

Ward(s) Affected: All

Worthing Borough Council Constitution

Report by the Monitoring Officer

Executive Summary

1. Purpose

The Council's Monitoring Officer has recently made some changes to various documents within the Council's Constitution under her delegated authority. This report seeks the endorsement of the Council to the changes that have been made to the Worthing Borough Council Constitution.

2. Recommendations

2.1 The Council is asked to note and endorse the changes made by the Monitoring Officer to:

- i) the Council Procedure Rules on 22nd April 2020
- ii) the Protocol for Remote Council and Committee Meetings on 22nd April 2020
- iii) the Protocol on Public Speaking at Remote Council Planning Committee Meetings on 6th May 2020
- iv) The Council's Petition Scheme on 12th May 2020
- v) the Joint Committee Agreement with Adur District Council on 12th May 2020

2.2 The Council is asked to agree to formally adopt these documents into the Worthing Borough Council Constitution.

3.0 Context

- 3.1 The Coronavirus Act 2020 was introduced to provide legislation surrounding the containment of the virus and to put arrangements in place during the global pandemic arising from COVID-19.
- 3.2 As a result of the legislation and Government advice, it has become impractical to hold face-to-face meetings of the Council and its Committees, as there is a need for Councillors to socially distance from one another.
- 3.3 On 4th April 2020, under s78(1) Coronavirus Act 2020, the Secretary of State introduced secondary legislation; The Local Authorities and Police and Crime Panels (Coronavirus)(Flexibility of Local Authority and Police and Crime Panels Meetings)(England and Wales) Regulations 2020, known as SI 392/2020. These regulations provide that the Council may hold its Council and Committee meeting by Councillors attending remotely, via electronic means, until 6th May 2021. The aim of the regulations is to enable Local Authorities to continue making strategic and operational decisions, in an agile but robust and transparent manner.
- 3.4 Prior to the new regulations, the Local Government Act 1972 provided that all Councillors had to be present in a physical location to be deemed to be in attendance at a meeting. The Council's Constitution incorporated this legislation and required that meetings be held in particular locations with Councillors only being able to attend by being physically present. Consequently, the introduction of the new regulations has required some amendments to the Worthing Borough Council constitution to reflect our new arrangements to hold meetings remotely.
- 3.5 These changes had to be brought in quickly to enable Committee decision making to continue and prevent a delay being caused to the work of the Council. Consequently, changes were made by the Council's Monitoring Officer under her authority delegated by the Council, but in the interests of transparency the Council is now asked to note and endorse the changes made, and formally endorse the adoption of the revised documents into the Constitution.

4.0 Issues for consideration

4.1 Council Procedure Rules

Various amendments were required to Council Procedure Rules to enable Council and Committee meetings to take place remotely. These may be summarised as follows:

- Arrangements have been made for voting to be by way of responding to a roll call rather than by way of a show of hands;
- The location of meetings has been amended to be a remote location by way of video conferencing rather than at Worthing Town Hall;
- Attendance of Members to meet quorum requirements of a remote meeting has been amended so that all those connected remotely to the meeting via electronic devices are in attendance;
- The public are able to ask questions at public question time, by joining the meeting to ask their question or by having their pre submitted question read out if they are unable or unwilling to join the remote meeting electronically;
- The public, who do not have the right to speak at a meeting, are able to access the meeting by viewing the live stream of the remote meeting.

A copy of the revised document may be found at appendix 1 to this report.

4.2 Protocol for Remote Council Meetings

A Protocol has been developed for Remote Council Meetings to provide practical guidance. It includes the following issues:

- How to connect to a remote meeting
- How to indicate your wish to speak at a remote meeting
- How to vote at a remote meeting
- How to deal with an adjournment at a remote meeting
- How to deal with raising a point of order or personal explanation at a remote meeting
- How to deal with a disturbance at a remote meeting
- How to go into private session to consider exempt information at a remote meeting

A copy of the document may be found at appendix 2 to this report.

4.3 Protocol for Public Speaking at Worthing Borough Council Planning Committee Meetings

A Protocol has been developed for Public Speaking at Remote Worthing Borough Council Planning Committee Meetings; this replaces the previous Protocol on Speaking at Planning Committee document. The revised protocol provides guidance on the practicalities of holding a Planning Committee meeting remotely via electronic means, and also incorporates revised entitlement to public speaking previously considered by the Planning Committee. It provides that those members of the public entitled to speak at a Planning Committee Meeting are now able to join a remote meeting to make their representations, or alternatively if they do not wish to join the meeting or are unable to do so, they are entitled to have their previously submitted written representations read out to the meeting to ensure their views are taken into account.

A copy of the document may be found at appendix 3 to this report

4.4 Petition Scheme

The Worthing Borough Council Petition Scheme has been amended to provide that the Petition Organiser is now able to join a remote meeting where they previously had a right to speak, to enable them to present their petition. It further provides that if a Petition Organiser is unable or unwilling to join the meeting, they are entitled to have their written representations read out.

A copy of the revised document may be found at appendix 4 to this report.

4.5 Joint Committee Agreement

The Agreement covers working arrangements between Adur District Council and Worthing Borough Council and provides governance arrangements for decision making at joint meetings including the Joint Strategic Committee, the Joint Governance Committee, the Joint Overview and Scrutiny Committee and the Joint Staff Committee. Amendments have been made to the Joint Committee Agreement to enable joint meetings to be held remotely.

The changes can be summarised as relating to:

- The way in which voting takes place;
- The location of the meeting which may now be remotely via video conferencing;

- Attendance at the meeting which may now be by way of remote attendance via an electronic device;
- Selection of the Chairman of such a meeting.

A copy of the revised document may be found at appendix 5 to this report.

5.0 Engagement and Communication

In making amendments to the Constitution under authority delegated by the Council, the Monitoring Officer has consulted with the Leader of the Council, the Leader of the Opposition, the Chairman of the Joint Governance Committee, and in respect of the Protocol for Public Speaking at Worthing Borough Council Planning Meetings, the Chairman of the Planning Committee.

6.0 Financial Implications

There are no financial implications arising as a result of this report.

7.0 Legal Implications

7.1 Section 78(1) Coronavirus Act 2020 provides that the Secretary of State can introduce secondary legislation relating to requirements to hold local authority meetings.

7.2 On 4th April 2020 the Secretary of State introduced SI 392/2000 The Local Authorities and Police and Crime Panels (Coronavirus)(Flexibility of Local Authority and Police and Crime Panels Meetings)(England and Wales) Regulations 2020.

The regulations provide that Council may now hold their Council and Committee meetings remotely, until 6th May 2021.

Regulation 5 provides that a Member is in remote attendance at a meeting of the Council or its Committees if:

- He can hear and be heard by other Members (and see/be seen if practicable), and
- He can hear and be heard (and see/be seen if practicable) by any members of the public entitled to attend in order to exercise a right to speak, and
- He can be heard (and seen where practicable) by any other member of the public attending.

7.3 Article 11.03 of the Worthing Borough Council Constitution provides that the Council's Monitoring Officer has the delegated authority to make minor and consequential amendments to the Constitution at any time. Paragraph 3.9.23 of the Officer Scheme of Delegations confirms this provision.

Background Papers

- Worthing Borough Council Constitution

Officer Contact Details:-

Susan Sale

Solicitor to the Council & Monitoring Officer

01903 221119

susan.sale@adur-worthing.gov.uk

COUNCIL PROCEDURE RULES
EFFECTIVE FROM 22ND APRIL 2020 TO 6TH MAY 2021

1. Introduction
2. Annual Meetings of Full Council
3. Ordinary Meetings of Full Council
4. Extraordinary Meetings of Full Council
5. Special Meetings
6. Time and Location of Meetings
7. Notice of and Summons to Meetings
8. Chairing of Meetings
9. Quorum
10. Duration of Meetings
11. Questions by the Public
12. Questions on Notice by Members at Full Council
13. Leader's Report to Full Council
14. Motions on Notice at Full Council
15. Motions and Amendments Without Notice
16. Rules of Debate
17. Matters affecting Officers of the Council
18. Officer Reports to Full Council
19. Presentation of Overview and Scrutiny Reports to Full Council
20. Presentation of Joint Governance Committee Reports to Full Council
21. Representatives on Outside Bodies

22. Previous Decisions and Motions
23. Petitions
24. Voting
25. Confidentiality of Papers
26. Minutes
27. Status of Draft Records of Decisions and Minutes
28. Recording of Meetings
29. Record of Attendance
30. Exclusion of the Public
31. Disturbance by the Public
32. Members' Conduct
33. Matters to be delegated by Full Council
34. Attendance of Members at the Executive or Committees of which they
are not Members
35. Exercise of Powers and Functions
36. No Confidence in the Chairperson of a Committee
37. Appointment and Term of Office of the Leader of the Council
38. Appointment of Emergency Liaison Member
39. Appointment of the Leader of the Main Opposition
40. Suspension and Amendment of Council Procedure Rules
41. Business of an Urgent Nature
42. Mayor of the Council

1.0 INTRODUCTION

This version of the Worthing Borough Council Procedure Rules will be effective from 22nd April 2020 until 6th May 2021, unless revoked sooner, by a decision of the Council, or under delegated authority by the Monitoring Officer or Chief Executive.

If not revoked sooner, on 7th May 2021, these Council Procedure Rules will be revoked automatically and the version approved by the Council and coming into effect on 1st June 2018 will continue to apply, unless the Council decides otherwise.

1.1 Interpretation

In these Council Procedure Rules the interpretation of words shall be in accordance with the definitions set out in Part 1 of the Constitution.

1.2 General

- (a) A copy of these Council Procedure Rules shall be made available by the Monitoring Officer to every Member upon acceptance of office. This may include access to an electronic copy of these rules. A copy is also available on the Council's website.
- (b) Any proposal to permanently alter these Council Procedure Rules (other than minor amendments made by the Monitoring Officer), other than a motion to implement a recommendation of the Joint Governance Committee, shall be in the form of a motion instructing the Joint Governance Committee to report upon such proposals. Any such motion, upon being seconded, shall be put to the vote without discussion. The Joint Governance Committee shall report to the next Ordinary Council Meeting upon any matter referred to it under this Council Procedure Rule.
- (c) These Council Procedure Rules embody the requirements of the mandatory Standing Orders, as provided for by the Local Government Act 1972, Local Government and Housing Act 1989 and the Local Government Act 2000, together with secondary legislation, where appropriate. These Council Procedure Rules, therefore, constitute the Council's statutory procedural standing orders, and should be interpreted accordingly.
- (d) Where any step or action under these Council Procedure Rules is prescribed to be performed by a Designated Officer, that Officer may nominate or authorise another Officer in his/her place.
- (e) In implementing and effecting these Council Procedure Rules, the Council will comply with their statutory obligations relating to the use, recording and retention of any personal data that it receives.

1.3 Notices

Any Notice required under these Council Procedure Rules may be given to the Director for Communities by email to: democratic.services@adur-worthing.gov.uk

The listing of names as signatories on such documents shall be deemed to be signatures.

1.4 Person Presiding's Decision Final

Any ruling of the person presiding at any meeting on any point of order, interpretation of these Council Procedure Rules, matters arising during the debate or with regard to the admissibility of an explanation, or otherwise, including any logistical arrangements for any meetings, shall be final and not open to discussion. However, in reaching their decision, the person presiding must give due consideration to the advice of professional Officers.

2.0 ANNUAL MEETING OF THE FULL COUNCIL

2.1 Timing

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. In any other year, the Annual Meeting will take place in March, April or May.

2.2 Business

The Annual Council will:

- (a) Elect a person, other than a Member of the Executive, to be the Mayor of the Borough;
- (b) Appoint a person, other than a Member of the Executive, to be the Deputy Mayor of the Borough;
- (c) Elect the Leader of the Council, if the term of office of the previous Leader has come to an end;
- (d) Appoint the Leader of the Opposition;
- (e) Elect a person, other than a Member of the Executive, to preside if the Mayor is not present, remotely or otherwise;
- (f) Receive apologies for absences and where members are attending remotely, take a roll call of attendees;
- (g) Receive any declarations of disclosable pecuniary or personal interests;

- (h) Approve the Minutes of the last meeting;
- (i) Receive any announcements from the Mayor and/or Head of Paid Service;
- (j) Give a vote of thanks to the retiring Mayor and presentation of retiring Mayor's insignia;
- (k) In an election year, receive the return of the Returning Officer;
- (l) Establish such Committees as the Full Council considers appropriate to deal with matters which are neither reserved to the Full Council nor are Executive functions, including a Committee to consider Standards issues and an Overview and Scrutiny Committee, in accordance with Council Procedure Rule 2.3 below;
- (m) Appoint Members to the Committees of the Council in accordance with Council Procedure Rules 2.3 and 2.4 below;
- (n) Adopt the Council's Constitution and agree the Scheme of Officer Delegations, other than those relating to Executive functions, as set out in Part 4 of this Constitution;
- (o) Approve a programme of Ordinary Meetings of the Council for the year, if not already agreed;
- (p) Consider any other business set out in the summons convening the meeting; and
- (q) Consider any business that the Mayor believes to be urgent, in that the matter to be determined has arisen since the publication of the agenda and failure to determine it at this meeting would cause significant adverse impact on the Council.

There is no opportunity for the public or Members question time at an Annual Meeting of the Full Council.

2.3 Selection of Councillors on Committees

At the Annual Meeting, the Council will:

- (a) Decide which Committees to establish for the Municipal Year;
- (b) Decide the size and Terms of Reference of those Committees;
- (c) Having received a report from the Director for Communities concerning the implementation of political balance rules, decide the allocation of the number of seats of those Committees to each political group.

- (d) Receive nominations of Councillors, and where appropriate co-optees, to serve on each Committee; and
- (e) Appoint Members to seats on those Committees;
- (f) Appoint the Chairperson and Vice-Chairperson of the Council's Committees.

In a year when there is no Election, Council Procedure Rules 2.3 (a), (b) and (c) above may not apply.

2.4 Appointment of Substitute Members to Committees and Sub-Committees.

The Full Council may appoint as many substitutes as it wishes, subject to the following:

- (a) No substitutes will be appointed for Licensing and Control Committee 'B' or any of its Sub-Committees;
- (b) Substitutes may only substitute for Members of the same political party except where a substitution is necessary for the Committee to operate effectively, and the political group does not have sufficient membership to appoint a substitute, or the substitute is not able to attend. In these circumstances the Director for Communities may, having regard to the rules of political proportionality, and in consultation with the Member who is unable to attend, remotely or otherwise, invite any other Member who has been designated as a substitute for that Committee, to attend, remotely or otherwise, the Committee or Sub-Committee;
- (c) Substitutes must be identified at the time of their appointment, but this can be by:
 - appointing 'all Members' as substitutes for a particular Committee; or
 - appointing named Members as substitutes for a particular Committee.

Any Member sitting, remotely or otherwise, as a substitute on a regulatory Committee, or Sub-Committee, must have undertaken appropriate training within the preceding 2 years. Any Member sitting, remotely or otherwise, as a substitute on any other Committee must have undertaken training as appropriate.

- (d) Executive Members may not be substituted on the Executive;
- (e) Substitute Members will have all the powers and duties of any Ordinary Member of the Committee. The Substitute Member will not be able to exercise any special powers or duties exercisable by the person for whom they are substituting (e.g. if they substitute for the Chairperson, they shall not

automatically have the powers of the Chairperson, unless voted as Chairperson by that Committee);

- (f) Substitute Members may attend meetings, remotely or otherwise, in that capacity only:
 - (i) To take the place of an Ordinary Member for whom they are the substitute;
 - (ii) Where the Ordinary Member will be absent for the whole of the meeting;
 - (iii) After notifying the Solicitor to the Council, or his/her representative, prior to them joining the meeting of the Committee, of the intended substitution.
- (g) Where substitutions take place after the Appointed Member has been provided with documents relating to the meeting, the Appointed Member is responsible for providing the Substitute Member with access to those documents.

3.0 ORDINARY MEETINGS OF FULL COUNCIL

3.1 Full Council

Ordinary Meetings of the Full Council will take place in accordance with a programme decided by the Full Council at its Annual Meeting, or at any other time.

Ordinary Meetings will:

- (a) Elect a person, who is not a Member of the Executive, to preside if the Mayor and Deputy Mayor are not present, remotely or otherwise;
- (b) Receive apologies for absence, and where Members are attending remotely, take a roll call of attendees;
- (c) Receive any declarations of disclosable pecuniary or personal interests from Members;
- (d) Approve the Minutes of the last meeting;
- (e) In accordance with Council Procedure Rule 11.0, receive questions from, and provide answers to, the public;
- (f) Deal with any issues arising under the Council's Petition Scheme;
- (g) Receive any announcements from the Mayor, Leader, Members of the Executive or the Head of Paid Service;

- (h) Receive any announcements from any Group Leader as to changes to appointment of Members on Committees, for the Council to note;
- (i) Deal with any business from the last Council meeting;
- (j) Consider any business that the Mayor believes to be urgent, in that the matter to be determined has arisen since the publication of the agenda and failure to determine it at this meeting would cause significant adverse impact on the Council;
- (k) Consider the business specified in the summons to the meeting, including consideration of proposals from the Executive in relation to the Council's Budget and Policy Framework and reports of the Overview and Scrutiny Committee for debate;
- (l) In accordance with Council Procedure Rule 13.0, receive the Leader's report on Executive decisions and receive questions and answers on that report;
- (m) In accordance with Council Procedure Rule 12.0, receive questions from, and provide answers to, Elected Members;
- (n) Consider motions on notice in accordance with Council Procedure Rules 14 and 15.

3.2 Executive and Committees

Ordinary Meetings of the Executive and Committees will take place in accordance with a programme of dates decided by themselves and noted by Full Council.

Ordinary Meetings will:

- (a) Elect a person to preside if the Chairperson and Deputy Chairperson are not present, remotely or otherwise;
- (b) Receive any declarations of substitute membership in accordance with Council Procedure Rule 2.4 above;
- (c) Receive any declarations of disclosable pecuniary or personal interests from Members;
- (d) Approve the Minutes of the previous meeting;
- (e) In accordance with Council Procedure Rule 11.0, receive questions from, and provide answers to, the public;
- (f) Deal with any business from the last meeting;
- (g) Consider any other business specified on the agenda for the meeting; and

- (h) Consider any business that the Chairperson believes to be urgent, in that the matter to be determined has arisen since the publication of the agenda and failure to determine it at this meeting would cause significant adverse impact on the Council.

4.0 EXTRAORDINARY MEETINGS OF FULL COUNCIL

4.1 Full Council

Those listed below may require the Director for Communities to summons Members to Full Council Meetings in addition to Ordinary Meetings:

- (a) The Full Council by resolution;
- (b) The Mayor;
- (c) The Head of Paid Service;
- (d) Monitoring Officer;
- (e) Section 151 Officer;
- (f) Any 5 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 7 calendar days of presentation of the requisition. Any such requisition will be deemed to have been presented to the Mayor, if emailed to the Director for Communities at: democratic.services@adur-worthing.gov.uk

Extraordinary Meetings will:

- (i) Elect a person, who is not a Member of the Executive, to preside if both the Mayor and Deputy Mayor are not present, remotely or otherwise;
- (ii) Where members are attending remotely, take a roll call of those Members present.
- (iii) Receive any declarations of disclosable pecuniary or personal interests from Members;
- (iv) In accordance with Council Procedure Rule 11.0, receive questions from, and provide answers to, the public;
- (v) Consider the single item of business specified in the summons to the meeting (a single item may be made up of more than one part provided they all relate to a single subject); and

- (vi) (Consider any business that the Mayor believes to be urgent, in that the matter to be determined has arisen since the publication of the agenda and failure to determine it at this meeting would cause significant adverse impact on the Council.

4.2 Executive and Committees

Those listed below may request the Director for Communities to call meetings of the Executive or Committees in addition to Ordinary Meetings:

- (a) The Leader, in respect of Executive Meetings, and the Chairperson of the Committee, in respect of their Committee Meetings, at any time.
- (b) If a requisition signed by at least 2, or one quarter of the total number, of the voting Members of the Executive, whichever is the greater, has been presented to the Leader, and either he/she has refused to call a meeting or no such Meeting has been called within 7 calendar days of the presentation of the requisition, then any 2, or one quarter of the number, of the voting Members of the Executive, whichever is the greater, may call an Extraordinary Meeting of the Executive by notice in writing to the Director for Communities at democratic.services@adur-worthing.gov.uk specifying the business proposed to be transacted. The Director for Communities shall give notice to all Members of the Executive and all persons entitled to receive papers. Timeframes set out in the Access to Information Procedure Rules must be complied with.
- (c) If a requisition signed by at least 2, or one quarter of the total number, of the voting Members of the Committee, whichever is the greater, has been presented to the Chairperson of the Committee, and either he/she has refused to call a meeting or no such Meeting has been called within 7 calendar days of the presentation of the requisition, then any 2, or one quarter of the number, of the voting Members of the Committee, whichever is the greater, may call an Extraordinary Meeting of the Committee by notice in writing to the Director for Communities at democratic.services@adur-worthing.gov.uk specifying the business proposed to be transacted. The Director for Communities shall give notice to all Members of the Committee and all persons entitled to receive papers. Timeframes set out in the Access to Information Procedure Rules must be complied with.

Extraordinary Meetings will:

- (a) Elect a person to preside if the Chairperson and Deputy Chairperson are not present, remotely or otherwise;
- (b) Receive any declaration of Substitute Members in accordance with Council Procedure Rule 2.4;
- (c) Receive any declarations of disclosable pecuniary or personal interests from Members;

- (d) In accordance with Council Procedure Rule 11.0, receive questions from, and provide answers to, the public;
- (e) Consider any other business specified in the agenda for the meeting;
- (f) Consider any business that the Chairperson believes to be urgent, in that the matter to be determined has arisen since the publication of the agenda and failure to determine it at this meeting would cause significant adverse impact on the Council.

5.0 SPECIAL MEETINGS

5.1 Full Council

A Special Meeting of the Full Council is one that is required by statute or by the Council and shall only consider a single substantive item of business. The meeting shall be convened for the specific statutory purpose which shall be contained in the summons. No other business may be transacted at that meeting.

Those listed below may require the Director for Communities to call a Special Meeting of the Full Council:

- (a) The Full Council by resolution;
- (b) The Mayor; and
- (c) The Solicitor to the Council.

Special meetings will:

- (i) Elect a person, who is not a Member of the Executive, to preside if the Mayor and Deputy Mayor are not present, remotely or otherwise;
- (ii) Where members are attending remotely, take a roll call of those present;
- (iii) Receive any declarations of disclosable pecuniary or personal interests from Members;
- (iv) In accordance with Council Procedure Rule 11.0, receive questions from, and provide answers to, the public relating to the specific single item of business on the agenda; and
- (v) Consider the specific item of business for which the meeting has been convened.

5.2 Executive and Committees

There shall be no Special Meetings of the Executive or any Committee.

6.0 TIME AND LOCATION OF MEETINGS

6.1 Full Council

- (a) Meetings will be held at the Town Hall, Chapel Road, Worthing, commencing at 6:30 p.m. unless:

- The Full Council resolves otherwise; or
- For some practical reason this is not possible or appropriate, in which case the meeting will be held either at another location or held remotely, to be decided by the Director for Communities, after consulting the Mayor and the Leader of the Council.

A meeting which is held remotely is one where those who are not present together at the same place to attend or participate in a meeting, may attend and participate in that meeting by electronic means. Such means are to be determined by the Director for Communities and confirmed on the summons to the meeting but may include by telephone conference, video conference, live webcasts, and live interactive streaming.

- (b) If an emergency occurs, the Director for Communities may, after consulting with such of the Mayor, the Leader of the Council and Leaders of the political groups as may conveniently be contacted, vary any arrangement agreed by the Full Council for the holding of Full Council meetings.
- (c) No meeting of the Full Council shall, except in an emergency, be held on a Friday evening, Saturday, Sunday, Bank Holiday or day on which the Council shall have granted a general holiday for its employees.

6.2 Executive and Committees

- (a) Meetings of the Executive and Committees will be held at the Town Hall, Chapel Road, Worthing, unless:

- The Full Council resolves otherwise; or
- For some practical reason this is not possible, or appropriate, in which case the meeting will be held either at another location, or held remotely, to be decided by the Director for Communities after consulting with the Chairperson of the Executive and Committee; or
- They are Joint Committees under a Joint Committee Agreement, in which case the time and location of the meeting is governed by that Agreement.

A meeting which is held remotely is one where those who are not present together at the same place to attend or participate in a meeting, may attend and participate in that meeting by electronic means. Such means are to be determined by the Director for Communities and confirmed on the summons to the meeting but may include by telephone conference, video conference, live webcasts, and live interactive streaming.

- (b) If an emergency occurs, the Director for Communities may, after consulting the Chairperson of the Executive or the Committee, as the case may be, and, so far as practicable, representatives of the political groups, vary any arrangements agreed by the Full Council, the Executive or the Committee, for the holding of meetings.

7.0 NOTICE OF AND SUMMONS TO MEETINGS

- 7.1 Not less than 5 clear working days before the day of a meeting, the Director for Communities shall publish on the Council's website the time and location of the intended meeting. Where the meeting is to be held remotely the notice will advise how it can be accessed by the public via electronic means. Where the meeting is called by Members of the Council, the notice shall be signed by those Members and shall specify the purpose proposed to be transacted there.
- 7.2 At least 5 clear working days before the day of a meeting, the Director for Communities will send a summons or agenda signed by him or her to every Member of the Council by electronic mail, by post, or by leaving it at their usual place of residence. The summons or agenda will give the date, time and location of each meeting, specify the business to be transacted and will be accompanied by such reports or shall provide access to such reports electronically. Where the meeting is to be held remotely, details of how to join and attend the meeting will be provided to every Member entitled to attend the meeting, together with the Summons.

7A.0 ATTENDANCE BY MEMBERS AT COUNCIL AND COMMITTEE MEETINGS

- 7A.1 Where a Council meeting is to be held in a physical location, as confirmed in the summons to the meeting, a Member will need to be physically present to be deemed to be in attendance at the meeting.
- 7A.2 Where a Council meeting is to be held remotely, as confirmed in the summons to the meeting, a Member will be deemed to be present and in attendance at the meeting if they are able during the meeting:
 - (i) To hear and be so heard by the Members in attendance, and
 - (ii) To hear and be so heard by any members of the public entitled to attend the meeting, who do attend, remotely or otherwise, and exercise a right to speak, and

- (iii) To be so heard by any other member of the public accessing the meeting remotely.

7A.3 Where the conditions set out in CPR 7A.2 above are not satisfied and maintained for the duration of any item on the agenda for a meeting held remotely, the Member will not be able to participate in the vote on any decision relating to that agenda item. This applies, for example, should a Member lose electronic connection to the meeting for a period of time.

8.0 CHAIRING OF MEETINGS

8.1 Full Council

- (a) The person presiding at a meeting of Full Council may exercise any power or duty of the Mayor.
- (b) If it is necessary to choose a Member of the Council (who cannot be a Member of the Executive) to preside in the absence of the Mayor or their Deputy, the Director for Communities, or the Solicitor to the Council, or their representatives, shall preside and call for a motion that a Member of the Council take the Chair.
- (c) If there is any debate on this motion, then the Director for Communities, or the Solicitor to the Council, or their representatives, shall have all the powers of the Mayor for the purposes of that debate.

8.2 The Executive and Committees

- (a) The person presiding at a meeting of the Executive and Committees may exercise any power or duty of the Chairperson.
- (b) If it is necessary to choose a Member of the Executive or Committee, as the case may be, to preside in the absence of the Chairperson or their Deputy, the Director for Communities, or the Solicitor to the Council, or their representatives, shall preside and call for a motion that a Member of the Council take the Chair.
- (c) If there is any debate on this motion, then the Director for Communities, or the Solicitor to the Council, or their representatives, shall have all the powers of the Chairperson for the purposes of that debate.

9.0 QUORUM

9.1 Full Council

- (a) The Quorum of a meeting will be 10 Members.

- (b) If during any meeting the person presiding declares that there is not a quorum present, remotely or otherwise, the meeting shall stand adjourned for 15 minutes.
- (c) If, after 15 minutes, the person presiding declares that there is still no quorum present, remotely or otherwise, the meeting shall end.
- (d) Notwithstanding any provision in these rules that notices of questions or motions shall lapse, the consideration of all business which is on the agenda of a meeting brought to an end under the previous paragraph, and which has not been completed before the meeting is brought to an end, shall be postponed to the next meeting, whether Ordinary or Extraordinary, insofar as is allowed by law.

9.2 The Executive and Committees

- (a) The Quorum of a meeting will be one third of the whole number of Members of the Executive or Committee, as the case may be, (rounded up where necessary to the next whole number), save that:
 - In the case of the Licensing Committee the quorum will be one quarter of the whole number of Members of the Committee (rounded up where necessary to the next whole number);
 - In no case shall the quorum of a Committee be less than 3; and
 - In no case shall the quorum of a Sub-Committee be less than 2.
- (b) If during any meeting the person presiding declares that there is not a quorum present, remotely or otherwise, the meeting shall stand adjourned for 15 minutes.
- (c) If, after 15 minutes, the person presiding declares that there is still no quorum present, remotely or otherwise, the meeting shall end.
- (d) Notwithstanding any provision in these rules that notices of questions or motions shall lapse, the consideration of all business which is on the agenda of a meeting brought to an end under the previous paragraph, and which has not been completed before the meeting is brought to an end, shall be postponed to the next meeting, whether Ordinary or Extraordinary, insofar as is allowed by law.

9.3 Joint Committees

The quorum of a Joint Committee shall be determined in accordance with the Joint Committee Agreement or arrangement under which it is constituted. However, if no such arrangements are set out within the Joint Committee Agreement, or arrangement under which a Joint Committee is convened, then Council Procedure Rule 9.2 above will apply.

10.0 DURATION OF MEETINGS

10.1 General

- (a) Subject to (d) below, where any meeting has lasted for 4 hours, the person presiding shall interrupt the proceedings and any Member speaking shall stop speaking. The person presiding shall, without discussion, take a vote on whether or not the Members wish the meeting to continue.
- (b) If the majority of Members present, remotely or otherwise, do not vote to continue the meeting, then the person presiding shall, without further discussion, take a vote on the item under discussion and then the meeting shall stand adjourned. The remaining business shall be considered at a time and date fixed at that time by the person presiding and if no such date is fixed, at the next Ordinary Meeting.
- (c) If the majority of Members present, remotely or otherwise, vote to continue the meeting, then a further vote on whether or not to continue the meeting will take place on an hourly basis thereafter.
- (d) Council Procedure Rule 10.1 (a), (b) and (c) do not apply to meetings dealing with matters arising under the Licensing Act 2003 and the Gambling Act 2005, Committee meetings dealing with staff appointments or staff appeals and Standards Committee meetings dealing with code of conduct determination hearings.

11.0 QUESTIONS BY THE PUBLIC

11.1 Full Council

11.1.1 General

Members of the public, who live, work or own property in the Borough, may ask questions of any Member of the Executive at any meeting of the Council (other than Annual Council) and will be allowed a maximum of 5 minutes per person. This provision is subject to a maximum of 30 minutes being available for all public questions.

No discussion will take place in respect of any question.

Where notice has been given of the question in accordance with Council Procedure Rule 11.1.3, the questioner and the Member to whom the question is put are both present, remotely or otherwise, and there is sufficient time, then a verbal response will be provided. If not, a written response will be provided within 3 working days.

There will be no opportunity for the public to ask questions at an Annual Meeting of the Full Council.

11.1.2 Order of Questions

The questions will be put in the order in which notice of them was received, except that the Mayor may group similar questions together.

11.1.3 Notice of Questions

(a) Remote Meetings held by Electronic Means

Where a meeting is to be held remotely, by electronic means, as confirmed in the Summons to the meeting, notice that it is to be asked, together with a copy of it, must be provided to the Director for Communities by email at democratic.services@adur-worthing.gov.uk to be received no later than midday on the second working day prior to the day of the meeting. Notice of questions must include the questioner's name, address and contact details.

Where meetings are held remotely, no question will be permitted from the public unless such notice has been given.

(b) Meetings held at a Physical Location

For meetings held at a physical location, to enable the Member of the Executive to provide the fullest and most accurate answer, notice that it is to be asked, together with a copy of it, should still be given to the Director for Communities in writing by email to be received no later than midday on the second working day prior to the day of the meeting. Notice should be given by email to the Director for Communities, at democratic.services@adur-worthing.gov.uk. Notice of questions must include the questioner's name, address and contact details.

Where a member of the public has failed to give notice of a question in accordance with this provision, the question may still be put, but the Member of the Executive to whom it is addressed may either choose to give a full response or respond by undertaking to provide a written response within 3 working days.

11.1.4 Number of Questions

At any one meeting, no person may make or ask more than a total of 2 questions, although each question may have more than one part, provided that each part relates to the same subject. No more than 2 questions can be asked on behalf of one organisation. The member of the public may only ask questions for a maximum of 5 minutes, regardless of whether 1 or 2 questions are raised.

11.1.5 Scope of Questions

Every question must relate to a matter for which the Council has responsibility and/or which affects the Borough.

Where notice of a question is provided, The Director for Communities may reject a question if, in his/her opinion, it:

- (a) does not relate to a matter for which the Council has responsibility or does not affect the Borough;
- (b) is not a question for the Executive (in which case, it may be referred to the relevant Committee);
- (c) is defamatory, frivolous, vexatious or offensive;
- (d) refers to legal proceedings taken or anticipated by or against the Council;
- (e) is substantially the same as a question which has been put to a meeting of the Full Council in the past 6 months;
- (f) requires the disclosure of confidential or exempt information; or
- (g) Would more appropriately be responded to by the Council under the Freedom of Information Act 2000 or the Data Protection Act 1998.

11.1.6 Record of Questions

- (a) Where notice of a question is provided, The Director for Communities will as soon as possible send a copy of the question to the Member of the Executive to whom it is to be put. If the Director for Communities has rejected the question in accordance with 11.1.5 above, a copy of the question will still be sent to the relevant Member of the Executive, with reasons as to why it has been rejected.
- (b) Where notice of a question has been provided, copies of all such questions, save for those that have been rejected, will be circulated to all Members of the Council, and will be made available to the public attending the meetings via the Council's website.
- (c) Where a question is asked, without notice, the Director for Communities or his / her representative will record a summary of the question in the minutes of the meeting.

11.1.7 Asking the Question at the Meeting

- (a) Remote meetings held by Electronic Means

For a remotely held meeting, where such notice has been given, and the question accepted, the member of the public will be provided with details of how to join the remote meeting by electronic means and will be entitled to join the meeting for the agenda item on public questions, when they have a right to speak. This will enable them to participate in the meeting by asking their question in person when invited to do so by the Mayor. Officers will ensure that they leave the remote meeting at the end of public question time and can continue to listen to the remainder of the meeting by non-interactive live stream.

Where the member of the public does not wish to join the meeting by electronic means, or is unable to do so, their question will be read out to the meeting either by the Mayor or an Officer present.

The provisions of Council procedure Rule 11.1.5 apply and the Mayor may reject a question at the remote meeting on those same grounds.

(b) Meetings held at a Physical Location

The Mayor will invite the questioner to put the question to the relevant Executive Member.

If a member of the public who has submitted notice of a question is unable to be present at the meeting, they may ask the Mayor to put the question on their behalf. If the Mayor puts the question, he/she will indicate either that a written reply will be given within 3 working days, or that, in the absence of the questioner, the question will not be dealt with.

The provisions of Council Procedure Rule 11.1.5 apply and the Mayor may reject a question at the meeting on those same grounds.

11.1.8 Supplemental Question

(a) Remote meetings held by electronic means

For a remotely held meeting, where the member of the public has joined the meeting electronically and asked their question in person, they may also put one supplementary question, without notice, to the Executive Member, who has replied to his or her original question. A supplementary question can be for a maximum of 2 minutes, subject to the overall 30 minutes allowed for public question time.

A supplementary question must arise directly out of the original question or the reply.

The Mayor may reject a supplementary question on any of the grounds in Council Procedure Rule 11.1.5 above.

Where the member of the public does not join the meeting by electronic means and their question has been read out to the meeting either by the Mayor or an Officer present, they are unable to ask a supplementary question.

(b) Meetings held in a Physical Location

A member of the public who has put a question in person, may also put one supplementary question, without notice, to the Executive Member, who has replied to his or her original question. A supplementary question can be for a maximum of 2 minutes, subject to the overall 30 minutes allowed for public question time.

A supplementary question must arise directly out of the original question or the reply.

The Mayor may reject a supplementary question on any of the grounds in Council Procedure Rule 11.1.5 above.

11.1.9 Answers

(a) Remote meetings held by electronic means

Regardless of whether the member of the public is in attendance at the meeting by having joined it for the agenda item or not, provided there is sufficient time and the person to whom the question is put is remotely present, the question will be answered at the meeting. The verbal response will have a time limit of 5 minutes in total, subject to the maximum of 30 minutes available for public question time.

Where a supplemental question is asked a verbal response will be provided, with a time limit of 2 minutes, subject to a maximum of 30 minutes available for public question time.

If there is insufficient time, or the Executive Member to whom it is put is not remotely present, it will be dealt with by way of a written answer, to be provided within 3 working days of the meeting.

(b) Meetings held in a physical location

Where notice has been given of a question, a verbal response will be provided with a maximum time limit of 5 minutes in total, subject to the maximum of 30 minutes available for public question time.

Where a supplemental question is asked, following a question on notice, a verbal response will be provided, with a time limit of 2 minutes, subject to a maximum of 30 minutes available for public question time.

Any question which cannot be responded to during Public Question Time, either because of the non-attendance of the Member of the Executive to whom

it was to be put, or the non-attendance of the member of the public putting the question, will be dealt with by way of a written answer, to be provided within 3 working days of the meeting.

Where notice of a question has been provided, but it cannot be responded to during Public Question Time due to lack of time, it will be dealt with by way of a written answer, to be provided within 3 working days of the meeting.

11.1.10 Referral to the Executive or a Committee

Any Member of the Council may move that a matter raised by a question, be referred to either the Executive or a Committee. Once seconded, such a motion will be voted on without discussion.

11.2 The Executive and Committees

11.2.1 General

Members of the public, who live, work or own property in the Borough, may ask questions at any meeting of the Executive or a Committee on any matter which is before that meeting, or for which the Executive or that Committee has responsibility, subject to:

- (a) A question cannot be put in relation to a specific planning application;
- (b) A question cannot be put in relation to a specific application before a Licensing Committee or Sub-Committee;
- (c) A question cannot be put in relation to a specific staffing appointment or appeal matter; and
- (d) A question cannot be put in relation to a specific Standards determination matter;
- (e) There will be a maximum of 30 minutes available for public questions.

A member of the public will be allowed a maximum of 5 minutes to ask their question, subject to the maximum 30 minutes allowed for public question time.

11.2.2 Order of Questions

Questions will be asked in the order in which notice of them was received, except that the person presiding may group similar questions together.

11.2.3 Notice of Questions

- (a) Remote Meetings held by Electronic Means

Where a meeting is to be held remotely, by electronic means, as confirmed in the Summons to the meeting, notice that it is to be asked, together with a copy of it, must be provided to the Director for Communities by email at democratic.services@adur-worthing.gov.uk to be received no later than midday on the second working day prior to the day of the meeting. Notice of questions must include the questioner's name, address and contact details.

Where meetings are held remotely, no question will be permitted from the public unless such notice has been given.

(b) Meetings held at a Physical Location

Where such a meeting is held at a physical location, to enable the Member of the Executive or Committee to provide the fullest and most accurate answer, notice that it is to be asked, together with a copy of it, should still be given to the Director for Communities in writing by email to be received no later than midday on the second working day prior to the day of the meeting. Notice should be given by email to the Director for Communities, at democratic.services@adur-worthing.gov.uk. Notice must include the name, address and contact details of the questioner.

Where a member of the public has failed to give notice of a question in accordance with this provision, the question may still be put, but the Member of the Executive or Committee to whom it is addressed may either choose to give a full response or respond by undertaking to provide a written response within 3 working days.

11.2.4 Number of Questions

At any one meeting, no person may submit more than 2 questions, although each question may have more than one part, provided that each part relates to the same subject, and no more than 2 questions can be asked on behalf of one organisation.

11.2.5 Scope of Questions

Every question must relate to a matter for which the Executive, or that particular Committee, has responsibility.

Where notice of a question has been provided, the Director for Communities may reject a question if, in his/her opinion, it:

- (a) is not about a matter for which the Executive or Committee has a responsibility;
- (b) is defamatory, frivolous, vexatious or offensive;
- (c) refers to legal proceedings taken or anticipated by or against the Council;

- (d) is substantially the same as a question which has been put to a meeting of the Full Council, the Executive or the same Committee in the past 6 months;
- (e) requires the disclosure of confidential or exempt information; or
- (f) would more appropriately be responded to by the Council under the Freedom of Information Act 2000 or the Data Protection Act 1998.

11.2.6 Record of Questions

- (a) Where notice of a question is provided, the Director for Communities will as soon as possible send a copy of the question to the Member to whom it is to be put. Where the Director for Communities has rejected a question, a copy will still be sent to the relevant Member together with reasons for the rejection.
- (b) Where notice of a question is provided, copies of all questions, save for those which have been rejected, will be circulated to all Members of the Executive or Committee, as the case may be, and will be made available to the public attending the meetings, and made publicly available via the Council's website.

11.2.7 Asking the Question at the Meeting

- (a) Remote meetings held by Electronic Means

For a remotely held meeting, where such notice has been given, and the question accepted, the member of the public will be provided with details of how to join the remote meeting by electronic means and will be entitled to join the meeting for the agenda item on public questions, when they have a right to speak. This will enable them to participate in the meeting by asking their question in person when invited to do so by the Chairman. Officers will ensure that they leave the remote meeting at the end of public question time and can continue to listen to the remainder of the meeting by non-interactive live stream.

Where the member of the public does not wish to join the meeting by electronic means, or is unable to do so, their question will be read out to the meeting either by the Person Presiding or an Officer present.

The provisions of Council Procedure Rule 11.2.1 and 11.2.5 apply and the Person presiding may reject a question at the remote meeting on those same grounds.

- (b) Meetings held at a Physical Location

The person presiding will invite the questioner to put the question to the meeting.

If a member of the public who has submitted notice of a question is unable to be present, they may ask the person presiding to put the question on their behalf. If the person presiding sees fit, they may group similar questions together and summarise them. If the person presiding puts the question, they will indicate either that a written reply will be given within 3 working days or, in the absence of the questioner, that the question will not be dealt with.

11.2.8 Supplemental Question

(a) Remote meetings held by electronic means

For a remotely held meeting, where the member of the public has joined the meeting electronically and asked their question in person, they may also put one supplementary question, without notice, to the Executive or Committee. A supplementary question can be for a maximum of 2 minutes, subject to the overall 30 minutes allowed for public question time.

A supplementary question must arise directly out of the original question or the reply.

The Person Presiding may reject a supplementary question on any of the grounds in Council Procedure Rule 11.2.1 or 11.2.5 above.

Where the member of the public does not join the meeting by electronic means and their question has been read out to the meeting either by the person presiding or an Officer present, they are unable to ask a supplementary question.

(b) Meetings held in a Physical Location

A member of the public who has put a question in person, may also be allowed a maximum of 2 minutes to put one supplementary question, without notice, to the Executive or Committee, and a verbal response will be given.

A supplementary question must arise directly out of the original question or the reply.

The person presiding may reject a supplementary question on any of the grounds in Council Procedure Rule 11.2.1 or 11.2.5 above.

11.2.9 Answers

(a) Remote meetings held by electronic means

Regardless of whether the member of the public is in attendance at the meeting by having joined it for the agenda item or not, provided there is sufficient time and the person to whom the question is put is remotely present, the question will be answered at the meeting. The verbal response will have a

time limit of 5 minutes in total, subject to the maximum of 30 minutes available for public question time.

Where a supplemental question is asked a verbal response will be provided, with a time limit of 2 minutes, subject to a maximum of 30 minutes available for public question time

If there is insufficient time, or the person to whom it is put is not remotely present, it will be dealt with by way of a written answer, to be provided within 3 working days of the meeting.

(b) Meetings held in a physical location

Any question which cannot be dealt with during Public Question Time, either because of the non-attendance of the Member to whom it was to be put, or due to the non-attendance of the questioner, will be dealt with by way of a written answer from the Leader of the Executive, relevant Member, or Chairperson of the Committee, to be provided within 3 working days of the meeting.

Where notice of a question has been provided, but it cannot be responded to during Public Question Time due to lack of time, it will be dealt with by way of a written answer, to be provided within 3 working days of the meeting.

12.0 QUESTIONS ON NOTICE BY MEMBERS AT FULL COUNCIL

12.1 Questions on Notice

Subject to Council Procedure Rule 12.3 below, a Member of the Council may ask:

- (a) the Mayor;
- (b) a Member of the Executive;
- (c) the Chairperson of any Committee; or
- (d) the Council's representative on any outside body

a question on any matter in relation to which the Council has power or which affects the Borough except that no question may be asked on:

- (i) a decision of the Planning Committee on a specific planning application;
- (ii) a decision of the Joint Governance Committee on a Standards determination;
- (iii) a decision of a Licensing Committee on a specific application, review or similar matter; and
- (iv) a decision on a staffing appointment or appeal relating to an individual;
- (v) a matter which is substantially the same as a question which has been put to a meeting of the full Council by a Member of that Council within the previous 6 month period.

Every question shall be put and answered without discussion.

12.2 Notice of Questions

A Member may only ask a question in accordance with Council Procedure Rule 12 if either:

- (a) they have given written notice of the question and a copy of the question, to the Director for Communities, by email to democratic.services@adur-worthing.gov.uk, to be received by midday at least 2 working days prior to the day of the meeting; or
- (b) the question relates to an urgent matter and they have obtained the consent of the Mayor and notice of, and a copy of, the question is given to the Director for Communities by midday on the day of the meeting, by email to democratic.services@adur-worthing.gov.uk.

12.3 Response

A written response will be prepared to the question and shall be read to the meeting.

The response may take the form of:

- (a) a direct answer; or
- (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 to the meeting, a written answer circulated within 3 working days of the meeting, to the questioner and all Members of the Council.

12.4 Transferring the Response

The person to whom a question has been put may ask another Member to respond or may decline to answer.

Any Member may move that a matter raised by a question under Council Procedure Rule 12 be referred to the Executive or a Committee. Once seconded, such a motion will be voted on without discussion.

12.5 Supplementary Question

- (a) A Member asking a question under Council Procedure Rule 12 may ask one supplementary question, without notice, of the Member to whom the first question was put, or of the Member who provided the response under 12.4 above.
- (b) The supplemental question must arise directly out of the original question or the reply.

12.6 Number and Order of Questions

- (a) A Member may submit as many questions as they wish to any meeting but may only ask one question and one supplementary question at a time.
- (b) The Mayor shall invite questions from Members in such an order as to ensure that each political group on the Council and independent Members are permitted to ask a question in rotation, starting with the main opposition group.

12.7 Duration of Question Time by Members

The period of time allotted to Members' questions under Council Procedure Rule 12 shall not exceed 30 minutes, unless the Mayor exercises his discretion to extend it.

12.8 Record of Questions and Answers

- (a) Questions asked on notice at Full Council under Council Procedure Rule 12 will be recorded in the minutes, as will any written answer provided.
- (b) For the avoidance of doubt, neither supplementary questions nor answers shall be recorded.

13.0 LEADER'S REPORT TO FULL COUNCIL

13.1 General

- 13.1.1 The Leader shall prepare a Report of the business of the Executive for each Ordinary Meeting of the Full Council. In presenting the report, the Executive will have 15 minutes to make any statements that they wish to make, relating to the report before the Full Council.
- 13.1.2 Following the presentation of the Report of the business of the Executive, any Member may ask a question of the Leader or Executive Member arising from the written report provided that the question is not one which is to be put under Council Procedure Rule 12.0.
- 13.1.3 This item of business shall not last longer than 15 minutes unless in the view of the Mayor, or on a motion moved by a Member, seconded and approved by Full Council without discussion, it is deemed appropriate to extend the time. In this event, the Mayor shall specify the duration of the extension.
- 13.1.4 Every question should be put and answered without discussion.
- 13.1.5 Following the presentation of the report and questions arising on that, the Mayor shall call Members to ask questions for which due notice has been given pursuant to Council Procedure Rule 12.

14.0 MOTIONS ON NOTICE AT FULL COUNCIL

14.1 Notice

- 14.1.1 Except for motions that can be moved without notice under Council Procedure Rule 15, written notice of every motion, signed by at least one Elected Member of the Council, must be delivered to, and received by, the Director for Communities, by email at democratic.services@adur-worthing.gov.uk, not less than 10 clear working days before the date of the meeting.
- 14.1.2 An electronic signature will suffice.. The Member must ensure they obtain an acknowledgement of its receipt.
- 14.1.3 The Director for Communities will date and number the motion in the order in which it is received.

14.2 Scope

- 14.2.1 Every motion shall be relevant to some matter in relation to which the Council has powers or duties or which affects the Borough.
- 14.2.2 Where a motion is received, the Director for Communities may reject it if, in his/her opinion, the motion:
- (a) is not relevant either to some matter in relation to which the Council has powers or duties or it does not affect the Borough; or
 - (b) is defamatory, frivolous, unlawful, vexatious or offensive; or
 - (c) refers to legal proceedings taken or anticipated by or against the Council; or
 - (d) is substantially the same as a motion which has been received and accepted in the past 6 months; or
 - (e) requires the disclosure of confidential or exempt information; or
 - (f) is improper, out of order or not relevant.

Where a motion is rejected by the Director for Communities, he/she shall return the motion to the Member of the Council who sent it, stating that it will not be inserted on the agenda and providing reasons.

- 14.2.3 Where the Council is in the process of consulting with the public on a proposal, or responding to a formal consultation process, no notice of motion expressing support or objecting to the proposals shall be accepted.
- 14.2.4 All accepted notices of motion shall be sent, via a report, direct to Full Council by the Director for Communities. Such report will include the procedure for consideration and determination of the motion.

14.2.5 The decision of the Director for Communities will be final.

14.3 Motions set out in Agenda

14.3.1 Accepted motions for which notice has been given will be listed on the agenda, subject to the exception below, in the order in which notice was received by the Director for Communities, unless the Member giving notice of the motion gives advance written notice that they intend to propose to defer the motion until the next meeting, or withdraw the motion.

14.3.2 Such accepted motions will be placed on the agenda immediately before the consideration of exempt information items.

14.3.3 The maximum number of accepted notices of motion to be presented at a Council meeting shall be as follows:

- The 3 largest Political Groups: 2 each Group
- Any other Group: 1 each Group

If the 3 largest groups cannot be determined due to equality in numbers, then each Political Group with a membership of 5 or more may present 2 motions.

14.3.4 Any Member not belonging to a Political Group may present not more than 1 notice of motion.

14.3.5 Where Members of a Political Group submit more than the permitted maximum number of notices of motion the Group shall decide which of these it wishes to table. In the absence of such a decision, notices of motion from Members of a Group shall be taken in the order in which they are received up to the permitted maximum number.

14.4 Procedure for Consideration and Determination of a Motion

Motions shall be dealt with as set out below:

14.4.1 If any part of the subject matter of any motion comes within the remit of the Executive, upon being moved and seconded, it shall be noted by Council and referred without debate to the Executive for consideration and determination.

14.4.2 If any part of the subject matter of any motion comes within the remit of any Regulatory Committee (i.e. Planning and Licensing), upon being moved and seconded, it shall be noted by Council and referred without debate to such Committee for consideration and determination.

14.4.3 Subject to rules 14.4.1 and 14.4.2, if any part of the subject matter of any motion comes within the remit of any other Council committee, upon being moved and seconded, it shall be noted by Council and referred without debate to the relevant Committee for consideration and determination.

14.4.4 Where the subject matter of a motion:

- (i) is not within the remit of the Executive, a Regulatory Committee or any other Council Committee; and
- (ii) does not incur any Council expenditure; and
- (iii) does not include a proposal for the Council to take any substantive action and is merely declaratory;

then it may be considered by the Full Council at the meeting at which it appears in the agenda.

14.4.5 Where the subject matter of a motion:

- (i) is not within the remit of the Executive, a Regulatory Committee or any other Council Committee; and
- (ii) does not incur any Council expenditure; and
- (iii) does include a proposal for the Council to take substantive action and is more than declaratory;

then it may be considered by a future meeting of the Full Council.

14.5 Speaking to propose a Motion

14.5.1 If a motion on the agenda at Full Council is to be referred automatically to the Executive, a Regulatory Committee or another Council Committee, in accordance with Council Procedure Rule 14.4, the proposer of the motion will confirm to the Mayor their proposal of the motion as set out in the report before Council without a speech.

14.5.2 If a motion on the agenda at Full Council is to be referred automatically to the Executive, a Regulatory Committee or another Council Committee, in accordance with Council Procedure Rule 14.4, the seconder of the motion will confirm to the Mayor their seconding of the motion as set out in the report before Council without a speech.

14.5.3 If a motion to be automatically referred has been signed by only one Member, the Mayor will invite another Member present to second the motion without a speech. If the motion is not seconded it falls without debate.

14.5.4 If a motion on the agenda at Full Council is not to be referred automatically in accordance with Council Procedure Rule 14.4, it shall be proposed and seconded in accordance with the rules of debate set out at Council Procedure Rule 16.

14.5.5 If a motion on the agenda is not to be automatically referred and has been signed by only one Member, the proposer may speak for a maximum of 2 minutes without the motion being seconded. If the motion is then not seconded it shall fall.

14.5.6 If a motion set out on the agenda is not moved by a Member who gave the notice or by some other Member on his or her behalf, it shall be treated as withdrawn and shall not be moved without fresh notice unless postponed by the Council.

14.6 Attendance of mover at meeting of the Executive or a Committee

14.6.1 Where a motion has been referred by Full Council to the Executive or a Committee, the mover, or the seconder in the absence of the mover, shall be entitled to attend the relevant meeting of the Executive or Committee and to explain the motion.

14.6.2 The Member may answer questions from the Executive or Committee, for the purposes of clarification, prior to any debate and may sit with the Committee for the item in question.

14.6.3 The Member may not partake in the debate, nor vote upon the item.

14.7 Motions similar to those previously rejected and Motions to rescind a decision

14.7.1 For procedures relating to Motions brought similar to those previously rejected and Motions attempting to rescind a Council decision, reference is made to Council Procedure Rule 22.

15.0 MOTIONS AND AMENDMENTS WITHOUT NOTICE

15.1 General

The following motions and amendments may be moved without notice:

- (a) To appoint a person to preside at 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 including referring any matter for consideration by the Executive or a Committee;
- (e) To appoint a Committee or Member arising from an item on the summons for the meeting;
- (f) To receive reports or adopt recommendations from the Executive, Committee or Officers, and any resolutions arising from them;
- (g) To withdraw a motion;

- (h) To extend the time limit for speeches;
- (i) To amend a motion;
- (j) To postpone consideration of a motion;
- (k) To proceed to the next business;
- (l) To take an immediate vote on a motion;
- (m) To adjourn a debate;
- (n) To adjourn a meeting;
- (o) That the meeting continue beyond 4 hours in duration;
- (p) To suspend a particular Council Procedure Rule;
- (q) To authorise the sealing of documents;
- (r) To exclude the public and press in accordance with the Access to Information Procedure Rules (see Council Procedure Rule 16.14);
- (s) To not hear further a Member named under Council Procedure Rule 32.3 or to exclude them from the meeting under Council Procedure Rule 32.4;
- (t) To invite a Member to withdraw in accordance with the Members' Code of Conduct;
- (u) To give the consent of the Council where its consent is required by this Constitution;
- (v) To carry out a statutory duty of the Council which, by reason of special circumstances, the person presiding is of the opinion should be considered at the meeting as a matter of urgency;
- (w) Motions relating to communications and announcements from the Chairperson, Leader, Members of the Executive and/or Head of Paid Service in accordance with Council Procedure Rule 3;
- (x) Motions relating to vote by way of ballot.

16.0 RULES OF DEBATE

For rules of debate relating to the consideration and determination of the annual budget, reference is made to the Council's Budget Procedure Rules found in Part 4 of the Council's Constitution.

16.1 Management of debate

- (a) The person presiding shall have the control of any debate and will use his or her discretion to ensure the effective, efficient, fair and orderly conduct of the business.
- (b) The person presiding will normally follow the rules set out in this Council Procedure Rule 16 but their interpretation, application or waiver of these rules of debate will be final.

16.2 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 or amendment has been seconded.

16.3 Right to require motion in writing

Unless notice of the motion has already been given, the person presiding may require it to be written down and handed to him or her before it is discussed.

16.4 Full Council - Seconder's speech

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

16.5 Full Council - Content and length of speech

- (a) Speeches must be directed to the question under discussion or be a personal explanation or point of order.
- (b) Subject to (c) and (d) below, no speech shall exceed 5 minutes in length.
- (c) The speech of the proposer of a motion (but not an amendment), when proposing the motion or when exercising his or her right of reply at the close of debate on a motion, shall not exceed 10 minutes.
- (d) The time limits at (b) and (c) above may be extended with the consent of the Council which shall be given or refused without debate.

16.6 The Executive and Committees - Content of speech

- (a) Speeches must be directed to the question under discussion or be a personal explanation or point of order.
- (b) The person presiding shall exercise principles of good chairpersonship in conducting meetings; regulating proceedings fairly, objectively and without bias. In particular, they shall ensure that the meeting has a structured debate with clear proposals moved and seconded and debated in the order moved.
- (c) The Chairperson shall announce the motion (as amended if appropriate) immediately before any vote and confirm the decision of the Committee.

16.7 Full Council - 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 to any 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 spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order;
- (f) by way of personal explanation.

16.8 The Executive and Committees– When a Member may not speak again

A Member who has spoken on a motion may not speak again whilst it is the subject of debate subject to the person presiding at his or her discretion:

- (a) determining that the Member has spoken sufficiently on the matter; or
- (b) determining that the matter has been debated sufficiently and calling for a vote.

16.9 Amendments to Motions

- (a) An amendment shall be relevant to the motion and will either be:
 - i) to refer the matter to an appropriate body or individual, including the Executive or a Committee, for consideration or reconsideration;
 - ii) to give guidance to the Executive or a Committee on a subject determined under delegated powers;
 - iii) to amend the wording, as long as the effect is not to negate the motion or introduce a new proposal into the debate.
- (b) If he/she deems it necessary, the person presiding shall read out the amended motion before the amendment is put.

- (c) Only one amendment may be moved and discussed at any one time and no further amendment shall be moved until the amendment under discussion has been disposed of, except with the agreement of the proposer and seconder of the subsisting proposed amendment, to amend that proposal with a view to achieving agreement.
- (d) A Member may give notice of his/her intention to move a further amendment, and its nature, before a vote is taken on the amendment under consideration.
- (e) If an amendment is lost, other amendments to the original motion may be moved, provided that no such amendment may have a similar effect to one previously determined by the meeting unless it is supported by more than 50% of Members present.
- (f) If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the substantive motion to which any further amendments may be moved.
- (g) After an amendment has been carried, the person presiding will read out the amended motion before accepting any further amendments.
- (h) After all amendments have been considered and determined there shall be an opportunity for further debate on the original motion, as amended or otherwise, as the case may be, prior to the taking of a vote.

16.10 Alteration of Motion

With the consent of his/her seconder and of the meeting, which shall be signified without discussion, a Member may alter:

- (a) a motion of which he/she has given notice, or
- (b) a motion or an amendment which he/she has moved,

provided that the alteration is one which could be made as an amendment to the motion.

16.11 Withdrawals of Motions and Amendments

- (a) A Member may withdraw a motion or amendment with the consent of his/her seconder and of the meeting, which shall be signified without discussion.
- (b) No Member may speak on the motion after the mover has asked permission for its withdrawal unless permission to withdraw is refused.

16.12 Full Council - Right of Reply

- (a) When Full Council debates reports and recommendations received from the Executive or its Committees, the appropriate Executive Member or Committee Chairperson shall have the right to sum up at the end of any debate on the report.
- (b) Subject to the above, the mover of a motion has a right of reply at the end of the debate on the motion immediately before it is put to the vote.
- (c) 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.
- (d) The mover of the amendment shall have a right of reply immediately after the reply on the amendment by the mover of the original motion.
- (e) A Member exercising a right of reply shall confine him or herself to answering previous speakers and shall not introduce new matters or material. The person presiding's ruling on this shall be final and not open to discussion.

16.13 Person presiding may sum up debate

- (a) The person presiding may, if he/she thinks fit, sum up the debate before putting a motion or amendment to the vote; and
- (b) if such debate involves questions of a legal, administrative or technical nature, he/she may request the appropriate Officer to draw the attention of the meeting to any relevant factors.

16.14 Motions which may be moved during debate

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

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to postpone consideration of a motion;
- (d) to adjourn the debate;
- (e) to adjourn the meeting;
- (f) that the meeting continue beyond 4 hours in duration;
- (g) to proceed to the next business;
- (h) to take an immediate vote on the motion;
- (i) to not hear from a Member named under Council Procedure Rule 32.3 or to exclude them from the meeting under Council Procedure Rule 32.4;
- (j) to exclude the public and press in accordance with the Access to Information Rules.

16.15 Closure Motions

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

- (a) to proceed to the next business;
- (b) to take an immediate vote on a motion;
- (c) to adjourn a debate;
- (d) to adjourn the meeting;
- (e) to exclude the public from the meeting;
- (f) that a Member be not further heard.

On the seconding of a motion referred to above, the person presiding shall proceed as follows:

- (i) On a motion to proceed to the next business, which is seconded, unless in his/her opinion the matter before the meeting has been insufficiently discussed, the person presiding shall give the mover of the original motion the right of reply and then put his/her motion to the vote. If the procedural motion is carried, then the question before the Council is dropped and no decision on it has been taken.
- (ii) On a motion to take an immediate vote on a motion, which is seconded, unless in his opinion the matter before the meeting has been insufficiently discussed, the person presiding shall first put the procedural motion to the vote. If the motion is passed, the Chairperson will give the mover of the original motion or amendment his/her right of reply before putting it to the vote.
- (iii) On a motion to adjourn the debate or to adjourn the meeting, which is seconded, if in the opinion of the person presiding the matter before the meeting has not been sufficiently discussed and cannot reasonably be so discussed, on that occasion, they shall put the adjournment motion to the vote without giving the mover of the original motion or amendment his or her right of reply. A Member moving the adjournment of the debate of the meeting must limit his or her observations to that question and no amendment can be proposed to that motion, unless it relates to the time of the adjournment. On resuming an adjourned debate, the Member who moved the adjournment is entitled to speak first.

- (iv) On a motion to exclude the public, unless the motion appears on the agenda, the person presiding shall ascertain the grounds for the motion and seek the advice of the Monitoring Officer as to whether members of the public may lawfully be excluded. If members of the public may be lawfully excluded, the person presiding will allow the mover of the original motion a right of reply on the proposal to exclude the public and then put the motion to the vote. If it is passed, the person presiding may, at his/her discretion, either immediately require the public to leave the room in which the debate is being held (or in a remote meeting, instruct Officers to immediately remove the access of any members of the public to the remote meeting and stop the live stream) or adjourn the debate until some convenient time later in the meeting when the public shall have been excluded.
- (v) On a motion that a named Member be not further heard, which is seconded, the person presiding shall put the motion to the vote without discussion from any Member. If it is passed, the named Member shall not be permitted to speak again during the meeting on any motion or amendment relating to the same matter.

16.16 Certainty of Resolutions

Before a vote is taken, the motion or resolution, as amended, is to be written down and read out by the Chairperson or his/her representative.

16.17 Point of Order

- (a) A point of order shall only relate to:
 - i) an alleged breach of these Council Procedure Rules; or
 - ii) an alleged breach of the law.
- (b) During a meeting held in a physical location a Member may rise on a point of order at any time and the person presiding shall hear them immediately, subject to Council Procedure Rule 32.2. During a meeting held remotely, by electronic means, a Member may speak at any time indicating to the person presiding that they wish to raise a point of order, and the person presiding shall hear them immediately, subject to Council Procedure Rule 32.2
- (c) The Member must indicate the Council Procedure Rule or law and the way in which he/she considers it has been breached. The ruling of the person presiding on the matter will be final and is not open to discussion.

16.18 Personal Explanation

- (a) A personal explanation shall be confined 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 person presiding on the admissibility of a personal explanation will be final and is not open to discussion.

- (b) A Member may indicate a desire to make a personal explanation at any time. At a meeting held remotely, by electronic means, they may speak at any time to advise the person presiding that they wish to raise a personal explanation. The person presiding will hear them immediately, subject to Council Procedure Rule 32.2.

16.19 Council - Officers

- (a) Other than in relation to Rule 18, no Officer, other than:

- i) the Head of Paid Service;
- ii) the Solicitor to the Council, or their representative, in their role as adviser to the Council meeting;
- iii) the Monitoring Officer or Deputy Monitoring Officer, acting in that capacity;
- iv) the Section 151 Officer or Deputy Section 151 Officer, acting in that capacity;
- v) the Director for Communities or his/her representative as to the recording of any part of the meeting;

may be called upon to speak at a meeting of Full Council, without the consent of both the Mayor and Head of Paid Service or a Director. However, with such consent, an Officer, other than those listed above, may contribute by way of advice, guidance or presentations on any report under consideration.

- (b) Officers holding statutory positions shall not be prevented from addressing the Council where they see fit to do so and so far as they act within the law.

16.20 Notice of Adjourned Meetings

Any motion to adjourn a debate or a meeting may specify the location, date and time at which the adjourned debate or meeting shall take place. If such specification is not given, the venue, date and time of the adjourned debate or meeting shall be determined by the Mayor or Committee Chairperson as appropriate, or Director for Communities.

16.21 Council – Committee Recommendations and Reports

Any recommendations by, or reports from, a Committee at Full Council will be taken in date order, unless otherwise required, and for the purpose of any debate or amendment or other motion, each recommendation shall be treated as if it was a separate motion by the Chairperson of the Committee or other Member moving the report that the same be adopted by the Council.

16.22 Full Council - Recommendations of the Executive

Each recommendation of the Executive will be moved in turn by the Leader. After the recommendation has been moved and seconded the matter may be debated. The rules about motions and amendments set out above in these Council Procedure Rules will apply to each recommendation.

16.23 Offensive amendments or motions

If at any meeting the person presiding is of the opinion that any motion, amendment or business proposed to be moved or transacted is of a defamatory, frivolous, vexatious or offensive nature, he/she may, either before or after the same has been brought forward, put to the vote a motion (upon which no discussion shall be allowed) that the motion, amendment or business in question not be entertained or further permitted. If such a motion is seconded, a vote will be taken. If such a motion is carried, the matter will be considered as disposed of at that meeting.

17.0 MATTERS AFFECTING OFFICERS OF THE COUNCIL

If any question arises at a meeting of Full Council, the Executive or a Committee at which the public are in attendance as to the appointment, promotion, dismissal, remuneration, pension matters, conditions of service or conduct of any person employed by the Council, such question shall not be the subject of discussion until Full Council, the Executive or the Committee, as the case may be, has decided whether or not the power of exclusion of the public under Section 100A of the Local Government Act 1972 shall be exercised.

18.0 OFFICER REPORTS TO FULL COUNCIL

- (a) Where any matter is subject to a first report to Full Council, the appropriate Officer may:
 - i) introduce the report;
 - ii) answer questions for the purpose of clarification; and
 - iii) provide advice during the debate.
- (b) The Officer may decline to answer a question which he/she perceives to be political in nature.

19.0 PRESENTATION OF OVERVIEW AND SCRUTINY REPORTS TO FULL COUNCIL

- (a) Where an Overview and Scrutiny Committee prepares a single report to Full Council, the Executive or a Committee, the Chairperson of the Overview and Scrutiny Committee shall present the report to the meeting as appropriate and shall be available to answer questions in relation to the report.
- (b) At a meeting of the Executive or a Committee, the Chairperson of the Overview and Scrutiny Committee shall be entitled to sit with Members of the Executive or Committee during the consideration of the report for the purposes of answering questions/clarifying matters contained within the report.
- (c) Where there is a minority report, as well as a majority report, from an Overview and Scrutiny Committee, those Members supporting the minority report shall select one of their number to present that report and/or answer questions on it.
- (d) The Member selected under (c) above shall have the same rights/privileges with regard to attendance at Full Council, the Executive or the relevant Committee as the Chairperson of the Overview and Scrutiny Committee.
- (e) If the Chairperson of the Overview and Scrutiny Committee is a supporter of the minority report, then the Vice Chairperson or another Member supporting the majority report shall have the same rights/privileges as the Chairperson, had they supported it.

20.0 PRESENTATION OF JOINT GOVERNANCE COMMITTEE REPORTS TO FULL COUNCIL

- (a) Full Council shall receive such reports of the Joint Governance Committee as shall be referred to it by the Committee.
- (b) When receiving such reports or minutes, the Chairperson or Vice Chairperson of the Committee, whether they are an Elected Member of the Council or co-opted Member of the Committee, shall be entitled to:
 - i) present the report or minute;
 - ii) answer any questions relating to the report or minute;
 - iii) propose, or agree any amendment to, the motion, proposal or recommendation.

21.0 REPRESENTATIVES ON OUTSIDE BODIES

- (a) Members who are appointed to outside bodies as representatives of the Council are encouraged to electronically post a report of such meetings that they attend in the Virtual Members' Room on the Council's intranet.

- (b) Where a Member who is a representative on an outside body has placed such a report in the Members' Room, a brief summary of that report may be included within the Members' Bulletin at the request of the Member.
- (c) Where a Member who is a representative on an outside body is of the view that a matter to be considered by that body is of such importance as to require that they are informed as to the Council's opinion on that item, the Member shall be entitled to request the Director for Communities to place the item on the agenda of the appropriate meeting of Full Council, the Executive or a Committee. The Member may address Full Council, the Executive or a Committee as in Council Procedure Rule 14.6.

22.0 PREVIOUS DECISIONS AND MOTIONS

22.1 Motion to rescind a previous decision

Subject to Rule 22.3 below:

(a) Motions on Notice

Where a Motion on Notice is submitted, to rescind a decision made at a meeting of Full Council within the past 6 months, the Director for Communities shall reject it, unless the Motion is signed by at least 10 Members of the Council.

(b) Motions proposed during debate

If a Motion or Amendment is raised during a debate, at Full Council, to rescind a decision made at a meeting of the Full Council within the previous 6 months, the Chairman shall reject it.

22.2 Motions similar to one previously rejected

Subject to Rule 22.3 below:

(a) Motions on Notice

Where a Motion on Notice is submitted, which is substantially the same as one previously rejected by the Director for Communities within the previous 6 months, it shall again be rejected by the Director for Communities, unless it is signed by at least 10 Members of the Council, in which case it shall be accepted, subject to the provisions of Council Procedure Rule 14.

(b) Motions arising during debate at Full Council

If a Motion or amendment is raised during debate, at a meeting of the Full Council, which is similar to one rejected within the previous 6 months, the Chairman shall reject it.

22.3 Exceptions

- (a) Rules 22.1 and 22.2 shall not apply:
 - i) to motions moved in pursuance of a recommendation of the Executive or a Committee; or
 - ii) to motions to carry out any statutory duty of the Council which, in the opinion of the person presiding, is of an urgent nature.
 - iii) where a decision has been made by another body since the Council's decision, which significantly affects the decision and necessitates reconsideration of the matter.
- (b) The ruling of the person presiding as to whether any motion or amendment comes within the terms of Council Procedure Rules 22.1 and 22.2 will be final.

23.0 PETITIONS

- 23.1 Petitions, other than statutory petitions such as for an elected Mayor, shall be managed in accordance with the Council's Petition Scheme set out in Part 5 of the Constitution.

24.0 VOTING

Voting at Meetings of Joint Committee will be dealt with in accordance with the procedures set out in the Joint Committee Agreement.

24.1 Majority

- (a) Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room, or voting and present via electronic means at a remote meeting, at the time the question was put.
- (b) The person presiding will ascertain the numbers voting for, against or abstaining on any question, shall announce those numbers, and declare the result.
- (c) The person presiding's declaration as to the result will be final.

- (d) If a Member is not present, remotely or otherwise, continuously for the duration of the item on the agenda, they are unable to cast a vote and if they are present when the vote is taken, must indicate that they are abstaining from the vote.

24.2 Casting vote

- (a) The casting vote can only be used if the person presiding has already cast their deliberative vote. So if the person presiding puts the issue to the vote, but does not vote him or herself and there is a tie, then the casting vote does not apply because they have not yet exercised their deliberative vote.
- (b) If, after the person presiding has exercised their deliberative vote there is a tie, then the casting vote can be exercised.
- (c) If there are equal numbers of votes for and against, the person presiding, having cast their deliberative vote, will have a second or casting vote. There will be no restriction on how they choose to exercise a casting vote, save that it will be exercised in accordance with the law.
- (d) If there are equal numbers of votes for and against and the person presiding chooses not to exercise their casting vote, then the matter to be determined shall fall.

24.3 Show of hands

Unless a ballot or recorded vote is demanded under Rules 24.4 and 24.5, or a recorded vote is required under 24.6, or the meeting is held remotely, by electronic means, the person presiding will take the vote by show of hands or by the use of such electronic voting system as the Council shall determine or, if there is no dissent, by the affirmation of the meeting.

24.4 Ballot

- (a) A ballot is a vote whereby Members signify their vote in writing on a piece of paper issued to them individually for that purpose and the vote of individual Members is not identified as being by that Member.
- (b) The vote will take place by ballot if a majority of Members present at the meeting demands it, and there has been no valid request for a recorded vote in accordance with rule 24.5 below.
- (c) Such demand to be made by motion without notice, moved, seconded and voted on without debate.
- (d) The person presiding will announce the numerical result of the ballot immediately the result is known.

24.5 Recorded Vote

- (a) On the request of any Member of the Council made before the vote is taken and upon 5 other Members signifying their support by standing, the voting on any question shall be by roll-call and shall be recorded in the minutes of the meeting to show how each Member present and voting cast their vote. The name of any Member present and abstaining from voting will also be recorded.
- (b) A demand for a recorded vote will override a demand for a ballot.

24.6 Recorded vote – Budget Decision meeting

Whenever the Full Council votes on the determination of the calculation of the budget and the setting of any precepts, the vote of each individual Member shall be recorded as if requested under Rule 24.5.

24.7 Right to require individual vote to be recorded at Full Council

Immediately after a vote is taken, and before the next agenda item has commenced, any Member may require that the minutes show whether they voted for or against the motion or whether they abstained from voting.

24.8 Voting on appointments

Where there are appointments to be made (including appointments to outside bodies, to Leader of the Council, or to the position of Mayor or Deputy Mayor) and there are more nominations than positions to which appointments are to be made, the following rules will apply:

- (a) if practicable then the vote shall be by simple majority;
- (b) Where there are 3 or more candidates seeking appointment to a single position, there shall be a vote for each candidate and:
 - i) if one of the candidates receives more than half of all the votes cast in the election, that candidate is to be appointed.
 - ii) if no candidate receives more than half of all of the votes cast then the candidate with the least number of votes will be eliminated and a new vote taken. The process will continue until there is a majority of votes for one person.

24.9 Voting at Remote meetings, held by electronic means

Where a meeting is held remotely, by electronic means, every vote will be taken by way of a recorded vote. It will be by roll-call and shall be recorded in the minutes of the meeting to show how each Member remotely present and voting cast their vote. The name of any Member remotely present and abstaining from voting will also be recorded. Any Member not remotely present throughout the agenda item must abstain from the vote and this will be recorded.

25.0 CONFIDENTIALITY OF PAPERS

Save as provided by the Local Government Act 1972, all summonses, agendas, reports and other documents shall be treated as confidential unless and until they become public in the ordinary course of the Council's business.

26.0 MINUTES

26.1 Signing the Minutes

- (a) The person presiding will sign the minutes of the proceedings at the next suitable meeting.
- (b) The person presiding will move that the minutes of the previous meeting are a correct record, provided that the previous meeting took place more than 10 clear working days prior to the day of the meeting.
- (c) The only part of the minute that can be discussed is their accuracy.
- (d) Any questions as to their accuracy as a record of a meeting shall be raised by motion. If no such question is raised, or if it is raised then as soon as it has been disposed of, the person presiding shall sign the minutes. Where the meeting is held remotely, the person presiding, will sign the minutes as soon as practicably possible following the meeting.
- (e) Where there is no Ordinary Meeting of a Committee or Sub-Committee expected to take place within a period of 6 months after a meeting for which draft minutes have been prepared then:
 - i) in respect of a Committee, Full Council may agree the accuracy of the minutes;
 - ii) in respect of a Sub-Committee, the parent Committee or Full Council may agree the accuracy of the Minutes;
 - iii) in respect of Committees or Sub-Committees which have ceased to meet and their functions have been subsumed in another Committee or Sub-Committee, the new Committee or Sub-Committee or Full Council may agree the accuracy of the minutes;

- iv) in respect of Joint Committees, minutes will be dealt with in accordance with the provisions of the Joint Committee Agreement.
- (f) In respect of a Committee or Sub-Committee, convened to determine a specific licensing, standards or staffing matter, the Chairman of that decision-making body may agree the accuracy of the record of the meeting.

26.2 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 an Extraordinary Meeting, then the next following meeting being an Ordinary Meeting will be treated as a suitable meeting for the signing of minutes.

26.3 Form of minutes – Non-Executive Meetings

- (a) The minutes will contain a summary of any debate setting out the main points that were considered by the meeting and the wording of the final decision.
- (b) Any further reports or information commissioned with the agreement of the meeting will be recorded in the minutes.

26.4 Form of Records of decisions – Executive Meetings

Records of decisions shall contain a:

- (a) summary of the options considered;
- (b) summary of the reasons for the decision;
- (c) the decision; and
- (d) date for call-in;

and will comply with the requirements of the Executive Procedure Rules.

27.0 STATUS OF DRAFT RECORDS OF DECISIONS AND MINUTES

- 27.1 It should be noted that until such time as the Full Council, the Executive or a Committee whose record is set out in a draft record or minute confirm that record or minute as an accurate record of their decision, they are a working draft only.
- 27.2 Subject to Council Procedure Rule 26.1 above, only the body whose record is set out in the draft record or minute may alter or amend the record or minute.

- 27.3 If a Member wishes to propose a recommendation to Full Council that differs from that set out in a draft record or minute then it must be done by way of an amendment to the motion before the Full Council and not as an amendment to the minute or record.

28.0 RECORDING OF MEETINGS

28.1 Recording by the Council

The Council may make such arrangements as it decides are appropriate for the recording, broadcasting and publication of meetings.

Where a meeting is held remotely, by electronic means, the Council will arrange for it to be live streamed to enable members of the public entitled to attend the meeting, but not having a right to speak, to be able to attend remotely and hear Members participating in the meeting. Live streaming of such a meeting will cease where the public are excluded from the meeting in accordance with Council Procedure Rule 30.0 below.

28.2 Recording by the public

This Council Procedure Rule should be read in conjunction with the Protocol for Public/Press Recording of Public Council Meetings and Social Media Policy which can be found in Part 5 of the Constitution.

A member of the public may make sound or visual recordings at any meeting of the Council and may make such arrangements as they wish to broadcast the recordings, subject to the following:

- (a) no visual recording should be made of persons in the public gallery;
- (b) no visual recording should be made of any person under 18;
- (c) no recording shall be made of any meeting or part of a meeting which is considering matters that the Members have agreed are exempt under the Access to Information Rules or which are confidential;
- (d) no recording shall be carried out in a manner that causes disruption to the meeting or distracts the attention of the public from the content of the meeting;
- (e) no oral commentary or report shall be made during the meeting;
- (f) their compliance with the statutory provisions of the General Data Protection Regulations and any other legislation surrounding the recording and use of personal data and its retention.

Where a member of the public does not comply with this Rule, the person presiding shall require them to stop recording. If the member of the public fails to cease recording, then the person presiding shall consider whether or not action should be taken under Council Procedure Rule 31 below.

28.3 Recording by a Member

A Member of the Council may also make sound or visual recordings provided that he/she complies with Council Procedure Rule 28.2 and the Protocol for Public/Press Recording of Public Council Meetings and Social Media Policy in Part 5 of the Constitution. If they fail to do so, the person presiding shall require them to stop recording and if they fail to cease as requested, then the person presiding shall consider whether or not action should be taken in accordance with Council Procedure Rule 32 below.

29.0 RECORD OF ATTENDANCE

- 29.1 The names of all Members present, remotely or otherwise, during the whole or part of a meeting shall be recorded.
- 29.2 Any omission may be remedied at the absolute discretion of the Monitoring Officer, or by the amendment of draft minutes of a meeting prior to confirmation, at the next or subsequent meeting in accordance with Council Procedure Rule 26.

30. EXCLUSION OF THE PUBLIC

The public shall be admitted to all Meetings of the Council unless members of the public are excluded either in accordance with the Access to Information Procedure Rules in Part 4 of this Constitution or Council Procedure Rule 31.

Where meetings are held remotely, by electronic means, if the public are excluded, any member of the public who has joined the meeting to exercise a right to speak will have their remote access removed immediately and the live streaming of the meeting will immediately cease.

31. DISTURBANCE BY THE PUBLIC

31.1 Removal of member of the public

- (a) If a member of the public interrupts proceedings, causes a disturbance or behaves improperly, or offensively, or by wilfully obstructing the business of the Council, or fails to comply with Council Procedure Rule 28 above, the person presiding will warn the person concerned.

- (a) If the member of the public, having been warned under (a) above, continues their conduct, the person presiding will order their removal from the Meeting room.
- (b) Where a meeting is held remotely, by electronic means, if a member of the public interrupts proceedings, causes a disturbance or behaves improperly, or offensively, or by wilfully obstructing the business of the Council, or fails to comply with Council Procedure Rule 28 above, the person presiding will warn the person concerned, and may temporarily stop their ability to speak and be heard. If having been warned the member of the public continues their conduct, the person presiding will order their removal from the meeting and Officers will remove that member of the public's access to the remote meeting immediately.

31.2 Clearance of part of the meeting room

If there is a general disturbance in any part of the meeting room open to the public, the person presiding may call for that part to be cleared. If the meeting is held remotely, by electronic means, Officers present will remove access to the remote meeting from all members of the public who have electronically joined the meeting.

31.3 General disturbance

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

32.0 MEMBERS' CONDUCT

32.1 Full Council - Addressing the Council

- (a) All Members must stand and address the Mayor when speaking during a Full Council meeting, unless they are physically unable to do so, the meeting is held remotely by electronic means, or the Mayor uses his/her discretion to waive this Rule.
- (b) If more than one Member stands, the Mayor will ask one to speak and any other Members must sit.
- (c) All Members, other than the speaker, must remain seated whilst a Member is speaking unless they wish to make a point of order in accordance with Council Procedure Rule 16.17 or a point of personal explanation in accordance with Council Procedure Rule 16.18.

32.2 Chairman standing

When the Chairman of any Council or Committee Meeting stands during a debate, any Member speaking at the time must stop and sit down. The Meeting is to be silent whilst the Chairman of the meeting speaks. If the person presiding wishes to exercise this standing order during a meeting held remotely, by electronic means, he may temporarily withdraw all Members' ability to speak and be heard electronically.

32.3 Member not to be heard further

- (a) If a Member persistently disregards the ruling of the person presiding by continued irrelevance or repetitions or by behaving improperly or offensively or by wilfully obstructing the business of the Council, the person presiding may direct the Member to stop speaking.
- (b) If following a direction from the person presiding to stop speaking, the Member continues to speak, the person presiding may move that the Member be not heard further. If seconded, the person presiding shall put the motion to the vote without discussion and if passed, the Member shall not be permitted to speak on the same matter again, during the Meeting.

32.4 Member to leave the meeting

- (a) If a Member persistently disregards the ruling of the person presiding by continued irrelevance or repetitions or by behaving improperly or offensively or by wilfully obstructing the business of the Council, the person presiding may request him or her to leave for the remainder of the Meeting or for any lesser period.
- (b) If following a request to leave the Meeting, the offending Member does not leave the Meeting, the person presiding may move that the Member named leave the Meeting.
- (c) The motion shall be put and if seconded, will be voted upon without discussion.
- (d) If carried, the person presiding shall give directions for the removal of the Member and such other directions as are necessary for restoring order to the proceedings. If the meeting is held remotely, by electronic means, upon the person presiding giving such a direction, Officers will electronically remove the Member's access to the remote meeting.

32.5 General disturbance

If there is a general disturbance making orderly business impossible, the person presiding may adjourn the meeting for as long as he/she thinks necessary.

32.6 Electronic devices

This Council Procedure Rule should be read in conjunction with the Protocol for Public/Press Recording of Public Council Meetings and Social Media Policy which can be found in Part 5 of the Constitution.

- (a) Subject to (b) below, Members may at any Meeting use any device for:
 - i) the recording of the Meeting;
 - ii) the sending or receiving of communications in relation to the Meeting;
 - iii) the publication of the contents of the Meeting.
- (b) Paragraph (a) above is subject to the following restrictions, namely that:
 - i) such device does not emit any audible warning or other disruptive signal;
 - ii) the Member does not record or communicate any matter or information relating to the contents of any Meeting or part of a Meeting which is in relation to information which is confidential or which the Members have agreed to exclude the press and public in accordance with the Access to Information Procedure Rules.
 - iii) the use of the device does not disrupt the Meeting or distract members of the public or other Members from the content of the Meeting;
 - iv) it is not permissible to record an oral commentary during the course of the Meeting;
 - v) they comply with statutory provisions of General Data Protection Regulations and any other legislation relating to the recording, use of and retention of personal data.
- (c) Where a Member's use of a device does not comply with this Rule then the person presiding at the Meeting shall consider whether or not action should be taken in accordance with this Rule.

33.0 DELEGATION TO THE LEADER, COMMITTEES AND OFFICERS

33.1 Matters to be delegated

- (a) The Council may delegate matters from time to time to the Executive and Committees as it sees fit or as legislation prescribes.
- (b) The Council may delegate matters from time to time to Officers as it sees fit or as legislation prescribes, in addition to those delegated by Council under the Scheme of Officer Delegations.

- (c) In relation to any matter determined by the Executive, a Committee or an Officer acting under delegated authority:
 - i) the delegator may give guidance as to the manner in which the same or a similar matter shall be dealt with in future, providing that such guidance shall not have the effect of causing the Council to breach the rules of natural justice or prejudicing the determination by the delegatee of any matter required to be judged on its individual merits or of fettering the discretion of the Executive in respect of matters delegated to it by legislation.

34.0 ATTENDANCE OF MEMBERS AT THE EXECUTIVE OR COMMITTEES OF WHICH THEY ARE NOT MEMBERS

34.1 Attendance by mover of motion

A Member of the Council who has moved a motion which has been referred to the Executive or a Committee shall be given notice by the Director for Communities of the Meeting at which it is proposed that the motion be considered. He or she shall have the right to attend the Meeting, remotely or otherwise, whilst the motion is being considered, to explain the motion and answer questions.

34.2 Attendance by Representative on Outside Body

Where a Member has requested the Director for Communities to place an item on the agenda in accordance with Council Procedure Rule 21, he or she shall have the right to attend that meeting, remotely or otherwise, whilst that item is under consideration.

34.3 Attendance of Members at Meetings

- (a) A Member of the Council shall have a right to attend Meetings of the Executive or a Committee on which he/she has not been appointed to serve, and be present, in the public gallery or via remote access, throughout the public part of the Meeting.
- (b) A Member of the Council is entitled to remain in attendance, in the public gallery, or via remote access, during the confidential part of any Meeting or where the public have been excluded from the Meeting in accordance with the Access to Information Procedure Rules, provided that they have a need to know about the matter under consideration, and they do not have a disclosable pecuniary interest or other relevant interest in the matter. It is assumed that every Member will have need to know about the matter under consideration, although this presumption is rebuttable and advice should be taken from the Monitoring Officer.

- (c) A Member of the Council who is not a Member of the Executive or a Committee and has a disclosable pecuniary interest or other relevant interest in any item under consideration at a particular Meeting is not entitled to be present in any part of the room where the Meeting is taking place, or via remote access, during that particular part of the Meeting where that item is to be discussed, unless a dispensation has been granted by the Monitoring Officer.
- (d) Council Procedure Rule 34.3 does not apply to Meetings of:
 - i) the Joint Governance Committee when it goes into closed session to determine a Member Code of Conduct matter;
 - ii) the Licensing Committee or Sub-Committee when they go into closed session to determine an individual quasi-judicial case;
 - iii) any Committee when it goes into closed session to determine the capability or conduct of an individual Officer under the Council's disciplinary or grievance procedures.
 - iv) any Committee considering the appointment of a Council Officer.
- (e) No Member is entitled to attend Meetings, remotely or otherwise, referred to in (d) above unless they are appointed as a Member of that Committee or are substituting for such a Member.

34.4 Speaking by Members at meetings

- (a) Subject to (c) and (d) below, a Member of the Council shall have the right to attend meetings, remotely or otherwise, of the Executive or a Committee on which he/she has not been appointed to serve, and address the meeting provided that the Member has, prior to the commencement of the meeting, notified the person presiding of their desire to address it and he/she is then invited by the person presiding to address the meeting.
- (b) The person presiding shall have total discretion as to whether or not to invite such a Member to address the meeting.
- (c) A Member who is not a Member of the Planning Committee may not address that Committee in respect of any planning application, unless a similar right is granted within the Constitution (Protocol on Public Speaking at Planning Committee in Part 5) to the applicant, any objector and any supporter.
- (d) A Member who is not sitting as a Member of the Licensing Committee or the Licensing Sub-Committee may not address that Committee or Sub-Committee unless they have a right to speak under relevant statutory regulations.

- (e) A Member who is not sitting as a Member of the Joint Governance Committee may not address that Committee or Sub-Committee when hearing a Code of Conduct determination, unless they are representing or acting as a witness for either the Monitoring Officer, Investigating Officer, or the Subject Member.

34.5 Leader of the Council

- (a) Subject to (b) below, the Leader of the Council, or Deputy Leader in their absence, may attend any Meeting of a Committee, remotely or otherwise, and speak on any item under consideration as of right, unless he/she has a disclosable pecuniary interest or other relevant interest in the matter.
- (b) Paragraph (a) above does not apply to Meetings of:
 - i) the Joint Governance Committee when considering an individual case relating to Member conduct;
 - ii) the Licensing Committee or Sub-Committee when meeting in closed session to determine an individual case; or
 - iii) the Planning Committee, when considering a planning application;
 - iv) any Committee considering the conduct of an individual Officer under the Council's disciplinary or grievance procedure;
 - vi) any Committee dealing with the appointment of a Council Officer.

34.6 Voting

A Member of the Council, attending a Meeting, remotely or otherwise, of the Executive or a Committee on which he/she has not been appointed to serve, and is not acting as a Substitute Member, is not entitled to vote on any item under consideration.

35.0 EXERCISE OF POWERS AND FUNCTIONS

- (a) No individual Member, Officer or group of Members or Officers, or both, shall be entitled to exercise any power or function of the Council save as already or hereafter delegated to them by the Council, the Executive, a Committee or another Officer exercising a power or fulfilling a function on behalf of the Council or as detailed in this Constitution.
- (b) Whilst the Chairperson of a Committee and Executive Members can expect to be consulted on matters affecting their areas of responsibility, they shall not have power to act on behalf of, or bind, the Council, unless the Council or the Leader has given them specific delegated powers to do so.

36.0 NO CONFIDENCE IN THE CHAIRPERSON OF A COMMITTEE

- (a) At any Meeting of a Committee, a Member of that Committee may move that "the Meeting has no confidence in the Chairperson". If seconded, the motion shall, after debate, be put and, if carried by a majority of at least two thirds of the Members present, the Chairperson shall immediately stand down and the remainder of the Meeting shall be chaired by the Vice-Chairperson or, in his/her absence, or if he/she was acting as the Chairperson and the subject of the vote, by a Member elected for that purpose by the Meeting.
- (b) During the consideration of a motion under (a) above, the Chairperson shall cease to be Chairperson of the Committee and shall be an Ordinary Member of the Committee. The Director for Communities, the Solicitor to the Council, or their representative, will act as Chairperson of the Committee during consideration of the motion.
- (c) Following a successful vote of no confidence in the Chairperson, he/she shall not officiate at any subsequent Meeting of the Committee prior to the next meeting of the Full Council. At that Meeting, the Council shall consider whether or not to confirm the vote of no confidence. If by a simple majority they decide to confirm the vote, the office of Chairperson of the relevant Committee shall be declared vacant and a new Chairperson shall be elected by the Council. If the Council does not confirm the vote by a simple majority, the Member remains as Chairperson of the Committee.

37.0 APPOINTMENT AND TERM OF OFFICE OF THE LEADER OF THE COUNCIL

37.1 Appointment

- (a) The Council shall elect a Leader at each Annual Meeting where the term of office of the Leader has come to an end due to the fact that their term of office as a Borough Councillor has ended.
- (b) The Councillors present at that Annual Meeting shall nominate one or more persons to be Leader from among the Elected Members. Any nomination which is not seconded, shall not be considered further.
- (c) Where there is only one Elected Member nominated and seconded, then the Mayor shall provide an opportunity for a debate before calling for a vote which shall require a majority of those present, remotely or otherwise, and voting to determine whether the Member shall be elected as Leader.
- (d) Where there are 2 Elected Members nominated and seconded then, following the opportunity for debate, the Mayor shall call for a vote and the Member who receives the largest number of votes shall be elected as Leader.

- (e) Where there are 3 or more candidates seeking appointment to a single position, there shall be a vote for each candidate and:
 - i) if one of the candidates receives more than half of all the votes cast in the election, that candidate is to be appointed;
 - ii) if no candidate receives more than half of all of the votes cast then the candidate with the least number of votes will be eliminated and a new vote taken. The process will continue until there is a majority of votes for one person.
- (f) The Motion shall be subject to the rules of debate in Council Procedure Rule 16 and voting shall be in accordance with Council Procedure Rule 24.

37.2 Removal of the Leader

- (a) If a Member wishes at a Meeting of Full Council to move a motion of no confidence in the Leader of the Council, the Member must give not less than 10 clear working days' notice to the Director for Communities.
- (b) The motion must be signed by the mover and seconder.
- (c) The Director for Communities shall place the motion on the agenda for the next Meeting of the Council, provided that such Meeting is not a Special Meeting. The motion before the Council shall be considered after the receipt of any declarations of interest, approval of minutes of the last Meeting and questions and statements by the public.
- (d) The motion shall be subject to the rules of debate in Council Procedure Rule 16 and voting shall be in accordance with Council Procedure Rule 24.

37.3 Consequence of a Motion of No Confidence

Where a motion of no confidence is carried, then the Leader shall cease to be Leader of the Council with immediate effect. The Council shall proceed to elect a new Leader at that Meeting or the next Meeting of the Full Council, provided it is not a Special Meeting.

37.4 Term of Office

- (a) The Leader shall hold the office of Leader in accordance with Article 7 of the Constitution.
- (b) Should the Leader resign from his appointment, an Extraordinary Meeting will be called to deal with the appointment of a new Leader in accordance with this Procedure Rule. The Deputy Leader will assume the role of Leader until such appointment is made.

38.0 APPOINTMENT OF EMERGENCY LIASON MEMBER

- (a) Where the Leader makes an appointment as Executive Member for Health and Wellbeing or a similar portfolio, that Member shall be appointed as the Emergency Liaison Member.
- (b) The position of Emergency Liaison Member attracts no Executive power, responsibility or responsibility allowance.

39.0 APPOINTMENT OF THE LEADER OF THE MAIN OPPOSITION

- (a) At the Annual Council each year, subject to (c) below, the Full Council shall appoint a Leader of the Main Opposition who shall be entitled to receive any Special Responsibility Allowance payable to that office.
- (b) Where there is a political group or combination of political groups forming the Administration, the Leader of the Main Opposition shall be the leader of the next largest political group;
- (c) Where the next largest political group does not wish to nominate a Member to be the Leader of the Main Opposition, the Council shall not appoint any Member to that office;
- (d) If there is equality in the number of Members in all opposition groups, there will be no appointment to the role of Leaders of the Opposition; e.g. if there are two opposition groups with equal membership;
- (e) If there is no opposition group, and there is an equal number of opposition Members, there will be no appointment to the role of Leader of the opposition, e.g. if there are 2 individual opposition Members, representing different parties.

40.0 SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

40.1 Amendment

Any motion to add to, amend or revoke any of these Council Procedure Rules will, when proposed and seconded, stand adjourned without discussion and be referred to the Joint Governance Committee for consideration and recommendation to the following Meeting of the Council, unless a report has been received, on the proposal, from the Joint Governance Committee.

40.2 Suspension

- (a) Save as set out at 40.2 (c) below, these Council Procedure Rules cannot be suspended.
- (b) The person presiding may, at their absolute discretion, amend the order of business of any meeting.
- (c) Only Council Procedure Rules 11.1 (as to the length of time), 11.4, 12.7, 12.8, 16.5, 16.7, and 16.19, may be suspended by motion on notice or without notice. Suspension of Council Procedure Rules shall be determined for each individual item of business, and will only be effective for the duration of that Meeting.

41.0 BUSINESS OF AN URGENT NATURE

- (a) Subject to (b) and (c) below, if, having consulted the Monitoring Officer and the Section 151 Officer, the Chief Executive is of the opinion that urgent action is required, in accordance with the Scheme of Officer Delegations, before a decision could be taken by Full Council, the Executive or a Committee having appropriate authority, he/she may take the decision in accordance with his/her urgency power as set out in the Officer Scheme of Delegations.
- (b) If the decision is one which would normally be taken by:
 - i) Full Council, the Chief Executive will consult with the Leader and the Leader of the Main Opposition;
 - ii) The Executive, the Chief Executive will consult with the Leader;
 - iii) A Committee, the Chief Executive will consult with the Leader, Leader of the Main Opposition and Chairperson of the Committee.
- (c) Every such decision shall be reported to the next available Ordinary Meeting of Full Council, the Executive or the Committee that would have normally taken the decision.

42.0 MAYOR OF THE COUNCIL

42.1 Appointment

The Council shall elect a Mayor at each Annual Council Meeting.

The existing Mayor shall take the Chair for the item on the agenda, unless he is conflicted, when the Deputy Mayor will take the Chair for the single item of business. If the Mayor and Deputy Mayor are both conflicted the Solicitor to the Council or their representative will take the Chair for the appointment of the Mayor.

The Councillors present at that Annual Meeting shall propose one or more persons to be Mayor from among the Elected Members. Any proposal which is not seconded, shall not be considered further.

Where there is only one Elected Member proposed and seconded, then the Mayor shall provide an opportunity for a debate before calling for a vote which shall require a majority of those present, remotely or otherwise, and voting to determine whether the Member shall be elected as Mayor.

Where there are two Elected Members proposed and seconded, then a debate on the proposals will follow, then the Mayor shall call for a vote and the Member who received the largest number of votes shall be elected as Mayor.

Where there are three or more Elected Members proposed and seconded, following a debate on the proposals, the Mayor shall call for a vote for each Member proposed and:

- (a) If one of the proposed Members receives more than half of all the votes cast in the election, that Member is to be appointed as Mayor;
- (b) If no Member receives more than half of all the votes cast then the Member with the least number of votes will be eliminated and a new vote taken. The process will continue until there is a majority of votes for one person, who shall be appointed as Mayor.

The voting will be in accordance with Council Procedure Rule 24.

42.2 Removal

If a Member wishes at a Meeting of Full Council to move a motion of no confidence in the Mayor of the Council, the Member must give not less than 10 clear working days' notice in writing to the Director for Communities.

The motion must be signed by the mover and seconder.

The Director for Communities shall consider the motion in accordance with the provisions of Council Procedure Rule 14.

If accepted, the Director for Communities shall place the motion on the agenda for the next Meeting of the Council, provided that such meeting is neither a Special Meeting nor Annual Council. This may be at an Extraordinary Meeting of the Council if the provisions of Council Procedure Rule 4 have been complied with. The motion before the Council shall be considered as the first item of business after the receipt of any declarations of interest, approval of minutes of the last Meeting and questions by the public.

During the consideration of such a motion, the Mayor shall cease to be Mayor of the Council and shall be an ordinary Member of the Council. The Solicitor to the Council,

or their representative, will act as Mayor of the Committee during consideration of the motion.

After debate, the motion shall be put to the vote and if carried by a majority of at least two thirds of the Members present, the Mayor shall immediately stand down and the remainder of the Meeting shall be chaired by the Deputy Mayor.

42.3 Consequence

Where a motion of no confidence in the Mayor of the Council is carried, then the Mayor shall cease to be Mayor of the Council with immediate effect. The Council shall proceed to elect a new Mayor at that meeting of the Council. The item of the appointment of the new Mayor will be chaired by the Solicitor to the Council or their representative.

PROTOCOL FOR COUNCIL MEETINGS HELD REMOTELY BY ELECTRONIC MEANS

1.0 INTRODUCTION

1.1 Legislation

Until recently the Law governing Council and Committee meetings required Councillors to be present together in a physical location. Meetings were largely governed by the Local Government Act 1972 and the Local Authorities (Executive Arrangement)(Meetings and Access to Information) (England) Regulations 2012. Such legislation did not anticipate a global pandemic and the current impact of Covid-19 and social distancing guidance which has made it impractical to run Council and Committee meetings in the usual way.

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 came into force on 4th April 2020. The Regulations provide the Councils with the power to hold their Council and Committee meetings remotely, by electronic means, between 4th April 2020 and 6th May 2021. Consequently, during this period of time, to enable Councillors, Officers and the public to social distance themselves, Council and Committee meetings can lawfully be held on remote platforms by access via electronic devices, rather than being held in a physical location, such as our Civic offices in Shoreham or the Town Hall in Worthing.

1.2 Council Procedure Rules

The legislation provides a significant amount of flexibility as to how such meetings may be run. It provides Councils with the power to introduce their own arrangements by way of Standing Orders governing for example, the electronic platform to be used, the way in which voting takes place, the way in which members of the public attend meetings and public speaking rights.

The Councils have amended their Council Procedure Rules, effective from 22nd April 2020, to implement the new Regulations and enable remote meetings to be held.

Council Procedure Rules form part of the Council's Constitution (Part 4) and can be found on the Council's website at www.adur-worthing.gov.uk.

1.3 Protocol

This Protocol, which is intended to give practical guidance on the implementation of, and arrangements for the holding of remote meetings, should be read in conjunction with the revised Council Procedure Rules.

This Protocol forms part of the Council's Constitution (Part 5) and can be found on the Council's website at www.adur-worthing.gov.uk.

2.0 REMOTE PLATFORMS

2.1 Participation in Meetings

The Regulations enable the Councils to hold their Council and Committee meetings with persons attending the meeting by way of remote access. This means by enabling Members to participate in the meeting by electronic means, including by telephone conference, video conference, live webcasts and live interactive streaming.

The Councils have chosen to use 'Zoom' as their platform for remote meetings. The software will enable members in remote attendance to hear and be heard, see and be seen, by other Members in attendance and also by any member of the public attending the meeting with a right to speak. Those Members participating in Council and Committee meetings by virtue of being a Member of that meeting, will be provided with a calendar invitation to the meeting with a link to enable them to access the Zoom meeting.

Any members of the public, with a right to speak at the meeting, for example to ask a public question, will also be provided with a link to enable them to join the Zoom meeting.

Please see Appendix 1 to this Protocol for further information relating to security issues of Zoom.

2.2 Observation of Meetings

The Regulations provide that a meeting must be open to the public (unless they have been excluded due to exempt or confidential material being discussed). However, being open to the public now means simply that the public must be able to hear, and where practicable see, the Members of the meeting. Therefore, the meeting will also be live streamed via YouTube and members of the public, who do not have a right to speak at the meeting, will be able to 'attend' by observing the live streaming via an electronic device.

3.0 PRACTICAL ARRANGEMENTS FOR THE REMOTE MEETING

3.1 Joining the Meeting by Remote Access

For Members who are participants of a Council or Committee meeting, by virtue of being a Member, or co-opted Member, of that meeting, they will be provided with a Google calendar invitation to the meeting by Democratic Service Officers. The invitation contains a link to the Zoom meeting.

Members will have already received appropriate hardware, software and Zoom training from Democratic Services Officers. But any queries should be directed by email to democratic.services@adur-worthing.gov.uk in advance of the meeting.

The summons to the meeting will advise of the start time of the meeting. All participants should have remotely accessed the meeting at least 10 minutes before the start time. The remote meeting will be accessible 30 minutes before the start time of the meeting and Officers will be available.

Any Member, not a Member of a Committee meeting, but attending under a provision in the Council Procedure Rules enabling them to do so, would need to contact Democratic Services Officers on democratic.services@adur-worthing.gov.uk by noon on the day prior to the meeting to obtain joining instructions.

3.2 Security

Anyone provided with access details to the Zoom meeting should ensure they are kept confidential and not shared with any other person.

Should a Member wish to invite another person to the Zoom meeting, they should discuss with Democratic Services Officers, who will, if that person has a right to participate in the meeting, issue them with their own individual joining instructions.

3.3 The Remote Environment

The Zoom meeting will be live streamed and viewed by the public (unless it is in private session). A Member attending will be using the camera and microphone on their electronic device e.g. laptop or iPad.

When attending a remote meeting a Member should ensure they are sitting comfortably, in front of their electronic device so that they can be seen and heard clearly. The Member should consider the background also captured by the camera and ensure it is appropriate to the meeting. The Member should take steps to ensure they will not be disturbed during the meeting as far as possible.

3.4 Officer Support to a Remote Meeting

A remote meeting will be attended by various Officers, but they will include a Legal Officer to provide the meeting with legal and constitutional advice, a Democratic Services Officer to record and minute the meeting and take a recorded vote, and a Meeting Host who will be

able to control the live streaming, provide and deny access to participants, mute and unmute participants' microphones and raise and lower participants' hands.

3.5 Attendance and Apologies at a Remote Meeting

At the commencement of every remote meeting the Chairperson is likely to take a roll call of attendees and apologies for absence. When a Member's name is called out they are required to unmute their microphone, respond "Present" and then mute their microphone again.

This is firstly to ensure at the outset of the meeting, that it is quorate, and secondly to provide transparency to the public as to which Members are in attendance.

3.6 Non-Attendance during a Remote Meeting

It may become necessary during a meeting for a Member to cease attending for a short temporary time, for any reason, but including a temporary loss of remote connectivity.

Non-attendance means either where a Member cannot hear the participants of the remote meeting or cannot be heard by them; a loss of visual connectivity would not lead to non-attendance.

The Meeting Host will ensure that a quorum is maintained and advise the Chairperson if it is not, when an adjournment will be required in accordance with Council procedure Rules.

A Member who is not in attendance for the duration of any particular agenda item is prohibited from voting on that agenda item. If they are in attendance at the time the vote is taken, but have not been in attendance throughout the item, they are required to abstain from the vote.

3.7 Chat Function

The Zoom platform has a 'chat' functionality where messages can be typed to all or some selected participants of the remote meeting, during the meeting.

All Members, save for the Chairperson, are asked not to use the chat functionality. The electronic chat is to be reserved only for communication between Officers and the Chairperson of the remote meeting, to enable them to effectively manage the remote meeting.

3.8 Declaration of Interests

Members should continue to declare interests in the usual way and the Council's existing rules will apply.

Should a Member be required to leave a remote meeting for an agenda item, due to an interest, the Meeting Host will move their electronic access to a remote 'Waiting Room', and then enable their access to the remote meeting again at the end of the agenda item.

3.9 Public Questions

Members of the public may ask questions at a remote meeting in accordance with Council Procedure Rule 11 as amended.

Should a member of the public wish to ask a question at a remote Council or Committee meeting, of an Executive Member (at Council) or Chairperson (of the Executive or a Committee), they must submit their question by email, together with their name, address and contact details to the Director for Communities at democratic.services@adur-worthing.gov.uk by noon on the second working day prior to the day of the meeting.

No questions will be permitted at the remote meeting unless such advance notice has been given.

If the question is accepted by the Director for Communities, the member of the public will be sent details of how to join the remote meeting on Zoom for the agenda item on public question time.

If the member of the public joins the meeting electronically, when invited to do so by the Chairperson, they may unmute their microphone, speak to put their question verbally to the Executive Member/Chairperson, and mute their microphone again. If the member of the public chooses not to join the remote meeting, or is unable to do so, their question will be read out to the meeting by the Chairperson or an Officer present. The question will be answered by the Executive Member/Chairperson.

If the member of the public has joined the remote meeting, they are also entitled to ask a supplementary question arising out of the answer to their substantive question. If the member of the public has not joined the remote meeting, they shall not be entitled to ask a supplementary question.

At the end of the agenda item for public questions, the Chairperson will ask all members of the public to disconnect from the remote meeting. If they fail to do so, the Meeting Host will immediately cease their ability to access the meeting. The member of the public may continue to 'attend' the meeting by watching the live stream of the remainder of the meeting on YouTube.

Members of the public no longer have the right to ask questions at meetings, unless they have given prior notice, and no longer have the right to ask a supplementary question if they have not joined the remote meeting. To compensate for that, Chairpersons may wish to advise the meeting that if any additional questions arose that could not be asked at the

meeting, they should be asked in writing by email to democratic.services@adur-worthing.gov.uk where the Council will use their best endeavours to provide a written response within 3 working days thereafter.

3.10 Speaking at a Remote Meeting

When a Member joins a Zoom meeting, with the exception of the Chairperson, they should have their microphone set to mute.

When a Member wishes to speak they should indicate by using the 'Raise Hand' function in Zoom. The Chairperson can see all those indicating and will come to each person; the Chairperson has absolute discretion as to the order in which he takes speakers.

When a Member is invited to speak by the Chairperson, they should unmute their microphone to enable them to speak.

When the Member has finished speaking, they must remember to switch their microphone to mute once again and to use the 'Lower Hand' function in the system.

Both the Chairperson and the Meeting Host will have the ability to mute and unmute participants' microphones and raise and lower hands electronically

3.11 Rules of Debate

The usual rules of debate apply to remote meetings, and reference should be made to Council Procedure Rule 16 as amended.

The Chairperson should announce each Member when inviting them to speak, to aid transparency and assist those attending by watching the live stream.

3.12 Point of Order and Personal Explanation

If a Member has a Point of Order or Personal Explanation to raise during a meeting, in accordance with Council Procedure Rule 16 as amended, they must unmute their microphone and interrupt the meeting saying 'Personal Explanation' or 'Point of Order'. The Chairperson will then invite that Member to speak. Having spoken, the Member must remember to mute their microphone again.

3.13 Voting at a Remote Meeting

For all meetings where Members are attending by way of remote access, a recorded vote will be taken on each agenda item where a vote is required.

When the Chairperson indicates that a vote is to be taken, each Member's name will be read out in alphabetical order by the Democratic Services Officer. Each Member will need to unmute their microphone and say either 'For', 'Against' or 'Abstain' from the motion or amendment that has been put. Abstention may be due to non-attendance throughout the

entire agenda item, or for any other reason. After indicating, each Member must remember to mute their microphone again.

Where a Member, thought to be in attendance, does not respond to a recorded vote, the Democratic Services Officer will confirm that they are recording no vote for that Member. If the Member had in fact cast a vote, this will alert them to the fact that they could not be heard (perhaps by having their microphone on mute or having lost connectivity). If they are still connected, they should unmute their microphone and interrupt the meeting to be heard and cast their vote.

3.14 Adjournments

In accordance with Council Procedure Rules, the Chairperson has the power to adjourn a meeting for a short temporary period. If the Chairperson advises of a short temporary adjournment to a remote meeting, all Members must remain in attendance with their microphones on mute, until the Chairperson instructs otherwise.

It is likely that the Chairperson may leave the meeting for a few minutes, for example to take advice from professional Officers, via the chat function, the Zoom waiting room, or a separate electronic platform.

3.15 Documents

All Agenda documents will be made available to Members participating in a remote meeting, in advance. It is likely that presentations on agenda items at remote meetings may be more concise and succinct and it is assumed that Members will have familiarised themselves with all relevant agenda documents in advance of the remote meeting.

3.16 Exempt Session

If a resolution is passed for the meeting to go into private session, to consider exempt or confidential material, any press and public participating in the Zoom meeting will be asked to leave the remote meeting by disconnecting. The Host of the meeting will ensure they have disconnected and may remove their access if they have not done so. The live streaming of the meeting will also immediately stop, to ensure that no member of the press or public, those with a right to speak or otherwise, are in attendance.

It is the responsibility of the Member participating in a private session of a meeting, to ensure that the meeting cannot be seen or heard by any other person at their remote location.

3.17 Disturbances

If there is a disturbance amongst members of the public at a remote meeting, the Chairperson has powers to deal with it in accordance with Council Procedure Rule 31 as

amended. Having warned the member of the public over their conduct the Chairperson can, if the conduct continues, mute the microphone of that member of the public, or ultimately can order their removal from the remote meeting. If such a direction is given, the Meeting Host may cease the access of that member of the public. The member of the public then no longer has a right to speak at the meeting but can continue to 'attend' by watching the live stream of the meeting.

If there is a disturbance amongst Members the Chairperson continues to have the ability to deal with it in accordance with Council Procedure Rule 32 as amended. Rather than a Chairperson standing, in a remote meeting the Chairperson has the ability to mute all microphones, and if a direction is given for a Member to leave a remote meeting, the Meeting Host can effect this.

3.18 Members standing

Any requirement in Council Procedure Rules to a Member needing to stand to address a meeting, does not apply to a remote meeting.

3.19 Documents open to public inspection

Any reference in Council Procedure Rules to a document being available for public inspection at the Council's offices will now be satisfied by being published on the Council's website.

4.0 FOLLOWING A REMOTE MEETING

The video / audio recording of the remote meeting will be live streamed and also made available to view on the Council's website. It will be available for 12 months from the date of the meeting, after which period it shall be deleted.

Minutes of a meeting will be dealt with in the usual way and draft minutes will be published on the Council's website as soon as practicable after a remote meeting.

Secure use of Zoom video conferencing

The following advice is based on guidance created for central government users, by the Cabinet Office and Government Digital Service in consultation with the National Cyber Security Centre on 2nd April 2020. Adur & Worthing Councils use Google Meet as our default business solution, and Zoom where the additional functionality, stability and accessibility is required.

Administrative settings

Adur & Worthing Councils have followed the Zoom set up guidance, where suitable, provided by Cabinet Office and Government Digital Service in relation to

- Sign in settings
- Security settings
- Authentication settings
- Meeting settings
- Recording settings
- Telephone settings
- Security messages for end users

Hosting a Zoom meeting securely

- Only use the Adur & Worthing Councils Zoom business account
- Disable 'join before host'
- Disable 'allow removed participants to rejoin'
- Use the [waiting room function](#) to control access to meetings
- Hosts should check meeting details are only sent to those who are invited
- Check that only verified people have joined a meeting (do a roll call at the start)
- Make sure all participants use their real names or applicable role
- Ask participants to protect confidentiality appropriately (i.e. not being overheard)
- Set screen sharing to 'host only' for public or multi-agency meetings
- Be careful if you share screens and avoid inadvertent peripheral disclosures
- Monitor attendance throughout the meeting
- Stop any meetings if you are unsure about who else is present and take a roll call
- Send participants back to the [waiting room](#) until identity concerns are resolved
- Be mindful of your audience and tailor content accordingly
- Do not include the meeting password in any Google calendar invite

PROTOCOL FOR WORTHING BOROUGH COUNCIL PLANNING MEETINGS

TO BE HELD REMOTELY BY ELECTRONIC MEANS

1.0 INTRODUCTION

1.1 Legislation

Until recently the Law governing Council and Committee meetings required Councillors to be present together in a physical location. Meetings were largely governed by the Local Government Act 1972 and the Local Authorities (Executive Arrangement)(Meetings and Access to Information) (England) Regulations 2012. Such legislation did not anticipate a global pandemic and the current impact of Covid-19 and social distancing guidance which has made it impractical to run Council and Committee meetings in the usual way.

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 came into force on 4th April 2020. The Regulations provide the Councils with the power to hold their Council and Committee meetings remotely, by electronic means, between 4th April 2020 and 6th May 2021. Consequently, during this period of time, to enable Councillors, Officers and the public to social distance themselves, Council and Committee meetings can lawfully be held on remote platforms by access via electronic devices, rather than being held in a physical location, such as the Town Hall in Worthing.

1.2 Council Procedure Rules

The legislation provides a significant amount of flexibility as to how such meetings may be run. It provides Councils with the power to introduce their own arrangements by way of Standing Orders governing for example, the electronic platform to be used, the way in which voting takes place, the way in which members of the public attend meetings and public speaking rights.

The Councils have amended their Council Procedure Rules, effective from 22nd April 2020, to implement the new Regulations and enable remote meetings to be held.

Council Procedure Rules form part of the Council's Constitution (Part 4) and can be found on the Council's website at www.adur-worthing.gov.uk.

1.3 Protocol

This Protocol, which is intended to give practical guidance on the implementation of, and arrangements for the holding of Planning Committee Meetings by remote access, should be read in conjunction with the revised Council Procedure Rules.

This Protocol forms part of the Council's Constitution (Part 5) and can be found on the Council's website at www.adur-worthing.gov.uk.

2.0 REMOTE PLATFORMS

The Regulations enable the Council to hold its Council and Committee meetings with persons attending the meeting by way of remote access. This means by enabling participation in the meeting by electronic means, including by telephone conference, video conference, live webcasts and live interactive streaming.

2.1 Video Conferencing

The Council has chosen to use 'Zoom' as their platform for participation in remote Planning Committee meetings.

This software will enable Members of the WBC Planning Committee, in remote attendance, to hear and be heard, see and be seen, by other Members in attendance and also by any member of the public attending the meeting. It also provides the facility for members of the public, with a right to speak, to join the Zoom meeting where they also can be heard, and seen, by all Members of the Committee.

2.2 Live Streaming

The Regulations provide that a meeting must be open to the public (unless they have been excluded due to exempt or confidential material being discussed). However, being open to the public now means simply that the public must be able to hear, and where practicable see, the Members of the meeting.

Therefore, the meeting will also be livestreamed (via the Council's YouTube channel or other streaming methods) enabling members of the public who are not entitled to speak at the meeting, to 'attend' by observing the live stream via an electronic device.

3.0 PARTICIPATION AND ACCESS TO REMOTE PLANNING COMMITTEE MEETINGS

3.1 Participation in Planning Committee Meetings

Those Members participating in WBC Planning Committee meetings by virtue of being a Member of that meeting, will be provided with a calendar invitation to the meeting with a link to enable them to access the remote meeting.

Any members of the public, with a right to speak at the meeting, for example to ask a public question, or to make representations on an agenda item, will also be provided, via an email, with a link to enable them to join the remote meeting.

Any Members participating in the meeting, by virtue of a right to do so under the Council Procedure Rules, or a right to make representations on an agenda item, will also be provided with a link to enable them to join the remote meeting.

3.2 Access to Planning Committee Meetings

Those members of the public who do not have a right to speak or participate in the meeting, may attend by watching the live stream of the meeting. Details of how to access the live stream will be included on the agenda for the Planning Committee Meeting, which will be published in advance on the Council's website.

4.0 ARRANGEMENTS FOR COUNCILLORS PARTICIPATING IN THE PLANNING COMMITTEE BY REMOTE ACCESS

4.1 Joining the Meeting by Remote Access

Members who are participants of the WBC Planning Committee meeting, by virtue of being a Member, or Substitute Member, of the Planning Committee, will be provided with a Google calendar invitation to the meeting by Democratic Service Officers. The invitation contains a link to the Zoom meeting.

Members will have already received appropriate hardware, software and Zoom training from the Democratic Services team. But any queries should be directed by email to democratic.services@adur-worthing.gov.uk in advance of the meeting.

The summons to the meeting will advise of the start time of the meeting. All participants should have remotely accessed the meeting at least 10 minutes before the start time. The remote meeting will be accessible 15 minutes before the start time of the meeting when Officers will be available.

Any Member, not a Member of the Planning Committee, but attending under a provision in the Council Procedure Rules enabling them to do so, or attending to make representations, would need to contact Democratic Services officers on democratic.services@adur-worthing.gov.uk by noon on the day prior to the meeting to obtain joining instructions.

4.2 Security

Any Member provided with access details to the Zoom meeting should ensure they are kept confidential and not shared with any other person.

Should a Member wish to invite another person to the Zoom meeting, they should discuss with Democratic Services Officers, who will, if that person has a right to participate in the meeting, issue them with their own individual joining instructions.

4.3 The Remote Environment

The Zoom meeting will be live streamed and viewed by the public (unless it is in private session). A Member attending will be using the camera and microphone on their electronic device e.g. laptop or iPad.

When attending a remote meeting a Member should ensure they are sitting comfortably, in front of their electronic device so that they can be seen and heard clearly. The Member should consider the background also captured by the camera and ensure it is appropriate to the meeting. The Member should take steps to ensure they will not be disturbed during the meeting as far as possible.

4.4 Officer Support to a Remote Meeting

A remote meeting will be attended by various Officers, but they will include a Legal Officer to provide the meeting with legal and constitutional advice, a Democratic Services Officer to record and minute the meeting and take a recorded vote, and a Meeting Host who will be able to provide and deny access to participants, mute and unmute participants' microphones and raise and lower participants' hands.

4.5 Attendance and Apologies at a Remote Meeting

At the commencement of every remote meeting the Chairperson, or an Officer present, will take a roll call of attendees and apologies for absence. When a Member's name is called out they are required to unmute their microphone, respond "Present" and then mute their microphone again.

This is firstly to ensure at the outset of the meeting that it is quorate, and secondly to provide transparency to the public as to which Members are in attendance.

4.6 Non-Attendance during a Remote Meeting

It may become necessary during a meeting for a Member to cease attending for a short temporary time, for any reason, but including a temporary loss of remote connectivity.

Non-attendance means either where a Member cannot hear the participants of the remote meeting or cannot be heard by them; a loss of visual connectivity would not lead to non-attendance.

The Meeting Host will ensure that a quorum is maintained and advise the Chairperson if it is not, that an adjournment will be required in accordance with Council Procedure Rules.

A Member who is not in attendance for the duration of any particular agenda item is at risk of missing relevant information or debate that took place during their temporary absence. Should a Member lose connection during an agenda item, the Chairman of the Planning Committee meeting can use his or her discretion to facilitate one of the following options:

- They could adjourn the meeting for a few minutes to allow the Member to attempt to reconnect to the meeting; or
- They could summarise any discussion or debate that took place during the Member's period of lost connection to ensure they have not missed any relevant information; or
- They could choose to continue with the agenda item (provided the meeting remains quorate).

If the Planning Committee continues during a Member's non-attendance, they will not have full facts on the matter and may have missed some relevant information presented or debated. They should not therefore vote on that particular agenda item. In that circumstance, if the Member is in attendance at the time the vote is taken, they are advised to abstain from the vote.

4.7 Chat Function

The Zoom platform has a 'chat' functionality where messages can be typed to all or some selected participants of the remote meeting, during the meeting.

All Members, save for the Chairperson, are asked not to use the chat functionality. The electronic chat is to be reserved only for communication between Officers and the Chairperson of the remote meeting, to enable them to effectively manage the remote meeting.

4.8 Declaration of Interests

Members should continue to declare interests in the usual way and the Council's existing rules will apply.

Should a Member be required to leave a remote Planning Committee meeting for an agenda item, due to an interest, the Meeting Host will move their electronic access to a remote 'Waiting Room', and then enable their access to the remote meeting again at the end of the agenda item. Whilst in the 'Waiting Room' the Member will not be able to see nor hear the

meeting but should remain connected until they are advised that they have been re-joined to the meeting.

4.9 Members Speaking at a Remote Planning Committee Meeting

When a Member of the Planning Committee joins a Zoom meeting, with the exception of the Chairperson, they should have their microphone set to mute.

When a Member wishes to speak they should indicate by using the 'Raise Hand' function in Zoom. The Chairperson can see all those indicating and will come to each person; the Chairperson has absolute discretion as to the order in which he takes speakers.

When a Member is invited to speak by the Chairperson, they should unmute their microphone to enable them to speak.

When the Member has finished speaking, they must remember to switch their microphone to mute once again and to use the 'Lower Hand' function in the system.

Both the Chairperson and the Meeting Host will have the ability to mute and unmute participants' microphones and raise and lower hands electronically.

4.10 Rules of Debate

The usual rules of debate apply to remote Planning Committee meetings, and reference should be made to Council Procedure Rule 16 as amended.

The Chairperson should announce each Member when inviting them to speak, to aid transparency and assist those attending by watching the live stream. Chairpersons should refrain from using first names and should refer to Members of the Committee as "Councillor X" as appropriate.

4.11 Voting at a Remote Planning Committee Meeting

For all Planning Committee meetings where Members are attending by way of remote access, a recorded vote will be taken on each agenda item where a vote is required.

When the Chairperson indicates that a vote is to be taken, each Member's name will be read out in alphabetical order by the Democratic Services Officer. Each Member will need to unmute their microphone and say either 'For', 'Against' or 'Abstain' from the motion or amendment that has been put. Abstention may be due to non-attendance throughout part of an agenda item, or for any other reason. After indicating, each Member must remember to mute their microphone again.

Where a Member, thought to be in attendance, does not respond to a recorded vote, the Democratic Services Officer will confirm that they are recording no vote for that Member. If the Member had in fact cast a vote, this will alert them to the fact that they could not be

heard (perhaps by having their microphone on mute or having lost connectivity). If they are still connected, they should unmute their microphone and interrupt the meeting to be heard and cast their vote.

4.12 Adjournments

In accordance with Council Procedure Rules, the Chairperson has the power to adjourn a meeting for a short temporary period. If the Chairperson advises of a short temporary adjournment to a remote meeting, all Members must remain in attendance with their microphones on mute, until the Chairperson instructs otherwise.

It is likely that the Chairperson may leave the meeting for a few minutes, for example to take advice from professional Officers, via the chat function, the Zoom waiting room, or a separate electronic platform.

4.13 Documents

All Agenda documents will be made available to Members participating in a remote meeting, in advance.

A Planning Officer will introduce the planning application and display any plans electronically at the remote meeting, as well as bringing any new matters that have arisen since the agenda was prepared. It is likely that presentations on agenda items at remote meetings may be more concise and succinct and it is assumed that Members will have familiarised themselves with all relevant agenda documents in advance of the remote meeting.

4.14 Exempt Session

If a resolution is passed for the meeting to go into private session, to consider exempt or confidential material, any press and public participating in the Zoom meeting will be asked to leave the remote meeting. If the exempt item is at the end of the agenda, they will be asked to disconnect and the Host of the meeting will ensure they have disconnected and may remove their access if they have not done so. However, if the exempt part of the meeting is not at the end of the agenda, the meeting Host will move all members of the public and press connected to the meeting to the waiting room where they should remain connected, until the Host returns them.

The live streaming of the meeting will also immediately stop during any exempt part of the meeting, to ensure that no member of the press or public, those with a right to speak or otherwise, are in attendance.

It is the responsibility of the Member participating in a private session of a meeting, to ensure that the meeting cannot be seen or heard by any other person at their remote location.

4.15 Disturbances

If there is a disturbance amongst Members of the Planning Committee, the Chairperson continues to have the ability to deal with it in accordance with Council Procedure Rule 32 as amended. Rather than a Chairperson standing, in a remote meeting the Chairperson has the ability to mute all microphones, and if a direction is given for a Member to leave a remote meeting, the Meeting Host can effect this.

4.16 Members Standing

Any requirement in Council Procedure Rules to a Member needing to stand to address a meeting, does not apply to a remote meeting.

5.0 ARRANGEMENTS FOR MEMBERS OF THE PUBLIC PARTICIPATING IN THE PLANNING COMMITTEE BY REMOTE ACCESS

5.1 Joining the Meeting by Remote Access

Any member of the public with a right to speak at a WBC Planning Committee meeting will be provided with an email by Democratic Services Officers, which will include an electronic link to the Zoom meeting. This applies to members of the public attending to ask a question at public question time and to members of the public attending to exercise a public speaking right on a planning application being considered.

Members of the public joining the Zoom meeting will be provided with support and guidance in advance by Democratic Services Officers.

The summons to the meeting will advise of the start time of the meeting. All members of the public should access the remote meeting at least 10 minutes before the start time, even if they are expected to speak on an item later on the agenda.

5.2 Security

Where a member of the public is provided with access details to the Zoom meeting, they will be advised to keep these details confidential.

5.3 The Remote Environment

Members of the public participating in the Zoom meeting will be provided with advice and guidance on their remote environment.

5.4 Attendance to ask a Public Question

At WBC Planning Committee meetings held remotely, the agenda item on public questions will generally be the first substantive item on the agenda.

Members of the public may ask questions at a remote WBC Planning Meeting in accordance with Council Procedure Rule 11 as amended.

Should a member of the public wish to ask a question at a remote WBC Planning meeting, they must submit their question by email, together with their name, address and contact details to the Director for Communities at democratic.services@adur-worthing.gov.uk by noon on the second working day prior to the day of the meeting.

No questions will be permitted at the remote meeting unless such advance notice has been given.

If the question is accepted by the Director for Communities, the member of the public will be sent details of how to join the remote meeting on Zoom for the agenda item on public question time.

If the member of the public joins the meeting electronically, when invited to do so by the Chairperson, they may unmute their microphone, speak to put their question verbally to the Chairperson, and mute their microphone again. If the member of the public chooses not to join the remote meeting, or is unable to do so, their question will be read out to the meeting by the Chairperson or an Officer present. The question will be answered by the Chairperson.

If the member of the public has joined the remote meeting, they are also entitled to ask a supplementary question arising out of the answer to their substantive question. If the member of the public has not joined the remote meeting, they shall not be entitled to ask a supplementary question.

At the end of the agenda item for public questions, the Chairperson will ask all members of the public to disconnect from the remote meeting. If they fail to do so, the Meeting Host will immediately cease their ability to access the meeting. The member of the public may continue to 'attend' the meeting by watching the live stream of the remainder of the meeting on YouTube.

Members of the public no longer have the right to ask questions at meetings, unless they have given prior notice, and no longer have the right to ask a supplementary question if they have not joined the remote meeting. To compensate for that, the Chairperson may wish to advise the meeting that if any additional questions arose that could not be asked at the meeting, they should be directed in writing by email to democratic.services@adur-worthing.gov.uk where the Council will use their best endeavours to provide a written response within 3 working days thereafter.

Both the Chairperson and the Meeting Host have the ability to mute and unmute the microphones of members of the public and to remove their access to the remote meeting.

5.5 Attendance to Exercise Public Speaking Rights

Where a member of the public wishes to attend the WBC Planning Committee meeting to exercise public speaking rights in accordance with section 6 of this Protocol, they must provide advance notice of their intention to make representations to Democratic Services Officers, by email at democratic.services@adur-worthing.gov.uk by noon on the working day prior to the date of the meeting. They must, at the same time, provide a written script of their representations to Democratic Services Officers; if they fail to do so, they may lose their right to make such representations.

Those having registered and with a right to speak in accordance with section 6 below, will be sent an email by Democratic Services Officers with an electronic link to access the Zoom meeting. They should connect to the meeting at least 10 minutes before the commencement of the meeting as advertised in the summons and agenda.

On commencement of the meeting, members of the public attending to exercise public speaking rights should ensure that they have their microphones set to mute and their video cameras off; the Meeting Host will be aware of their connection. They should remain connected and in attendance whilst earlier items on the agenda are dealt with.

When the item on the agenda, where they are entitled to speak, is taken by the Chairman they will be advised verbally. At this point the member of the public should connect their camera to the meeting, and when invited to do so by the Chairperson, should unmute their microphone and make their representations. The member of the public should remember to mute their microphone at the end of their representation.

At the end of the agenda item, the member of the public should disconnect from the meeting, and may listen to the livestream of the remainder of the meeting should they wish to do so.

If a member of the public, with a public speaking right at WBC Planning Committee meeting, does not wish to join the meeting remotely to exercise their right to speak, or is unable to do so, their written representation submitted in advance to Democratic Services Officers will be read out in advance by the Chairman or an Officer present. Time limits set out in section 6 below will still apply.

Both the Chairperson and the Meeting Host have the ability to mute and unmute the microphones of members of the public and to remove their access to the remote meeting.

5.6 Disturbances by Members of the Public at Remote Planning Meetings

If there is a disturbance amongst members of the public at a remote meeting, the Chairperson has powers to deal with it in accordance with Council Procedure Rule 31 as amended. Having warned the member of the public over their conduct, the Chairperson can, if the conduct continues, mute the microphone of that member of the public, or

ultimately can order their removal from the remote meeting. If such a direction is given, the Meeting Host may cease the access of that member of the public. The member of the public then no longer has a right to speak at the meeting but can continue to 'attend' by watching the live stream of the meeting.

6.0 PROCEDURE AT A REMOTE PLANNING MEETING

6.1 Public Questions

The Chairperson is likely to deal with Public Question Time as the first substantive item on the agenda.

6.2 Individual Planning Applications

A Planning Officer will introduce the planning application and display any plans at a remote meeting by sharing their screen electronically with all participants of the Zoom meeting. They will also bring any new matters that have arisen since the agenda was prepared.

6.3 Public Speaking

Public speaking at meetings of Worthing Borough Council Planning Committee shall be allowed in respect of planning applications, including Conservation Area, Listed Building, Tree Preservation Order confirmation and Advertisement Consent Applications.

Questions, statements and comments made by the public to the Planning Committee must be relevant to planning issues. Examples of relevant planning issues include external design, appearance and layout of the development, impact on trees and nature conservation or overshadowing and privacy, highway safety and planning policy and government guidance. Examples of non-relevant planning issues may include boundary disputes or other property rights, loss of property value or loss of view, matters covered by other legislation and the applicant's motives, character or reputation.

Relevant representations will be accepted from Objector(s), Ward Councillor(s) and the Applicant (or their representative) and Supporters.

As set out in paragraph 5 above, advance notice of the intention to make representations must be provided to Democratic Services Officers, by email at democratic.services@adur-worthing.gov.uk by noon on the working day prior to the date of the meeting. Whilst Planning Committee meetings are being held remotely by electronic means, a written script of the representations must also be submitted at the same time, in order that they may be read out at the meeting, and taken into account when reaching a decision, should the member of the public be unable or unwilling to attend to speak themselves.

If a decision on the application is deferred to a future meeting, the individual having given appropriate notice, will be able to speak when the application is considered by the Committee again, without the need to give further notice of their intention to speak.

If more than the maximum number of speakers give notice of their intention to make representations, those permitted will be taken in order in which their notice was received.

The order, and time allowed, for speaking at Worthing Borough Council Planning Committee meetings will be as follows:

Objector(s)	Maximum of 3 speakers	Maximum of 3 minutes each speaker
Ward Councillor(s)	<p>Subject to a maximum of 1 Councillor speaking in support of the application and a maximum of 1 Councillor speaking against the application, limited to:</p> <ul style="list-style-type: none"> • Maximum of 2 Ward Councillors, or • With the agreement of the Chairperson, and subject to a maximum of one Ward Councillor wishing to speak, one Ward Councillor and an adjacent Ward Councillor, or • With the agreement of the Chairperson, and subject to no Ward Councillors wishing to speak, a maximum of two Worthing Borough Councillors 	Maximum of 3 minutes each speaker
Applicant (or representative) and supporters	Maximum of 3 speakers	Maximum of 3 minutes per speaker

There is no right for anyone to speak at WBC Planning Committee otherwise than in accordance with the above provisions. An individual may not speak a second time at a Planning Committee meeting, on the same application.

Speakers may address the Planning Committee Chairperson, but are not permitted to ask questions of other speakers, Officers or Members. Members and Officers can question speakers for clarification purposes only.

6.4 Determination of Application

Following public speaking, members of the Planning Committee will debate the planning application, involving professional Officers as necessary and appropriate. Members of the Planning Committee may receive legal and other professional advice as required during the Committee meeting.

6.5 Documents Open to Public Inspection

Any reference in Council Procedure Rules to a document being available for public inspection at the Council's offices will now be satisfied by being published on the Council's website.

6.6 Chairperson's Discretion

The Chairperson has the discretion to waive any of the requirements of this Protocol if satisfied, having taken legal and professional advice, that it is fair, reasonable and appropriate to do so in the circumstances.

7.0 FOLLOWING A REMOTE PLANNING MEETING

The video / audio recording of the remote Planning Committee meeting will be live streamed and also made available to view on the Council's website. It will be available for 12 months from the date of the meeting, after which period it shall be deleted.

Minutes of a meeting will be dealt with in the usual way and draft minutes will be published on the Council's website as soon as practicable after a remote meeting.

THE BOROUGH COUNCIL OF WORTHING PETITION SCHEME

1.0 PETITIONS

The Council welcomes petitions and recognises that they are a way in which the public can let the Council know about their concerns. Petitions can be submitted in paper or electronic form and a petition can be received by the Council by post, electronically or be hand delivered. All petitions must be sent to the Monitoring Officer by email at monitoringofficer@adur-worthing.gov.uk.

2.0 CONTENT

2.1 Petitions submitted to the Council must:

- (a) include a clear and concise statement covering the subject of the petition stating what action the petitioners wish the Council to take;
- (b) be accompanied by the name, address and contact details of the Petition Organiser; and
- (c) contain a minimum of 50 names, postal addresses (property name/number and post code) and signatures (other than when in electronic form) of people who live, work or study in the Borough of Worthing and who support the petition.

3.0 PETITION ORGANISER

The Petition Organiser is the person the Council will contact to explain how it will respond to the petition. The contact details of the Petition Organiser will not be placed on the Council's website.

4.0 ACKNOWLEDGEMENT

An acknowledgement will be sent to the Petition Organiser, by the Monitoring Officer, within five working days of receiving the petition. The acknowledgement will advise the Petition Organiser if their petition has been rejected by the Monitoring Officer on any of the grounds below, or accepted.

5.0 REJECTION BY THE MONITORING OFFICER

5.1 A petition may be rejected by the Monitoring Officer should he/she consider that the petition:

- (a) contains intemperate, inflammatory, abusive or provocative language, is defamatory, frivolous, vexatious, discriminatory or otherwise offensive or contains false statements;
- (b) is similar to another petition submitted to the Council within the previous six months;
- (c) discloses confidential or exempt information, including information protected by a court order;
- (d) discloses material which is commercially sensitive;
- (e) contains names of individuals as the target of the petition, or provides information where the individual could be easily identified;
- (f) contains advertising statements;
- (g) refers to an issue which is currently the subject of a formal Council complaint, Local Government Ombudsman complaint or legal proceedings;
- (h) relates to the Council's Planning or Licensing functions (as there are separate processes in place to deal with those matters);
- (i) Relates to a response to the Council as part of a formal consultation process;
- (j) relates to a matter where there is already an existing right of appeal, such as Council Tax Banding and non-domestic rates, (as there are separate processes in place to deal with those matters);
- (k) relates to a statutory petition, for example if at least 5% of Local Government electors in the District petition the Council to hold a referendum on whether it should change to a different form of governance (as there are separate processes to deal with those matters);
- (l) does not relate to an issue upon which the Council has powers or duties or on which it has shared delivery responsibilities. However, if the petition is about something over which the Council has no direct control the Monitoring Officer will give consideration to the best method for responding to it. For example, the Council may make representations on behalf of the community to the relevant body or forward the petition to the relevant body. In any event the Council will always notify the Petition Organiser of the action it has taken;
- (m) has already been the subject of debate by Full Council within the previous six months;

- (n) is received during politically sensitive times, such as prior to an election or referendum, and the petition contains politically controversial material. In that situation the Monitoring Officer may need to agree a revised timescale for the acceptance of the petition.
- (o) relates specifically to the annual budget resolution, which is governed by the Councils Budget Procedure Rules
- (p) it contains less than 50 names, addresses and signatures of individuals who live, work or study in the Borough

6.0 ACCEPTED PETITIONS: THE COUNCIL'S RESPONSE

If the Monitoring Officer has accepted the petition, the Petition Organiser will be advised what the Monitoring Officer plans to do with the petition and when they can expect to hear from the Council.

The petition (but not the Petition Organiser's details) and the details of what the Council will do will also be published on the Council's website.

6.1 Non-qualifying petitions

Non-qualifying petitions are defined in this scheme as petitions with 50 or more signatories but less than 1,000, and those petitions shall be referred to the relevant decision-maker, by the Monitoring Officer.

Where the decision-maker is the Executive, a Committee or Joint Committee, then the Petition Organiser shall be advised as to when and where the petition is to be considered and shall be allowed to attend, remotely if the meeting is held with attendance via remote access, and speak for up to 5 minutes in support of the petition. Following which the Members shall discuss the petition and decide how to respond to it. Once a decision is made the decision-maker will notify the Petition Organiser in writing of the response with reasons for the decision within five working days.

Where the decision-maker is an individual Executive Member or an Officer they shall meet with the Petition Organiser, remotely or otherwise, to discuss the contents of the petition. Following which they shall determine how to respond to it. Once a decision is made the decision-maker will notify the Petition Organiser in writing of the response with reasons for the decision within five working days.

6.2 Qualifying Petitions

Qualifying petitions are defined in this scheme as petitions containing 1,000 or more names, postal addresses and signatures (other than when in electronic form) of people who live, work or study in the Borough of Worthing and support the petition.

On receipt of a qualifying petition, where time permits, the petition will be debated by the Full Council, at their next Ordinary Meeting, provided that the petition is received by the Monitoring Officer 15 clear working days prior to that meeting, or otherwise at the next available Ordinary Council meeting. The Petition Organiser will be given five minutes to read the petition at the meeting and make any representations and the petition will then be discussed by Councillors in accordance with the Council's Standing Orders as contained in Part 4 of this Constitution. The Council will decide, by way of a motion being proposed, seconded and voted upon, how to respond to the petition at this meeting.

If the petition relates to action currently being progressed by the Council and the petition will trigger a debate at Full Council, as it is accepted by the Monitoring Officer and is a qualifying petition, then the action will be suspended pending the debate, unless in relation to statutory, contractual or other legal situations where a suspension would, in the view of the Monitoring Officer, prejudice the Council's position.

Where a petition is accepted by the Monitoring Officer and is a qualifying petition but time does not permit a debate at Full Council, for example because an action that is the subject of the petition will occur prior to the next meeting of the Full Council, the petition will be referred by the Monitoring Officer to the appropriate decision-maker, Executive or relevant Committee or Joint Committee. Once a decision is made the decision-maker will notify the Petition Organiser in writing of the response with reasons for the decision within five working days.

6.3 The Council's Response to a Petition

The Council's response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- (a) taking the action requested;
- (b) receiving and considering the petition at the next Ordinary Council meeting;
- (c) holding an enquiry into the matter;
- (d) undertaking research into the matter;
- (e) holding a public meeting;
- (f) holding a consultation;
- (g) holding a meeting with the petitioners;
- (h) referring the petition for consideration by the Overview & Scrutiny or Joint Overview & Scrutiny Committee;

- (i) Referring the petition to the Executive or another Committee if the substantive content of the Petition falls within the remit of that Committee.
- (j) writing to the Petition Organiser setting out the Council's views about the request in the petition;
- (k) deciding not to agree to do what is asked in the petition.

6.4 Remote Meetings

Where a Petition Organiser is entitled to attend a meeting to present their petition, if that meeting is held by remote attendance, the Petition Organiser will be invited to participate in the video conferencing remote meeting, via an electronic device, for the purpose of making their representations. The Petition Organiser will also be required to submit a written copy of their representations to democratic.services@adur-worthing.gov.uk 48 hours in advance of the meeting.

The Petition Organiser will be encouraged to join the remote meeting held electronically by video conferencing, to make their representations. However, if they are unwilling to do so, or unable to do so, their previously submitted representations will be read out to the meeting, by the Chairperson or an Officer present, with the same time limits applying. In that way the Council may proceed to consider the petition, having taken into account the Petition Organiser's representations.

The Petition Organiser should be aware that the remote video conferencing meeting, will also be livestreamed (unless it is in private session) and accessible to the public and will be published on the Council's website where it shall be retained for a period of 12 months.

7.0 PUBLICATION AND RETENTION

All decisions relating to petitions will be published on the Council's website.

Petitions will not be retained by the Council for longer than 6 years in compliance with General Data Protection Regulations.

DATED 27th July 2007

Amended 1st May 2011

Amended 7th October 2011

Amended 17th May 2013

Amended 10th November 2016

Amended 3rd December 2018

Amended 25th September 2019

Amended 12th May 2020

(1) ADUR DISTRICT COUNCIL

and

(2) WORTHING BOROUGH COUNCIL

**An Agreement (1) for the employment of staff (2) to
provide services jointly and (3) to establish Joint
Committees for Adur District Council and Worthing
Borough Council**

Mrs Susan Sale
Solicitor to the Council
Adur District Council and Worthing Borough
Council
Town Hall
Chapel Road
Worthing
West Sussex
BN11 1HA
DX 142960 Worthing 10

Mr Andrew Mathias
Senior Solicitor
Adur District Council and Worthing
Borough Council
Town Hall
Chapel Road
Worthing
West Sussex
BN11 1HA
DX 142960 Worthing 10

CONTENTS

Clause	Description	Page No.
1.0	BACKGROUND	3

2.0	DEFINITIONS	5
3.0	PRELIMINARY MATTERS	8
4.0	THE JOINT COMMITTEES	9
5.0	UNRESOLVED DECISIONS	19
6.0	DECISIONS RELEVANT TO A SINGLE AUTHORITY	20
7.0	OFFICER SUPPORT	20
8.0	THE SERVICES	21
9.0	EXPENSES	21
10.0	EXTENSION	22
11.0	TERMINATION AND REVIEW	22
12.0	DISPUTE RESOLUTION	24
13.0	ASSETS.....	24
14.0	LIABILITIES.....	25
15.0	INTELLECTUAL PROPERTY RIGHTS	25
16.0	NOTICES.....	25
17.0	RIGHTS AND DUTIES RESERVED.....	25
18.0	LEGAL AND OTHER FEES.....	26
19.0	PROVISION OF STATISTICAL INFORMATION, ACCOUNTS AND OTHER DOCUMENTS ETC	26
20.0	AUDIT.....	26
21.0	STATUS.....	28
22.0	ANTI-CORRUPTION	28
23.0	DISCRIMINATION	28
24.0	HUMAN RIGHTS	29
25.0	FREEDOM OF INFORMATION.....	29
26.0	DATA PROTECTION.....	29
27.0	SURVIVAL OF THIS AGREEMENT	29
28.0	WHOLE AGREEMENT	29
29.0	WAIVER.....	30
30.0	SEVERANCE.....	30
31.0	CLAUSE HEADINGS.....	30
32.0	LAW	30
33.0	CONTRACTS (RIGHTS OF THIRD PARTIES) ACT 1999	30
34.0	NON-ASSIGNMENT	30
	SCHEDULE 1	32
	SCHEDULE 2	33

THIS AGREEMENT is made on the **27th of July 2007** and amended on the 1st May 2011, 7th October 2011, 17th May 2013, 10th November 2016, 3rd December 2018 and 25th September 2019 and 12th May 2020

BETWEEN

- (1) Adur District Council whose principal office is at c/o Town Hall, Chapel Road, Worthing BN11 1HA ('Adur')
- (2) Worthing Borough Council whose principal office is at Town Hall, Chapel Road, Worthing BN11 1HA ('Worthing')

1.0 BACKGROUND

- 1.1 Adur and Worthing agreed in 2007 to deliver functions and services through a Joint Officer Structure and a Joint Committee Structure.
- 1.2 The Strategic Purposes of such a co-ordinated approach are:
 - (a) to optimise the availability of skills and resources available to the two Councils;
 - (b) to achieve best value in the delivery of services;
 - (c) to secure the most economic, efficient and effective use of resources;
 - (d) to secure the reduction of operational costs;
 - (e) to maximise the opportunities for securing funding from outside bodies including Government;
 - (f) to reduce reliance on outside bodies to improve bargaining power in relation to outside bodies and to increase capacity and capability within the constituent Councils;
 - (g) to provide and promote a customer-orientated approach to service delivery;
 - (h) to support the community strategies led by the constituent Councils and prepared from time to time to reflect the strategic direction of the organisations; and
 - (i) wherever possible, to secure a joint response to strategic and other issues affecting the two Councils.
- 1.3 In order to achieve the Strategic Purposes set out in clause 1.2 the Councils have agreed:

- (a) to establish:
- (i) a Joint Committee to provide strategic direction for the Joint Services and determine all delegated Executive functions relating to the Joint Services on behalf of the two Councils, to be known as the Joint Strategic Committee;
 - (ii) a Joint Individual Executive Member decision-making process in respect of all Executive functions of the Joint Services delegated to Individual Executive Members, encompassed in the Executive Procedure Rules in Part 4 of the Constitution;
 - (iii) a Joint Committee to agree, and where appropriate recommend to the Councils, the appointment of and staffing matters in relation to Senior Staff, in accordance with the Officer Employment Procedure Rules in Part 4 of the Constitution, known as the Joint Senior Staff Committee;
 - (iv) a Joint Committee to determine non-Executive staff matters and to determine employment policies, known as the Joint Staff Committee.
 - (v) a Joint Overview & Scrutiny Committee to exercise the scrutiny function in relation to the Joint Services of the two Councils;
 - (vi) a Joint Governance Committee to determine or make recommendations to the Councils on all non-Executive functions that are not reserved to any other Committee, Joint Committee or Full Councils, and to establish a Joint Sub-Committee to deal with Standards matters relating to either Council;
 - (vii) a Joint Remuneration Panel, to make proposals to the Joint Governance Committee, as to Members Allowances .
- (b) to establish a Joint Officer structure to deliver all of the services of Adur and Worthing Councils jointly, subject to any other agreements made under s101 Local Government Act 1072 in respect of joint delivery of services.

IT IS AGREED as follows

2.0 DEFINITIONS

Adur:	Adur District Council
Amendment Date:	12 th May 2020
Appendix:	Appendix to this Agreement
Assets:	All assets relating to the delivery of the joint services including contracts, machinery, computers, information, materials and equipment
Chief Executive:	Chief Executive of the Councils
Clause:	Clause in this Agreement
Commencement Date:	27 th July 2007
Contract Standing Orders:	Joint Contract Standing Orders of Adur District Council and Worthing Borough Council
Costs:	Costs include income, expenditure, cashable savings and efficiency savings
Council:	One of Adur District Council or Worthing Borough Council as the case may be
Councils:	Both Adur District Council and Worthing Borough Council
Executive:	The Leader and Executive of the relevant Council(s)

Executive arrangements:	Construed in accordance with Part II of the Local Government Act 2000, as amended
Expenses:	Expenses as defined by clause 8
Financial Regulations:	The Joint Financial Regulations of Adur District Council and Worthing Borough Council
Head of Paid Service:	The Head of Paid Service under Section 4 of the Local Government and Housing Act 1989 who shall be the Chief Executive of the Councils
Intellectual Property Rights:	All rights available for the protection of any discovery, invention, name, design, process or work in which copyright or any rights in the nature of copyright subsist and all patents, copyrights, registered designs, design rights, trade marks, service marks and other forms of protection from time to time subsisting in relation to the same, including the right to apply for any such protection and trade secrets and other unpublished information
JGC:	The Joint Governance Committee established by Clause 4
Joint Committees:	the Joint Committees established by Clause 4
JOSC:	the Joint Overview & Scrutiny Committee established by Clause 4
Legal Adviser	The Solicitor to the Councils of Adur District Council and Worthing Borough Council, or his/her representative

Monitoring Officer:	The Officer appointed under Section 5 of the Local Government and Housing Act 1989, who shall be the Solicitor to the Councils of Adur District Council and Worthing Borough Council
Officers:	Officers employed within the Joint Officer Structure referred to in this Agreement
Section 151 Officer:	The Head of Financial Services of Adur District Council and Worthing Borough Council who shall be the Chief Financial Officer
Service:	Any one of the Joint Services provided by the Councils
JSC	The Joint Strategic Committee established by Clause 4
JSSC:	the Joint Senior Staff Committee established by Clause 4
The Joint Services:	All services are joint services provided by the Councils unless specifically reserved to an individual Council as specified in Schedule 1
JSfC:	the Joint Staff Committee established by Clause 4
Worthing:	Worthing Borough Council

- 2.1 A reference to a statute or statutory provision is a reference to it as amended, extended or re-enacted from time to time.
- 2.2 A reference to a statute or statutory provision shall include all subordinate or secondary legislation made from time to time under the statute or statutory provisions.

IT IS AGREED as follows

3.0 PRELIMINARY MATTERS

3.1 This Agreement is made pursuant to:

- (a) Sections 101 and 102 of the Local Government Act 1972 (delegation to joint committees)
- (b) Section 3 of the Local Government Act 1999 (duty to secure best value)
- (c) Section 1 of the Localism Act 2011 (general power of competence)
- (d) Sections 14 and 20 of the Local Government Act 2000 and The Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000/2851 (joint arrangements for the exercise of Executive functions), as amended.

3.2 This Agreement has been entered into:

- (a) by Adur by virtue of the resolution of Adur District Council dated 23rd July 2007 and
- (b) by Worthing by virtue of the resolution of Worthing Borough Council dated 25th July 2007 and amended:
- (c) by Adur by virtue of a resolution of Adur District Council dated 7th April 2011 and
- (d) by Worthing by virtue of a resolution of Worthing Borough Council dated 12th April 2011 and
- (e) By Adur by virtue of a resolution of Adur District Council dated 6th October 2011 and
- (f) By Worthing by virtue of a resolution of Worthing Borough Council dated 4th October 2011 and
- (g) by Adur by virtue of a resolution of Adur District Council dated 20th December 2012 and
- (h) By Worthing by virtue of a resolution of Worthing Borough Council dated 18th December 2012 and
- (i) By Adur by virtue of a resolution of Adur District Council dated 24th October 2016 and

- (j) By Worthing by virtue of a resolution of Worthing Borough Council dated 25th October 2016 and
- (k) By Adur by virtue of a resolution of Adur District Council dated 1st November 2018 and
- (l) By Worthing by virtue of a resolution of Worthing Borough Council dated 30th October 2018 and
- (m) By Worthing and Adur by virtue of the Monitoring Officer making minor amendments under delegated authority dated 25th September 2019.
- (n) By Worthing and Adur by virtue of the Monitoring Officer making minor and/or consequential amendments under delegated authority dated 12th May 2020

3.3 This Agreement shall commence on the commencement date and shall, subject to Clause 10 (termination and review) and Clause 9 (extension) terminate on 31st March 2028.

4.0 THE JOINT COMMITTEES

The Joint Committees shall not be bodies corporate or have the functions of acquiring or holding assets, employing staff or entering into contracts. For the avoidance of doubt such functions shall be undertaken by one of the Councils as an administering Council.

A Schedule of Joint Meetings shall be agreed annually by each Council and additional meetings may be called in accordance with Council Procedure Rule 4.2. The Director for Communities shall be the Proper Officer for the signing of documents relating to the calling of meetings.

Call-in of decisions of Joint Committees exercising Executive functions are provided for in the Joint Overview and Scrutiny Procedure Rules in Part 4 of each Council's Constitution. Non-Executive decisions may not be called in and therefore the procedure does not apply to decisions of JOSc, JSSc, JSfC and JGC.

4.1 Joint Strategic Committee

The Councils shall establish a Joint Strategic Committee ("JSC") which:

- (a) shall comprise of the Executive of each Council. The Executive model adopted by each Council ensures that the Members appointed to JSC are empowered to take Executive decisions.
- (b) shall have the following terms of reference:

1. To determine all matters relating to Executive functions of Joint Services, as set out in the Terms of Reference in Part 3 of the Constitution, unless specifically reserved to the Council's individual Executives as specified in Schedule 1;
 2. To provide strategic management of the Joint Services;
 3. To provide strategic direction to both Councils in relation to all Executive functions unless specifically reserved to the Executives of the individual Councils as specified in schedule 1;
 4. To set strategic targets in respect of the Joint Services;
 5. To agree draft revenue budgets for the implementation of each Joint Service which comply with the agreed budget strategy set by the Councils and which clearly show the costs to be borne by each Council including the allocation of any resulting savings or efficiencies and to recommend them to the Councils, via the individual Executives;
 6. To annually agree draft capital budgets for the Joint Services which comply with the agreed budget strategies set by the Councils and which clearly show the costs to be borne by each Council;
 7. To receive any reports in respect of any Executive function from either Council;
 8. To determine significant changes to the nature of the Joint Services delivered to the public in one or both Council areas;
 9. To determine any matters assigned as Executive functions in accordance with the Local Choice functions set out in Part 3 of the Constitution.
- (c) If there is an inequality between the Councils as to the number of Members on each Executive, all Members of the Executive may attend and participate in meetings of the Joint Strategic Committee as full voting Members.
- (d) One representative from Adur Consultative Forum shall be a co-opted non-voting Member on the Joint Strategic Committee for any item concerning the Housing Revenue Account, terms and conditions of tenancies or leaseholds, leasehold service charges and any other matter directly affecting housing tenants or leaseholders which do not have a general effect on other residents.
- (e) In the event of a Member being unable to attend a meeting of JSC, by remote attendance or otherwise, there is no ability to appoint a Substitute Member.

- (f) The JSC shall meet, remotely or otherwise, on at least four occasions in any municipal year. One of those meetings shall be scheduled to ensure that any proposed budgets can properly and fully be considered by each of the Councils as part of their respective budget-making processes
- (g) The JSC shall meet during May to October of each municipal year at Worthing Town Hall and in November to April of each municipal year at the Shoreham Centre, or such other location, including remote attendance, as the Chairman of the Committee shall agree
- (h) The Leader of the Council in whose area a meeting should take place, if it were to be held in a physical location, shall be the Chairman of the meeting and in their absence, the Deputy Leader of that Council shall be the Chairman. In the absence of both the Leader and Deputy Leader, the Leader of the other Council shall act as Chairman of the meeting.
- (i) Each Member of JSC shall have one vote in its proceedings. The Chairman shall not have a casting vote.
- (j) The JSC may arrange for the discharge of their functions by an Officer and in doing so will set out clearly any limits upon such delegation.
- (k) The JSC may establish working groups to assist them in their work and in doing so will set clear terms of reference for them. Such working groups will not be decision-making bodies.
- (l) JSC may establish sub-committees consisting solely of the Members of one Council, to consider matters solely relating to that Council.
- (m) For a meeting of JSC to be quorate there must be at least 4 members present and: at least two Members present from each Council where the business of the Committee relates to both the District of Adur and the Borough of Worthing; or at least one Member present from each Council where the business of the Committee relates to either the District of Adur or the Borough of Worthing.

4.2 Individual Executive Member Decisions

The Councils shall establish a process for the taking of decisions jointly by Individual Executive Members from each Council, encompassed in the Executive Procedure Rules in Part 4 of the Constitution, which includes:

- (a) where a decision relating to an Executive function which falls within the remit and portfolio of an Individual Executive Member from each Council and relates to a Joint Service, the relevant report shall be sent simultaneously by Democratic Services Officers to both Individual Executive Members from each Council;

- (b) the Individual Executive Members will consult with one another in an attempt to make a Joint decision;
- (c) if the two Individual Executive Members agree on the decision that is to be made, then they may make a Joint decision;
- (d) if the two Individual Executive Members do not agree on the decision that is to be made, then no decision is made, and the matter must be referred to the Joint Strategic Committee for determination.

4.3 Joint Senior Staff Committee

The Councils shall establish the Joint Senior Staff Committee (“the JSSC”) which:

- (a) shall comprise three councillors from each Council (or such greater number of Councillors as the Councils may from time to time agree, providing there is equal representation from each Council) at least one of whom shall be an Executive Member and at least one of whom shall be a non-Executive Member;
- (b) shall be politically balanced for each Council in accordance with the provisions of the Local Government & Housing Act 1989;
- (c) shall have the terms of reference in respect of all staff employed in the Joint Officer structure, as set out in Part 3 of the Constitution, and shall operate in accordance with the Officer Employment Procedure Rules in Part 4 of the Constitution.
- (d) In the event of an appointed Councillor being unable to attend, by remote attendance or otherwise, any meeting of the JSSC, the relevant political group Leader may appoint a substitute Member, provided that prior written notice of such substitution is given to the Director for Communities as Proper Officer for such matters.
- (e) shall meet, remotely or otherwise, on such occasions as is necessary to determine any business within its terms of reference.
- (f) shall meet from May to October each year at Worthing Town Hall and from November to April each year at the Shoreham Centre, or such other location, include by remote attendance, as the Chairmen of the Committee shall agree.
- (g) The Chairman and Vice Chairman of the JSSC Committee shall be appointed by each Council at its Annual Council Meeting.
- (h) The Chairman of JSSC in whose area a meeting should take place, if it were to be held in a physical location, shall be the Chairman of that meeting and in their absence, the Vice Chairman shall be the Chairman.

In the absence of both the Chairman and Vice-Chairman, the Chairman of JSSC from the other Council shall act as Chairman of the meeting.

- (i) Each Member of JSSC shall have one vote in its proceedings, to include Substitute Members appointed in accordance with this Agreement. The Chairman of JSSC shall have a casting vote.
- (j) JSSC may arrange for the discharge of their functions by an Officer and in doing so will set out clearly any limits upon such delegation.
- (k) JSSC may establish working groups to assist them in their work and in doing so will set clear terms of reference for them. Such working groups shall not be decision-making bodies.
- (l) JSSC may establish sub-committees consisting solely of the Members of one Council, to consider matters solely relating to that Council.
- (m) For a meeting of JSSC to be quorate there must be at least 4 Members present and: at least 2 Members present from each Council where the business of the Committee relates to both the District of Adur and the Borough of Worthing; or at least one Member present from each Council where the business of the Committee relates to either the District of Adur or the Borough of Worthing.

4.4 Joint Staff Committee

The Councils shall establish the Joint Staff Committee ("JSfC") which

- (a) shall comprise three Councillors from each Council (or such greater number of Councillors as the Councils may agree from time to time, providing there is equal representation from each Council);
- (b) shall be politically balanced from each Council in accordance with the provisions of the Local Government and Housing Act 1989;
- (c) shall have the terms of reference in respect of all staff employed in the Joint Officer structure, as set out in Part 3 of the Constitution, and shall operate in accordance with the Officer Employment Procedure Rules in Part 4 of the Constitution.
- (d) In the event of an appointed Councillor being unable to attend, remotely or otherwise, any meeting of the JSfC, they may nominate a Substitute Member to attend, provided that prior written notice of such substitution is given to the Director for Communities as the Proper Officer for such matters.
- e) The JSfC shall meet, remotely or otherwise, on such occasions as is necessary to determine any business within its terms of reference

- (e) The JSfC shall meet from May to October each year at the Worthing Town Hall and from November to April each year at the Shoreham Centre, or such other location, including by remote attendance, as the Chairman of the Committee shall agree.
- (f) The Chairman and Vice Chairman of JSfC shall be appointed by the relevant Authority at its Annual Council Meeting.
- (g) The Chairman of JSfC in whose area a meeting should take place, had it been held in a physical location, shall be the Chairman of that meeting and in their absence, the Vice Chairman shall be the Chairman. In the absence of both the Chairman and Vice-Chairman, the Chairman of JSfC from the other Council shall act as Chairman of the meeting.
- (h) Each Member of JSfC shall have one vote in its proceedings (to include Substitute Members appointed in accordance with this Agreement). The Chairman of JSfC shall have a casting vote.
- (i) JSfC may arrange for the discharge of its functions by an Officer and in doing so will set out clearly any limits upon such delegation.
- (j) JSfC may establish working groups to assist them in their work and in doing so will set clear terms of reference for them. Such working groups shall not be decision-making bodies.
- (k) JSfC may establish a Sub-Committee consisting solely of the Members of one Council to consider matters solely relating to that Council.
- (l) For a meeting of JSfC to be quorate there must be at least 4 Members present and: at least 2 Members present from each Council where the business of the Committee relates to both the District of Adur and the Borough of Worthing; or at least one Member present from each Council where the business of the Committee relates to either the District of Adur or the Borough of Worthing.

4.5 Joint Overview and Scrutiny Committee

The Councils shall establish the Joint Overview and Scrutiny Committee (JOSC) which:

- (a) shall comprise eight Members from each Council (or such other number of Members as the Councils may from time to time agree, providing equal representation from each Council);
- (b) shall be politically balanced for each Council in accordance with the provisions of the Local Government and Housing Act 1989;

- (c) shall have the terms of reference set out in Part 3 of each Council's Constitution and shall operate in accordance with the Joint Overview and Scrutiny Procedure Rules in Part 4 of the Constitution;
- (d) shall exercise the overview and scrutiny functions of the two Councils in relation to all matters, except those to be determined by each Council's Individual Executives as set out in schedule 1 to this Agreement;
- (e) the Councils may each establish an Overview and Scrutiny Committee (OSC) to exercise the overview and scrutiny functions of the Councils in relation to matters reserved to each Council's individual Executive as set out in schedule 1 to this agreement;
- (f) one Member of Adur Consultative Forum shall be a co-opted non-voting Member of the Joint Overview and Scrutiny Committee for any item concerning the Housing Revenue Account, terms and conditions of tenancies or leaseholds, leasehold service charges and any other matter directly affecting housing tenants or leaseholders which do not have a general effect on other residents; the Member should not be the same Adur Consultative Forum representative who sits as a co-opted Member of JSC for the same purpose.
- (g) shall not comprise any Members of the Executive within its membership. In making its appointments to the JOSC each Council will ensure that its Members are not Members of the Executive;
- (h) In the event of an appointed Councillor being unable to attend, remotely or otherwise, any meeting of the JOSC, the relevant Member may appoint a Substitute Member to attend, provided that prior written notice of such substitution is given to the Director for Communities as the Proper Officer for such matters;
- (i) The JOSC shall meet, remotely or otherwise, on at least four occasions in any municipal year.
- (j) The JOSC shall meet in May to October of each municipal year at the Shoreham Centre and in November to April of each municipal year in Worthing Town Hall, or such other location, including by remote attendance, as the Chairman of the Committee shall agree;
- (k) The Chairman and Vice Chairman of JOSC shall be appointed by the relevant Council at its Annual Council Meeting. The Chairman of the JOSC of the Council in whose area a meeting should take place, had it been held in a physical location, shall be the Chairman of that meeting and in their absence, the Vice Chairman of the JOSC from the Council where the meeting should take place will be the Chairman. In the absence of both, the Chairman of JOSC from the other Council shall act as Chairman of that meeting.

- (l) Each Member of JOSC shall have one vote in its proceedings (to include Substitute Members appointed in accordance with this Agreement). The Chairman of JOSC shall not have a casting vote.
- (m) JOSC may arrange for the discharge of their functions by an Officer and in doing so will set out clearly any limits upon such delegation.
- (n) JOSC may establish working groups to assist them in their work and in doing so will set clear terms of reference for them. Such working groups shall not be decision-making bodies.
- (o) JOSC may establish sub-committees consisting solely of the Members of one Council to consider matters solely relating to that Council.
- (p) For a meeting of JOSC to be quorate there must be at least 4 Members present and: at least 2 Members present from each Council where the business of the Committee relates to both the District of Adur and the Borough of Worthing; or at least one Member present from each Council where the business of the Committee relates to either the District of Adur or the Borough of Worthing.

4.6 Joint Governance Committee

The Councils shall establish a Joint Governance Committee ("JGC") which shall:

- (a) comprise six Councillors from each Council (or such other number of Councillors as the Councils may from time to time agree, providing there is equal representation from each Council);
- (b) be politically balanced for each Council in accordance with the provisions of the Local Government and Housing Act 1989;
- (c) have the terms of reference set out in Part 3 of the Council's constitution;
- (d) have no more than one Executive Member from each Council in its membership.
- (e) In the event of an appointed Councillor being unable to attend, remotely or otherwise, any meeting of the JGC, the relevant Member may appoint a Substitute Member to attend, provided that prior written notice of such substitution is given to the Director for Communities as the Proper Officer for such matters.
- (f) The JGC shall meet, remotely or otherwise, on at least four occasions in any municipal year.
- (g) The JGC shall meet from May to October each year at the Shoreham Centre and from November to April each year at Worthing Town Hall, or

such other location, including by remote attendance, as the Chairmen of the Committee shall agree.

- (h) The Chairman and Vice Chairman of JGC shall be appointed by each Council at its Annual Council Meeting.
- (i) The Chairman and Vice Chairman of any meeting of JGC shall be the Chairman and Vice Chairman of JGC of the Council in whose area a meeting should take place, had it been held in a physical location. In the absence of the Chairman and Vice-Chairman of JGC for the Council in whose area the meeting should take place, the Chairman of JGC from the other Council will act as Chairman for that meeting.
- (j) Each Member of JGC shall have one vote in its proceedings (to include Substitute Members appointed in accordance with this Agreement). The Chairman of JGC shall not have a casting vote.
- (k) JGC may arrange for the discharge of its functions by an Officer and in doing so will set out clearly any limits upon such delegation.
- (l) JGC may establish working groups to assist them in their work and in doing so will set clear terms of reference for them. Such working groups shall not be decision-making bodies.
- (m) JGC may establish sub-committees consisting solely of the Members of one Council to consider matters solely relating to that Council.
- (n) For a meeting of JGC to be quorate there must be at least 4 Members present and: at least 2 Members present from each Council where the business of the Committee relates to both the District of Adur and the Borough of Worthing; or at least one Member present from each Council where the business of the Committee relates to either the District of Adur or the Borough of Worthing.
- (o) The Councils' Independent Persons, appointed under the Localism Act 2011, will be co-opted Members of Joint Governance Committee.

4.7 Joint Independent Remuneration Panel

The Council shall establish a Joint Independent Remuneration Panel, which shall:

- (a) Comprise of four independent persons appointed in accordance with the Local Authorities (Members Allowances) (England) Regulations 2001.
- (b) carry out the functions set out in the Local Authorities (Members Allowances) (England) Regulations, 2001.

Proposals of the Joint Independent Remuneration Panel are received by the Joint Governance Committee who will make recommendations to each Council as appropriate.

4.8 Officers

The Joint Committees shall receive their legal advice from the Legal Adviser who shall also be the Monitoring Officer, or their representative.

The Joint Committees shall receive their financial advice from the Chief Financial Officer who shall also be the Section 151 Officer, or their representative.

The Joint Committees shall receive their advice (except that relating to legal, probity, and financial matters) from the Council's Officers, as appropriate.

4.9 Rules of Procedure

Rules of Procedures relating to Joint Committee structure are contained within each Council's constitution. Where there is any conflict with the terms of this Agreement and the Constitution, advice will be taken from the Monitoring Officer as to the interpretation of provisions, and her determination will be final.

4.10 Administrative Expenses

The administration expenses of the Joint Committees will be borne by the Councils in accordance with clause 8 below.

4.11 Decision Making

Where decisions are taken by a Joint Committee the following principles and conditions, in addition to those contained in Article 12 of each Council's constitution, shall apply:

- (a) powers shall be exercised in accordance with the Joint Contract Standing Orders and Joint Financial Regulations.
- (b) the Joint Committees shall have proper regard to any resolution of the Councils.
- (c) the Joint Committees shall satisfy themselves that any inter-Council consultation has been carried out.
- (d) decision making by individual Executive Members should be undertaken in accordance with the Executive Procedure Rules in Part 4 of each Council's constitution.
- (e) the taking of decisions shall be subject to there being appropriate and adequate budgetary provision

- (f) any decision which could attract legal liability shall be taken in consultation with the Legal Adviser or their representative.
- (g) any decision which has financial implications shall be taken in consultation with the Chief Financial Officer and particularly in any case where JSC is considering making recommendations which involve increased expenditure in any budget they shall receive and incorporate in any report advice from the Chief Financial Officer or their representative.
- (h) any decision which could involve the exercise by the Monitoring Officer of any of his or her powers shall be taken in consultation with him or her, or in his or her absence the Deputy Monitoring Officer
- (i) The exercise of functions by a Joint Committee shall have regard to all relevant considerations and shall not take into account irrelevant matters. In particular a Joint Committee must take proper account of the Councils' duties to promote compliance with Human Rights legislation, Social Value, Reduction of crime and disorder and promotion of Equalities.
- (j) The Joint Committees shall not authorise the entering into of obligations by or on behalf of the Councils beyond the expiry of the Term of this Agreement, unless the Councils have so agreed.

5.0 UNRESOLVED DECISIONS

- 5.1 There is an unresolved decision for the purposes of this clause if the Members of JSC, JOSOC or JGC fail to reach a decision upon the matter by a majority of their votes at a meeting.
- 5.2 An unresolved decision of JSC shall be referred to the respective Leaders with a view to resolution by discussion and negotiation and thereafter either a Joint Decision Notice will be issued by them or the matter will be referred back to JSC for reconsideration and decision.
- 5.3 An unresolved decision of the JOSOC shall not be referred on for resolution.
- 5.4 An unresolved decision of JGC will either be referred to the next meeting of JGC to allow a period of discussion and negotiation, or will be referred to full Council as the Committee was unable to determine the matter.
- 5.5 Where there is an unresolved decision as set out in sections 5.2 and 5.4 above, advice should be taken from the Chief Executive, the Chief Financial Officer and/or the Monitoring Officer, as appropriate, in seeking to resolve the matter.

6.0 DECISIONS RELEVANT TO A SINGLE AUTHORITY

6.1 This Clause applies where there is a matter which is solely the province of one Council and has not been reserved to the Executive of the relevant Council. This clause does not apply to decisions of JSSC or JSfC.

6.2 Where there is a matter which is solely within the province of one Council, the rules will be:

6.2.1 All Members of the Committee present, remotely or otherwise, may participate in the debate;

6.2.2 All Committee Members present, remotely or otherwise, may participate in the vote;

6.2.3 The decision shall be made by a majority vote of those present, remotely or otherwise, and voting provided that the majority of those representatives of the relevant Council shall be part of that majority.

6.2.4 If the overall majority of those present, remotely or otherwise, and voting does not include the majority of the relevant Council, then the decision shall stand referred as follows:

- Where it is a decision of JSC, to the relevant Executive, who may hold a special meeting to determine the matter.
- Where a decision of JGC, to the next Council meeting of the relevant Council.
- Where a decision of JOSc, to a meeting of OSC of the relevant Council.

6.3 Where the decision is one of a Joint Governance Sub-Committee determining an allegation that a Councillor has breached the Code of Conduct for Members, the decision shall be made by a majority vote of those present, remotely or otherwise, and voting provided that the majority of those representatives of the relevant Council shall be part of that majority. If not, or where there is no majority decision, then the matter will be referred to a meeting of the Joint Governance Committee. Should the Joint Governance Committee considering such a referred decision be unable to reach a majority decision which includes the majority of those representatives of the relevant Council, then the breach will stand as 'not proven'.

7.0 OFFICER SUPPORT

7.1 The Councils shall establish a joint officer structure which shall:

- (a) be employed by Adur as lead authority under this Agreement as staff are transferred, appointed or employed within the joint officer structure.

- (b) provide advice to both Councils
 - (c) provide services to both Councils
 - (d) not show bias towards one Council vis-à-vis the other in the provision of advice or services.
- 7.2 The Chief Executive shall be the Head of Paid Service in respect of the joint officer structure and workforce and for each Council.
- 7.3 The two Councils will appoint joint senior officers to fill the posts of Joint Chief Executive, Directors and Heads of Service within the joint officer structure serving the Councils by means of the Joint Senior Staff Committee or Officer Employment Procedure Rules, as appropriate.
- 7.4 The Councils shall ensure that each Council has a Head of Paid Service, a Monitoring Officer and a Chief Financial Officer (Section 151 Officer). This to be achieved by way of employment by Adur and a secondment to Worthing of each office holder for the purposes of discharging their statutory duties at both Councils.
- 7.5 Officers are to be empowered to act under the Scheme of Officer Delegations of each Council when providing services on behalf of that Council.
- 7.6 The Transfer of Undertakings (Protection of Employment) Regulations 2006 apply to the transfer of staff from Worthing to Adur as lead authority for employment purposes and this constitutes a relevant transfer of an undertaking pursuant to regulation 3 thereof.
- 7.7 The Councils shall agree financial arrangements as to the allocation of pension contributions including those relating to payments due in respect of the pension deficits of the two Councils upon the transfer, appointment or employment of staff within the joint officer structure.

8.0 THE SERVICES

- 8.1 The services providing the joint functions through a joint service, and the services providing a function through separate provision are set out in Schedule 1 to this Agreement.
- 8.2 The costs of each joint service shall be shared by each Council in accordance with the terms of Schedule 2

9.0 EXPENSES

- 9.1 The expenses of the Joint Committee shall be borne 50% by Adur and 50% by Worthing.
- 9.2 The expenses shall comprise:
- (a) the costs of and incidental to the holding of meetings of the Joint Committees,
 - (b) the costs of legal, secretarial and financial support to the Joint Committees,
 - (c) the costs of and incidental to the training of Members relating to the Joint Committees.
- 9.3 The administration of the Joint Committees shall be shared between the relevant officers of the Councils until (1) there is an Agreement to alternative effect or (2) the joint officer structure is established for particular administrative services. This shall include legal, financial, human resources and democratic services administration.
- 9.4 Income properly and solely paid for the Joint Committee (including grants) rather than to the constituent Councils individually shall be accounted for by the Chief Financial Officer and allocated if and as appropriate to the Councils
- 9.5 The Chief Financial Officer shall account to each of the Councils annually regarding the expenses of the Joint Committees by not later than 30th June following the end of the financial year
- 9.6 Payments due but not paid within 30 days of the invoice rendered pursuant to clause 8.5 shall bear interest from the date of the invoice until payment at a rate of 2% above the Cooperative Bank plc base rate

10.0 EXTENSION

- 10.1 This agreement may be extended by agreement in writing between the parties

11.0 TERMINATION AND REVIEW

- 11.1 This Agreement shall continue until 31st March 2028 unless terminated in accordance with this clause or extended in accordance with clause 11
- 11.2 Either of the parties may terminate or withdraw from this Agreement before 31st March 2028 only by giving to the other not less than two years' prior written notice to expire on 31st March in the relevant year. Such a decision to terminate or withdraw the Executive functions may only be made by the Executive of each Council, and in respect of the non-Executive functions, each Council.

11.3 In the event of termination however and whenever occurring the parties shall:

- (a) co-operate in terminating, modifying, restructuring, assigning or novating contractual arrangements entered into to mutual advantage and properly and timeously execute any documents necessary
- (b) enter into arrangements with the other party concerning the ownership and control of assets acquired, particularly where such assets may have been acquired for other parties or third parties
- (c) use reasonable endeavours to secure an amicable financial settlement
- (d) immediately transfer or return any property including data belonging to the other party
- (e) ensure that a fair and reasonable proportion of the staff within the joint officer structure are transferred promptly to the Council which is not the employer under this Agreement so that (1) each Council can maintain continuity in the provision of its services at the same level of effectiveness and efficiency as the other and (2) they become employed by the Council to which they are transferred.
- (f) The senior posts at the level of Chief Executive, Strategic Directors and Heads of Service shall be re-allocated between the two Councils so that each has half in number of the postholders concerned (with the Monitoring Officer and Section 151 officer being allocated to different Councils) SAVE THAT the Head of Service with responsibility for Theatres shall go to Worthing and the Head of Service with responsibility for direct provision of housing shall go to Adur.

11.4 In the event of one party wishing to terminate or withdraw from this Agreement before 31st March 2028 and the other party confirming in writing within three months of the receipt of the notice of termination its wish to continue this Agreement then the party wishing to terminate or withdraw from this Agreement shall

- (a) pay to the other party or direct to third parties (as may be appropriate) any additional costs which the other party may properly and reasonably incur by virtue of the early termination or withdrawal together with any professional and other costs properly and reasonably incurred by the other party in consequence of such early termination or withdrawal, and
- (b) indemnify and keep indemnified the other party from and against any claims, costs, losses and expenses arising from or in connection with such early termination or withdrawal.

11.5 The parties may review and seek to amend this Agreement from time to time and (1) in any event they shall carry out a review as to the efficacy and relevance of its terms upon every seventh anniversary of the commencement

date and (2) all changes arising upon such reviews shall only take effect upon the completion and sealing of a formal amending Agreement.

12.0 DISPUTE RESOLUTION

- 12.1 In the event of a dispute concerning the construction or effect of this Agreement the matter shall be referred to the respective Leaders in consultation with the Chief Executive and such other officers as are appropriate with a view to resolution by discussion and negotiation.
- 12.2 In the event that a decision or a matter in dispute cannot be resolved under clause 13.1 the matter will be referred to an arbitrator from a professional body appropriate to the matter in dispute.
- 12.3 The arbitrator shall be appointed with the agreement of the two Councils or in the event that agreement cannot be reached by the President or other chief officer of the appropriate profession (such profession to be determined by the Chief Executive of the Councils).
- 12.4 The resolution of unresolved disputes in respect of the expenses of the Joint Committees (referred to in clause 8) shall be determined in accordance with section 103(b) of the Local Government Act 1972 namely by a single arbitrator agreed on by the Councils or, in default of agreement, appointed by the Secretary of State.
- 12.5 For the avoidance of doubt this clause remains in effect after the termination or expiry of this Agreement to confer powers on the parties to resolve matters remaining in dispute.

13.0 ASSETS

- 13.1 Each Council shall draw up a register of all its assets which will be applied for the purposes of the joint services controlled by the joint committees as at 1st April 2008.
- 13.2 All assets acquired by the Councils for the purposes of the joint services controlled by the joint committees after 1st April 2008 shall be recorded on a register of shared assets, and incorporated into each authority's register or balance sheet at the appropriate share. Those assets shall be acquired by Worthing but held in trust for the benefit of both Councils so that each has a share in the beneficial ownership of them in accordance with the statement to be prepared for each joint service under clause 7.3 (k).
- 13.3 Each Council shall permit all staff employed under this Agreement reasonable use of all assets of the Councils for the purpose of discharging the joint services.

- 13.4 Upon termination of this agreement all assets listed on the register of shared assets shall be valued and the assets shall be divided between the Councils in accordance with the share as shown on the balance sheet of the respective Councils.
- 13.5 This Agreement has no application to any interests in land. Neither Council will acquire any rights or interest in land in respect of which the other Council has any right or interest.

14.0 LIABILITIES

- 14.1 The Councils shall be equally and severally liable to any third parties in respect of all claims, costs and expenses arising from (1) the employment of staff under this Agreement (2) the provision of joint services under this Agreement and (3) the use of assets under it.
- 14.2 Each Council shall ensure that it has all appropriate insurances relating to public liability, employee liability, professional indemnity and Member indemnity to cover liabilities arising under clause 15.1 and (1) in relation to all functions and services provided by the joint officer structure and (2) in relation to the joint services.

15.0 INTELLECTUAL PROPERTY RIGHTS

- 15.1 Each Council shall remain the owner of all intellectual property rights it owns at the date of this Agreement in any materials which it has created or the creation of which was undertaken by a third party which it commissioned to create those materials.
- 15.2 Any new material created jointly by the Councils in the course of provision of the joint services shall belong to the parties jointly.
- 15.3 Each Council hereby grants a licence to the other to use its intellectual property rights incorporated in or appearing from the materials referred to in clauses 16.1 and 16.2 for the purposes of the performance of this Agreement.

16.0 NOTICES

- 16.1 Any notice to be served under this Agreement shall be valid and effective if it is addressed to the Chief Executive and delivered by e-mail, fax, prepaid recorded delivery post or delivered by hand to the other Council's principal offices.

17.0 RIGHTS AND DUTIES RESERVED

- 17.1 Nothing in this Agreement shall prejudice or fetter the proper exercise of any function by the Councils or their Officers.

18.0 LEGAL AND OTHER FEES

- 18.1 Each party shall bear its own legal and other fees in relation to the preparation and completion of this Agreement.

19.0 PROVISION OF STATISTICAL INFORMATION, ACCOUNTS AND OTHER DOCUMENTS ETC

- 19.1 The parties shall make available to the other party such statistical information which each Council may from time to time reasonably require.
- 19.2 Without prejudice to any provision in this Agreement requiring the keeping of records, the supply of statistics or the provision of information the parties shall keep such other records and details of or concerning the joint services, supplies or work delivered pursuant to this Agreement or their performance as the parties may require and shall produce or provide to the other copies whether kept electronically or in paper format, of such accounts, invoices, orders, contracts, receipts, statistics and other information or documents touching or concerning or arising from the joint services, supplies or work delivered pursuant to this Agreement or their performance or this Agreement as, when and in such form as each Council may reasonably require.
- 19.3 Without prejudice to any provision in this Agreement the parties shall keep and maintain all necessary information and shall provide all necessary assistance to enable each Council to complete all necessary official returns or statistics related to this Agreement and the joint services, supplies or works delivered pursuant to this Agreement.
- 19.4 The parties shall supply each other with such assistance and information as each Council may require to enable it to allocate such expenditure as each Council may incur under this Agreement and in relation to joint services, supplies or works delivered pursuant to this Agreement between their various respective budget heads.

20.0 AUDIT

- 20.1 Each Council's external and internal auditors shall have the like powers set out in the Local Audit and Accountability Act 2014. Each Council shall at all reasonable times (including following the termination for whatever reason of this Agreement) allow or procure for any auditor for the purposes of an external or internal or audit:
- (a) immediate access to
 - (b) permission to copy and remove any copies of and
 - (c) permission to remove the originals of

any books, records and information in the possession or control of either Council which in any way relates to or are or were used in connection with this Agreement or the provision of the joint services supplies and works delivered pursuant to this Agreement including (but without limitation) any of each Council's data and any such information stored on a computer system operated by another Council.

- 20.2 Each Council will provide all practicable co-operation and afford all appropriate access to personnel and records in order to assist the requesting Council in carrying out any investigations which are already under way at the Commencement Date and any investigations which are carried out after the termination or expiry of this Agreement.

21.0 STATUS

- 21.1 Nothing in this Agreement shall be construed as establishing or implying any legal partnership or joint venture between the parties.

22.0 ANTI-CORRUPTION

- 22.1 Either Council may cancel this Agreement at any time and recover from the other the amount of any loss resulting from such cancellation if any of the following apply:-
- (a) the other Council, has offered or given or agreed to give to any person any gift or consideration as an inducement or reward (1) for doing or forbearing to do or for having done or forborne to do any action in relation to the obtaining or execution of the Agreement or any other contract with the Council (2) for showing or forbearing to show favour or disfavour to any person in relation to the Agreement or any other contract with the Council.
 - (b) any person employed by or acting on behalf of the other Council (whether with or without the other council's knowledge or consent) acts in a similar manner to that set out in (a) above.
 - (c) in relation to any contract or potential contract with the Council the other Council or any person employed by or acting on behalf of the other Council shall have committed any offence under the Prevention of Corruption Acts 1889 to 1916 or any amendment or replacement of them or shall have given any fee or reward the receipt of which is an offence under Sub Section (2) of Section 117 of the Local Government Act 1972.

23.0 DISCRIMINATION

- 23.1 The Councils shall not unlawfully discriminate within the meaning and scope of the provisions of the Race Relations Act 1976, the Sex Discrimination Act 1975 and 1986 or the Disability Discrimination Act 1995, Gender Recognition Act, 2004, Equality Act, 2010 and any other legislation prohibiting discrimination on any grounds whatsoever. The Councils shall take all reasonable steps to secure the observance of these provisions by its employees in the execution of the Agreement (and any statutory provisions amending or replacing the same).

24.0 HUMAN RIGHTS

- 24.1 The Councils in the performance of this Agreement shall comply with the provisions of the Human Rights Act 1998 in all respects as if the joint committees were public bodies within the meaning of the Act. The Councils shall indemnify or keep indemnified each other against all actions, claims, demands, proceedings, damages, losses, costs, charges and expenses whatsoever in respect of any breach by the one Council of this clause.

25.0 FREEDOM OF INFORMATION

- 25.1 It is agreed that the Councils are subject to the provisions of the Freedom of Information Act, 2000. Each waives all claims of commercial or other confidentiality in respect of this document.

26.0 DATA PROTECTION

- 26.1 All data relating to the services or the recipient of any services undertaken by the Joint Committee shall remain the property of the Council on whose behalf that service is provided and that Council is the Data Controller.

27.0 SURVIVAL OF THIS AGREEMENT

- 27.1 In so far as any of the rights and powers of the parties provided for in this Agreement shall or may be exercised or exercisable after the termination or expiry of this Agreement the provisions of this Agreement conferring such rights and powers shall survive and remain in full force and effect notwithstanding such termination or expiry
- 27.2 In so far as any of the obligations of the parties provided for in this Agreement remain to be discharged after the termination or expiry of this Agreement the provisions of this Agreement imposing such obligations shall survive and remain in full force and effect notwithstanding such termination or expiry

28.0 WHOLE AGREEMENT

- 28.1 This Agreement constitutes the whole agreement and understanding of the parties as to its subject matter and there are no prior or contemporaneous agreements between the parties

29.0 WAIVER

- 29.1 Failure by any party at any time to enforce any provision of this Agreement or to require performance by the other or others of any of the provisions of this Agreement shall not be construed as a waiver of any such provisions and shall not affect the validity of this Agreement or any part or the right of that party to enforce any provision in accordance with its terms

30.0 SEVERANCE

- 30.1 If any provision of this Agreement shall become or shall be declared by any court of competent jurisdiction to be invalid or unenforceable in any way, such invalidity or unenforceability shall in no way impair or affect any other provision all of which shall remain in full force and effect.

31.0 CLAUSE HEADINGS

- 31.1 The clause headings shall not be construed as part of the clauses

32.0 LAW

- 32.1 This Agreement shall be governed by and construed in accordance with the laws of England and the parties irrevocably submit to the jurisdiction of the English courts

33.0 CONTRACTS (RIGHTS OF THIRD PARTIES) ACT 1999

- 33.1 The parties do not intend that any term of this Agreement should be enforceable by any third party as provided by the Contracts (Rights of Third Parties) Act 1999.

34.0 NON-ASSIGNMENT

- 34.1 Neither of the parties shall be entitled to assign this Agreement or any of its rights and obligations under it without the written consent of the other (which consent the other party may in its absolute discretion withhold).

IN WITNESS of which this Agreement has been executed as a Deed on the first day before written

Sealed with the Common Seal of)
Adur District Council in the)
presence of:)

Authorised signatory

Sealed with the Common Seal of)
Worthing Borough Council in)
the presence of:)

Authorised signatory

SCHEDULE 1

All services of each Council will be regarded as Joint Services, other than those listed below.

1.0 Services retained as a separate service by Adur District Council

- 1.1 All matters relating to the Adur District Council Local Plan.
- 1.2 All matters relating to the Adur District Council annual budget process.
- 1.3 All matters relating to rent, fees and charges, connected to the provision and maintenance of Council housing stock, garages and leasehold property.

2.0 Services retained as a separate service by Worthing Borough Council

- 2.1 All matters relating to the Worthing Borough Council Local Plan
- 2.2 All matters relating to the Worthing Borough Council annual budget process.

SCHEDULE 2

Cost allocation between the Councils

Protocol for cost allocation in the Adur/Worthing partnership:

Under joint working arrangements the allocation of costs becomes much more sensitive. Changes in allocation will affect not just individual services but could affect each authority's budget (and final accounts). A gain for one authority will be a loss to another under the arrangement.

There is no possible solution to this problem which will completely alleviate the risk to both authorities if the Councils are to comply with relevant professional guidelines and codes of practice. However, there are a number of measures which would help manage the risks. This note details those measures.

1. Code directly to services where possible to minimise the amount to be allocated and consequently the amount which could be subject to controversy.
2. Within the costs to be allocated, some will relate uniquely to services provided by one or other authority (for example theatre management) and some will relate to true joint services (for example AWS management). Those costs which relate uniquely to the services provided by one or other authority can continue to be allocated as present as changes in these will not affect the other Council. For example changes to how Theatre Management costs are allocated will impact upon the cost of each of the Worthing Theatres but would have no impact upon Adur's accounts.

Those which are true joint costs will need to be subject to differing protocols. As part of this it will be sensible to review the current structure of the holding accounts and where possible separate out those groups of staff which deliver the services of one Council, from staff engaged on joint activity, again to minimise any areas of dispute.

3. The service head will need to produce a service specification which should include the following:
 - The service specification – What are we delivering, to whom, to what standard, and how frequently?
 - The existing staff structures and the proposed staffing structure required to deliver the new service.
 - The existing baseline costs of service analysed between Adur and Worthing.
 - The new cost of service which should distinguish between costs which fall directly of Worthing, those which fall on Adur, and those which will need to be allocated between the two authorities.

- The allocation basis for the joint service. The basis chosen should reflect the nature of the service delivered (for example number of invoices paid for creditors), and should be capable of being substantiated.
- The overall impact on each authority's budget of the new service.

This will then determine the allocation of cost in the short term.

4. Where the allocation of costs is across both Councils, the overriding principle must be one of stability. Consequently, having established a split of costs, this then should not be annually revised unless a trigger point is reached. Trigger points should include:

- The overall resources devoted to the service need to be increased to meet demand.

For example, it will be possible for the refuse and recycling service to accommodate a certain amount of growth in the number of households. However, a major development such as a new Durrington may necessitate an increase to the number of refuse rounds and consequently increase the cost of refuse and recycling. At this point, the allocation of costs should be reviewed.

- The current allocation does not reflect the long-term trend in use of the service.

The allocation of costs should be reviewed each year as part of the budget cycle. If over a three year period it transpires that the original allocation does not substantially reflect the average 3-year allocation, then the allocation should be changed. This should enable each authority to manage temporary changes to the allocations due to items such as project work. However, it may lead to the perception that one Council is getting better value than another.

5. The concept of 'no detriment' has been introduced to equalise any changes that might occur as a result of any of the above, although the actual details of such an arrangement still need to be established
6. The cost of the joint service for household waste collection and recycling shall be shared between the two Councils upon the basis of the ratio of the numbers of properties receiving the service in each area. Paragraph 4 of this schedule shall apply to any necessary review of this allocation.
7. All the costs incurred by the Councils in employing the joint Chief Executive, Strategic Directors and Executive Heads of Services (including tax, pension, National Insurance and miscellaneous expenses incurred) shall be shared equally by the two Councils.

