Quorum

4.4.1 The quorum for meetings will be:

- (a) one-quarter of the whole number of Members of the Committee or Full Council as appropriate

- (b) two members for the Appointments and Remuneration Panel
- (c) four members for the Executive provided that where the Executive is required to divide into two committees, the quorum will be three
- (d) 100% of the membership for a sub-committee of the Standards Committee or Licensing & Regulatory Committee.

4.4.2 During any meeting if the Chair counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. If they do not fix a date, the remaining business will be considered at the next ordinary meeting.

#### **4.5 Notice of and Summons to Meetings**

The Democratic Services Team Leader will give notice to the public of the time and place of any meeting in accordance with the law. The time and place of meetings will be determined by the Democratic Services Team Leader (in consultation with the Chair of the relevant committee) and notified in the summons.

#### **4.6 Chairing of the Meeting**

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

#### **4.7 Questions**

##### **4.7.1 Questions by the Public**

- (a) Members of the public may ask questions of the Chair of Council, Executive Member (including the Leader) or a Committee Chair.
- (b) The Democratic Services Team Leader will refer these to the appropriate member for reply. A maximum period of ~~30~~15 minutes will be allowed ~~with a maximum period of three minutes per questioner. The timing of questions will be one minute for a question, two minutes for a response and the same for supplementary questions~~
- ~~(c)~~ Questions will be asked in the order ~~that notice~~ they were received. ~~If all the questions cannot be taken those not dealt with shall automatically be referred to the next Ordinary Council meeting., except that t~~The Chair of the relevant meeting may group together similar questions.
- ~~(d)~~ Questions must be about something the Council has responsibility for.
- ~~(e)~~(e) A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Team Leader (Democratic Services) at [comsec@teignbridge.gov.uk](mailto:comsec@teignbridge.gov.uk) no later than ~~three~~ five clear working days before the meeting *i.e. should the meeting be on a Thursday the deadline would be the ~~Friday~~Wednesday before at 5pm.* Each questioner must give their name and address.
- ~~(d)~~ At any one meeting no person may submit more than three questions and no more than three such questions may be asked on behalf of one organisation.

- (e)(f) The ~~Monitoring Officer~~~~Managing Director~~ may reject a question if it:
- relates to something that is or should be the subject of alternative recognised procedures (for example, staffing issues, complaint, licensing or planning matters);
  - is not about a matter for which the local authority has a responsibility ~~or does not affect the District;~~
  - is defamatory, frivolous or offensive;
  - Is contrary to the Constitution
  - is substantially the same as a question which has been previously put in the past six months; or
  - requires the disclosure of confidential or exempt information.
- (f)(g) The Chair will invite the questioner to put the question. If a questioner who has submitted a written question is unable to be present, the Chair will put the question on their behalf.
- (g)(h) Answers will normally be given in writing. An answer may take the form of a direct oral answer; where the desired information is in a publication of the Council or others published work, a reference to that publication; or a written answer. The responses will be published on the Councils web site the day before the relevant Council meeting.
- (h)(i) In exceptional circumstances questions may be referred to another Committee at the discretion of the Chair.
- (i)(j) A questioner who has put a question in person may also put one supplementary question without notice.
- (j)(k) A supplementary question must arise directly out of the original question or the reply. The Chair may reject a supplementary question on any of the grounds applicable to the scope of questions in (f) above.
- (k)(l) Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Members to whom it was to be put, will be dealt with by a written answer.

#### 4.7.2 Questions by Members without Notice

Members of the Council may ask the Leader or the Chair of a Committee any question without notice upon an item of the report of the Executive or a Committee when that item is being received or under consideration by the Council.

#### 4.7.3 Questions Requiring Notice

Other than under the provisions for questions without notice described above a Member may only ask a question of the Chair; Member of the Executive; or the Chair of any Committee or sub-committee, on any matter:

- (a) in relation to which the Council has powers or duties; ~~or~~  
~~(b) which affects the District of Teignbridge~~

and which falls within the terms of reference of that committee. The question should not be one relating to the daily running and procedures of the council which could have been asked of the relevant Chief Officer.

A Member may only ask a question in accordance with 4.7.3 if either:

- (a) they have given written notice of the question no later than **three five** clear working days before the meeting *i.e. should the meeting be on a Thursday the deadline would be the **WednesdayFriday** before at 5pm* to the Democratic Services Team Leader (email [comsec@teignbridge.gov.uk](mailto:comsec@teignbridge.gov.uk)); or
- (b) the question relates to urgent matters, they have the consent of the Chair to whom the question is to be put and the content of the question is given to the Democratic Services Team by email [comsec@teignbridge.gov.uk](mailto:comsec@teignbridge.gov.uk) on the day of the meeting.

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

A Member asking a question 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.

Members may ask a maximum of three questions per meeting and the timing of questions will be one minute for a question, two minutes for a response and the same for supplementary questions. The overall time limit for all member questions will be 30 minutes

The **Monitoring Officer Managing Director** may reject a question for one or more of the grounds set out in paragraph 4.7.1 (f) above.

## 4.8 **Rules of Debate**

### 4.8.1 **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.

### 4.8.2 **Right to require motion in writing**

Unless notice of the motion has already been given, the Chair may require it to be written down and handed to them before it is discussed.

#### 4.8.3 **Secunder's speech**

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

#### 4.8.4 **Content and length of speeches**

Speeches must be directed to the question under discussion or to a personal explanation or point of order with the exception of the mover of a motion who may speak for five minutes. No speech may exceed three minutes without the consent of the Chair.

#### 4.8.5 **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:

- to speak once on an amendment moved by another Member;
- to move a further amendment if the motion has been amended since they last spoke;
- if their first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which they spoke was carried);
- in exercise of a right of reply;
- on a point of order; and
- by way of personal explanation.

#### 4.8.6 **Amendments to motions**

An amendment to a motion must be relevant to the motion and will either be:

- to refer the matter to an appropriate body or individual for consideration or reconsideration;
- to leave out words;
- to leave out words and insert or add others; or
- to insert or add words

as long as the effect is not to negate the motion.

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.

If an amendment is not carried, other amendments to the original motion may be moved.

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.

After an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

#### **4.8.7 Alteration of motion**

A Member may alter a motion of which they have given notice with the consent of the meeting. The meeting's consent will be signified without discussion.

A Member may alter a motion which they has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

Only alterations which could be made as an amendment may be made.

#### **4.8.8 Withdrawal of motion**

A Member may withdraw a motion which they have moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

#### **4.8.9 Right of reply**

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.

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.

The mover of the amendment has no right of reply to the debate on their amendment.

#### **4.8.10 Motions which may be moved during debate**

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) to exclude the public and press in accordance with the Access to Information Rules;
- (h) to not hear further a Member named under 4.16.3 or to exclude them from the meeting under 4.16.4.



#### 4.8.11 Closure motions

A Member may move, without comment, the following motions at the end of a speech of another Member:

- to proceed to the next business;
- that the question be now put;
- to adjourn a debate; or
- to adjourn a meeting.

If a motion to proceed to next business is seconded and the Chair thinks the item has been sufficiently discussed, they will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

If a motion that the question be now put is seconded and the Chair thinks the item has been sufficiently discussed, they will put the procedural motion to the vote. If it is passed they will give the mover of the original motion a right of reply before putting their motion to the vote.

If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, they will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

#### 4.8.12 Point of order

A Member may raise a point of order at any time. The Chair will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The Member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Chair on the matter will be final.

#### 4.8.13 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 Chair on the admissibility of a personal explanation will be final.

### 4.9 **Motions on Notice (only applicable to Full Council)**

#### 4.9.1 Notice

Except for motions which can be moved without notice under 4.10 notice of every motion, must:

- (a) be delivered in writing or by electronic mail,
- (b) signed by at least five Members, and

- (c) be delivered to the Democratic Services Team not later than ~~seven~~ 5pm ten clear working days before the date of the meeting.

The councillor proposing the notice must be supported by four other councillors who must sign the notice, if written, or submit separate emails of support, within the prescribed timescales.

#### 4.9.2 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.

#### 4.9.3 Scope

The relevant motion must fall within the following scope which will be determined by the ~~Monitoring Officer~~Managing Director (in consultation with the Chair of Council):

- (a) Motions must be about matters that the Council is responsible for which are related to the responsibilities of the Council or which directly affect the District (and are not found on the meeting agenda).
- (b) Motions may not relate to the personal affairs or conduct of individual Members.
- (c) Motions must not include inappropriate or inflammatory language.-.

#### 4.9.4 Process

Subject to the following, the Chair of Council shall refer the Notices of Motion to the appropriate meeting, (i.e. the Executive for Executive business or for non-Executive items, a committee).

In such cases the mover of the motion can outline the proposal and then it stands adjourned to the appropriate meeting.

The motion may be debated if agreed by two-thirds of the Council Members present at the meeting.

Items which relate to the Council's responsibilities can be taken at the full Council meeting unless the Constitution requires consultation with a Committee or referral to an Officer as designated in the Constitution or by law.

#### 4.9.5 Vote of No Confidence in the Leader

A Motion of No Confidence in the Leader must be signed by at least five Members and be submitted in writing to the Democratic Services Team Leader not later than 5pm ten clear working days before the date of the meeting (i.e for a meeting on a Tuesday the deadline will be the Monday at 5pm two weeks before the meeting). Any such Motion is in addition to Motions submitted under 4.9 above such motions must be confined to the Leader's capability as Leader

of the Council. The Motion will normally be taken as the first item of business after announcements (The order of business is at the discretion of the Chair).

A motion of No Confidence in the Leader of the Council office may only be considered on one occasion by the Council in any six month period.

The proposer of the motion shall set out the reasons for seeking the vote. The Leader may respond if they so choose.

If the motion is seconded then a vote shall be taken and the motion shall be carried by simple majority.

The Leader may address the Council if they so choose. In the event that the Leader resigns the position a new Leader shall be elected at the meeting where the resignation takes place.

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#### 4.9.6 A Motion to remove the Leader of the Council

A Motion to remove the Leader of the Council must be signed by at least five Members and be submitted in writing to the Democratic Services Team Leader not later than 5pm ten clear working days before the date of the meeting (i.e for a meeting on a Tuesday the deadline will be the Monday at 5pm two weeks before the meeting) . Any such Motion is in addition to Motions submitted under 4.9 above and must be confined to actions taken by/or the conduct of the Leader in their role as Leader. The Motion will normally be taken as the first item of business after announcements (The order of business is at the discretion of the Chair).

A motion to remove the Leader of the Council office may only be considered on one occasion by the Council in any six month period.

The proposer of the motion shall set out the reasons for seeking the removal of the Leader. The Leader may respond if they so choose.

If the motion is seconded then a vote shall be taken and the motion shall be carried by simple majority.

Where the Council passes a resolution to remove the Leader, a new Leader will be elected at the meeting at which the Leader is removed from office.

#### **4.10 Motions without Notice**

4.10.1 The following motions may be moved without notice:

- (a) to appoint a Chair of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;

- (e) to appoint a Committee or Member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of Committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) to suspend a particular Council Procedure Rule;
- (n) to exclude the public and press in accordance with the law;
- (o) to not hear further a Member named under 4.16.3 or to exclude them from the meeting under 4.16.4;
- (p) to give the consent of the Council where its consent is required by this Constitution.

#### **4.11 Motion to rescind a previous decision**

Unless there has been a material change of circumstances, a motion or amendment to rescind a decision made at a meeting within the past six months cannot be moved unless the notice of motion is signed by at least one-third of the Members of the Council.

#### **4.12 Motion similar to one previously rejected**

Unless there has been a material change of circumstances, a motion or amendment in similar terms to one that 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 one-third of the Members of the Council.

Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

#### **4.13 Voting**

##### **4.13.1 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.

##### **4.13.2 Chair's casting vote**

If there are equal numbers of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.

#### 4.13.3 **Show of hands**

Unless a ballot or recorded vote is demanded under the ballot rules below, the Chair will take the vote by show of hands or by means of the electronic voting system, or if there is no dissent, by the affirmation of the meeting.

#### 4.13.4 **Ballots**

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

#### 4.13.5 **Recorded vote**

If legislation requires or at least 5 Members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

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

#### 4.13.6 **Right to require individual vote to be recorded**

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

#### 4.13.7 **Voting on appointments**

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

#### 4.14 **Minutes**

4.14.1 Unless legislation provides otherwise, the Chair will sign the minutes of the proceedings at the next suitable meeting. The Chair 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.

#### 4.15 **Exclusion of Public and Media for Interruption of Proceedings**

If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room. If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared.

#### 4.16 **Members' Conduct**

#### 4.16.1 **Standing to speak** (applicable to Full Council only)

Other than in the case of Members who are attending remotely, when a Member speaks at Full Council they must stand and address the meeting through the Chair. If more than one Member stands, the Chair of Council will ask one to speak and the others must sit. Other Members must remain seated whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.

#### 4.16.2 **Chair standing or demand for silence**

When the Chair demands or stands, any Members speaking at the time must be silent and where relevant, sit down. The meeting must be silent.

#### 4.16.3 **Members not to be heard further**

If a Member persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.

#### 4.16.4 **Member to leave the meeting**

If the Member continues to behave improperly after such a motion is carried, the Chair 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.

#### 4.16.5 **General disturbance**

If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as they think necessary.

### 4.17 **Agenda Items**

Agenda items must be approved by the Chair and Managing Director provided that a Member may, upon giving ten working days' notice to the Team Leader (Democratic Services) and the Chair of a committee / Executive have an item placed on the agenda of the Executive or a committee if the subject is relevant to the work and scope of that forum. Items placed by individual Councillors will be marked as such and they will be allowed to speak to them subject to other relevant notice requirements.

### 4.18 **Invited Guests and Non Committee Members attending Committees and the Executive**

4.18.1 Committees and the Executive may invite guests to attend their meetings and non-Committee Members may attend including Part 2 items (subject to other

relevant rules including the Code of Conduct which serve to restrict access in appropriate cases).

4.18.2 Invited guests are likely to be expert witnesses or interested parties who the Committee or Executive considers will be able to contribute to the work of the committee. The Committee / Executive will determine the length of the appointment which may be for one meeting or longer but it should only be for as long as the person is likely to make a contribution to the business of the committee. The person will not be a co-opted Member of the Committee / Executive and will not have voting rights. The person will have the ability to speak and participate in the debate at the discretion of the Chair. Members will at all time treat invited guests with respect and will acknowledge their voluntary contribution in asking questions appropriately.

#### **4.19 Procedural Rules Specific to the Executive**

##### **4.19.1 Reports to Executive:**

All reports to the Executive from any Member of the Executive or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant scrutiny committees, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration

##### **4.19.2 Key Decisions:**

**(a) Notice of Key Decision:** Subject to the provisions of this Rule a key decision may not be taken unless a notice (called here a "Notice of Key Decision") has been published in connection with the matter in question; at least 28 clear days have elapsed since the publication of the "Notice of Key Decision"; and where the decision is to be taken by the Executive legal notice of the meeting has been given.

The Notice of Key Decision will state that a key decision is to be taken by the Executive (including a committee of the Executive, individual members of the Executive officers, area committees or under joint arrangements in the course of the discharge of an executive function) and will describe the matter in respect of which the decision is to be made; where the decision maker is an individual, their name and title, if any and where the decision maker is a body, its name and a list of its membership; the date on which, or the period within which, the decision is to be made; a list of the documents submitted to the decision maker for consideration in relation to the matter; the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available; that other documents relevant to those matters may be submitted to the decision maker; and the procedure for requesting details of those documents (if any) as they become available.

The Notice of Key Decision must be made available for inspection by the public.

**(b) The Forward Plan:** The Council is not required by law to publish a Forward Plan. However, notices of Key Decisions and notice of Private Meetings of the Executive will set out details of specific key decisions and key decisions anticipated over a four month period (including decisions to be made by Executive, individual Executive members or delegated officers, which are not key decisions). In this constitution, such notices are together referred to as the "Forward Plan". The Forward Plan does not have to include exempt information and should not include confidential information.

**(c) General Exception:** If a matter which is likely to be a key decision has not been included in the forward plan, then subject to paragraph (d) below (Special Urgency), the decision may still be taken if:

- i. the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next forward plan and until the start of the first month to which the next forward plan relates;
- ii. the Monitoring Officer has informed the Chair of the relevant scrutiny committee, or if there is no such person, each Member of that committee in writing, by notice, of the matter to which the decision is to be made;
- iii. the proper officer has made copies of that notice available to the public at the offices of the Council; and



- iv. at least five clear days have elapsed since the proper officer complied with (a) and (b).

As soon as reasonably practicable after compliance with the General Exception requirements, the reasons why compliance with paragraph 4.19.2 (b) is impractical will be published.

- (d) Special Urgency:** If by virtue of the date by which a key decision must be taken paragraph (c) (General Exception) cannot be followed, then the key decision can only be taken if the decision maker obtains the agreement of the Chair of the relevant scrutiny committee that the taking of the decision cannot be reasonably deferred. If the relevant Chair is unable to act or unavailable, the agreement of the Chair of Council, or in their absence the Vice Chair of Council will suffice.

As soon as reasonably practicable after compliance with such requirements the reasons why the meeting is urgent and cannot reasonably be deferred will be published.

- (e) Report to Council:** When the relevant scrutiny committee resolves that a key decision has been taken which was not the subject of a Notice of Key Decision; or the subject of the general exception procedure; or the subject of an agreement with the Chair of the relevant scrutiny committee of Council as appropriate as provided for above, it may require the Executive to submit a report to the Council within such reasonable time as the relevant scrutiny committee specifies.

The report must include details of the decision and the reasons for the decision, the decision maker, and the reasons, if any, for the Executive believing that the decision was a key decision. The power to require a report rests with the relevant scrutiny committee but is also delegated to the Monitoring Officer, who shall require such a report on behalf of the committee when so requested by the Chair of the relevant scrutiny committee or any 5 members of the committee. Alternatively the requirement may be raised by resolution passed at a meeting of the relevant scrutiny committee.

The Executive will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within seven days of receipt of the written notice, or the resolution of the committee, then the report may be submitted to the following Council meeting.

- (f) Quarterly reports on Special Urgency Decisions:** In any event the Leader will submit quarterly reports to the Council on the Executive decisions taken in the circumstances set out in paragraph (d) (Special Urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

- (g) **Record of Decisions:** After any meeting of the Executive the Team Leader (Democratic Services) or, where no Officer was present, the person presiding at the meeting, will produce a written record of every decision taken at that meeting as soon as practicable. The record will include the decision including the date it was made; the reason for the decision; details of any alternative options considered and rejected by the decision-making body at the meeting at which the decision was made; any conflict of interest relating to the matter decided which is declared by any member of the decision-making body which made the decision; and in respect of any declared conflict of interest, a note of dispensation duly granted.

#### 14.9.3 **Executive Decisions by Officers:**

Where an officer receives a report which they intend to take into account in making any key decision in conjunction with a Member of the Executive then they will not make the decision until at least 5 clear working days after receipt of that report.

On giving of such a report to an individual decision maker, the person who prepared the report will give a copy of it to the Chair of the relevant scrutiny committee as soon as reasonably practicable and make it publicly available at the same time.

As soon as reasonably practicable after an Executive decision has been taken by an officer, they will prepare, or instruct the proper officer to prepare, a record of the decision, including the date it was made a statement of the reasons for it and any alternative options considered and rejected, a record of any conflict of interest declared by any Executive member which relates to the decision, and a note of any dispensation granted by the Head of Paid Service. The provisions of for inspection of documents after meetings will also apply to the making of decisions by an officer in consultation with individual Members of the Executive.

#### 14.9.4 **Access to Executive Documents by Members:**

Scrutiny committees will be entitled to copies of any document which is not in draft form, in the possession or control of the Executive.

All Members will be entitled to inspect any document which is in the possession or under the control of the Executive and contains material relating to any business previously transacted at a private meeting unless it contains exempt information; or it contains the advice of a political advisor; or is in draft form.

All Members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Executive which is part of a Key Decision.

These rights of a Member are additional to any other right they may have.

4.19.5 **Call in of Executive Decisions:** see Section 8(b) of the Constitution which sets out the procedure for call on by the Scrutiny Committees of Executive Decisions.

**4.20 Access by the Public to Council and Committee Meetings (including the Executive)**

4.20.1 These rules apply to all formal meetings of the Council and its committees. These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law. Members of the public may attend all meetings of the Council and committees subject only to the exceptions in these rules.

4.20.2 The Council will give at least 5 clear days’ notice of any meeting of the Council and its committees by posting details as required by law and on the Council’s website.

4.20.3 The Council will make copies of the agendas and reports open to the public available for inspection at least 5 clear days before the meeting. If an item is added to the agenda later, the revised agenda and any report will be available for public inspection as soon as practicable. All agendas, reports, decision notices and minutes which are open to public inspection will be made available on the Council’s web site ([www.teignbridge.gov.uk](http://www.teignbridge.gov.uk)).

4.20.4 The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt or confidential information would be disclosed; or the Chair of the meeting following a warning to the said person requires the person to leave the meeting room, for which the Chair may in his absolute discretion adjourn the meeting to facilitate such departure.

4.20.5 The relevant access to information and meeting rules are governed by law. To be exempt from public access, the relevant information must fall within the following categories (subject to any condition) AND it must be considered by the relevant meeting that the information should be excluded in the public interest. Information is not exempt if it relates to proposed development for which the Council as local planning authority can grant itself planning permission under Regulation 3 Town and Country Planning Regulations 1992.

<b>Category</b>	<b>Qualification</b>
1. Information relating to any individual.	Information is not exempt information unless it relates to any individual.
2. Information which is likely to reveal the identity of an individual.	Information is not exempt information unless it would reveal the identity of

an individual.

3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).

Information is not exempt information unless it relates to the financial or business affairs of any person, including the body holding that information.

4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.

Information within this paragraph 4 is only exempt if and for so long as its disclosure to the public would prejudice the authority in those or any other consultations or negotiations in connection with a labour relations matter. “Labour relations matters” are as specified in paragraphs (a) to (g) of section 29(1) of the Trade Unions and Labour Relations Act 1974 i.e. matters which may be the subject of a trade dispute.

5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Information is not exempt information unless, in view of the Solicitor to the Council, legal privilege could be maintained in legal proceedings.

6. Information which reveals that the authority proposes—  
a. to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or  
b. to make an order or direction under any enactment.

Information within paragraph 6 is exempt only if and so long as disclosure to the public might afford an opportunity to a person affected by the notice, order or direction to defeat the purpose or one of the purposes for which the notice, order or direction is to be given or made

7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Information is not exempt information unless it relates to action taken or to be taken in connection with the prevention, investigation or prosecution of crime

4.20.6 If the Monitoring Officer thinks fit, the Council may exclude access by the public to reports which in his opinion relates to items during which, in accordance with 4.20, the meeting is likely not to be open to the public. Such reports will be marked not for publication and specify the category of information likely to be disclosed.

#### **4.21 State of the District of Teignbridge Debate at a Council Meeting**

The Leader and Deputy Leader may call a State of the District of Teignbridge debate annually as a separate event from the Council Meeting. The Leader and Deputy Leader will decide the format and content of the event which will be a separate event from the Council meeting. The debate will be chaired by the Chair of Council. The results of the debate will be reported to the Council meeting.

#### **4.22 Financial Management**

The management of the Council's financial affairs will be conducted in accordance with the Financial Rules set out in Section 7 of the Constitution.

#### **4.23 Contracts**

Every contract made by the Council will comply with the Contracts Procedure Rules set out in Section 7 of this Constitution.

#### **4.24 Legal Proceedings**

The Solicitor to the Council and those persons authorised by them are authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Solicitor to the Council considers that such action is necessary to protect the Council's interests.

#### **4.25 Authentication of Documents**

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Solicitor to the Council or other person authorised by them, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

Any contract entered into on behalf of the Council in the course of the discharge of an Executive function shall be made in writing. Such contracts must either be signed by at least two officers of the authority or made in accordance with the Financial Regulations set out in Section 7.

#### **4.26 Common Seal of the Council**

The Common Seal of the Council will be kept in a safe place in the custody of the Head of Legal Services Council's Solicitor. The Common Seal will be affixed to those documents which in the opinion of the Head of Legal Services Council's Solicitor should be sealed.

The affixing of the Common Seal will be attested by the Head of Legal Services Council's Solicitor or such other person authorised by them.

#### Signing of documents

The Monitoring Officer and/or Head of Legal Services can sign any document necessary to carry out the Council's decisions or protect its interests including certificates given under the Local Government (Contracts) Act 1997.

The Managing Director and members of the Senior Leadership Team may sign documents on behalf of the Council or authorise officers whom they manage and in accordance with delegated powers stated under the Council Constitution to sign documents on behalf of the Council if:

- the document is about a function which they or an officer who reports to them has budgetary or management responsibility for and
- the constitution or the law does not require the document to be signed by someone else and
- they have had regard to any advice from the Chief Finance Officer and Monitoring Officer

#### Execution of the deeds

The common seal of the Council will be kept in a safe place in the custody of the Head of Legal Services. It will be attested by the Head of Legal Services, or an officer nominated by them. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Head of Legal Services should be sealed. The Council will keep a book recording when the common seal is used. The book will be signed by the officer who attests the seal.

The deed will be validly executed if:

1. the Common Seal has been affixed; and
2. the deed has been signed by the Head of Legal Services or in their absence any member of the Senior Leadership Team; and
3. the signature has been witnessed in the presence of the Council's officer; and
4. reference is made to the resolution [including its date] authorising such execution.

#### **4.27 Resignation of Councillor**

Subject to compliance with political allocation of seats and prior attendance on relevant training, if a councillor stops being a member of the Council or resigns from a committee (such notification being required to be provided in advance and in writing or by email from the relevant member to his Group Leader or the Managing Director), the Leader of the relevant Political Group (or, in their absence, the Deputy Leader), may appoint a replacement committee member to fill the vacancy. Any such appointment or changes to committee membership will be reported to the next available Council meeting.

#### **4.28 Interpretation, Suspension and Amendment of Council Procedure Rules**

4.28.1 The ruling of the Chair of the relevant meeting as to the construction or application of any of these Council Procedure Rules or as to any proceedings of the Council, shall not be challenged at any meeting of the Council.

4.28.2 All of these Council Rules of Procedure except the right to require individual vote to be recorded or where such would be contrary to the law, may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council are present. Suspension can only be for the duration of the meeting. Any motion to add to, vary or revoke the Council Rules of Procedure will, when proposed and seconded stand adjourned without discussion to the next ordinary meeting of the Council.