

# **PART 4.5 - COMMITTEE PROCEDURE RULES (CMR)**

## **CMR1 ANNUAL MEETING OF COMMITTEES**

### **CMR1.1 Timing and business**

The annual meeting will:

- (i) note the election by Full Council of a person to chair the committee for the ensuing municipal year;
- (ii) note the election by Full Council a person to be vice-chair of the committee for the ensuing municipal year (if appropriate);
- (iii) establish any sub-committees considered necessary including:
  - (a) determining the membership of the sub-committee; and
  - (b) agreeing the terms of reference of the sub-committees;
- (v) approve the minutes of the last meeting;
- (vi) receive any declarations of interest from councillors;
- (vii) receive any announcements from the chair; and
- (viii) consider any business set out in the notice convening the meeting.

## **CMR2 ORDINARY MEETINGS**

### **CMR2.1 Ordinary meetings**

Ordinary meetings will:

- (i) elect a person to preside if the chair (and vice chair, if appointed) are not present;
- (ii) approve the minutes of the last meeting;
- (iii) receive any declarations of interest from members;
- (iv) receive any announcements from the chair;

- (v) receive petitions, questions and statements from local residents and to provide answers in respect of questions;
- (vi) receive petitions, questions and statements from members of council and to provide answers in respect of questions;
- (vii) receive reports on any matter which is within the committee's general remit; and
- (viii) consider any other business which the chair has agreed is urgent.

## **CMR2.2**

### **Meetings of the Policy Committees**

Annex 1 to these rules sets out specific rules that relate to meetings of the Policy Committees.

## **CMR2.3**

### **Meetings of the Escalation Panel**

Annex 2 to these rules sets out specific rules that relate to meetings of the Escalation Panel.

## **CMR3**

### **EXTRAORDINARY MEETINGS**

#### **CMR3.1**

##### **Calling extraordinary meetings**

Those listed below may request the proper officer to call committee meetings in addition to ordinary meetings:

- (i) the committee by resolution;
- (ii) the chair;
- (iii) the proper officer; and
- (iv) any two members of the relevant committee, if they have signed a requisition presented to the chair and the chair has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

#### **CMR3.2**

##### **Business**

The agenda for an extraordinary meeting will specify the matters that the meeting will deal with which shall be limited to the matters set out in the requisition to call the meeting. Petitions, questions and statements will be accepted only if they relate to the business for which the extraordinary meeting has been arranged.

## **CMR4 APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES**

### **CMR4.1 Powers and duties**

Substitute members will have all the powers and duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

### **CMR4.2 Substitution**

Substitute members may attend meetings in that capacity only:

- (i) to take the place of the ordinary councillor for whom they are the designated substitute;
- (ii) where the ordinary councillor will be absent for the whole of the meeting;

## **CMR5 TIME AND PLACE OF MEETINGS**

The time and place of meetings will be determined by the proper officer notified in the summons. The place and time of meetings can be varied by the proper officer in consultation with the Chair of the Committee.

## **CMR6 NOTICE OF AND SUMMONS TO MEETINGS**

The proper officer will give notice to the public of the time and place of any meeting in accordance with the **Access to Information Rules** (APR). At least five clear working days before a meeting, the proper officer will publish on the Council's website a summons which will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by all reports to be considered at the meeting.

**Notice required - 5 clear working days**

## **CMR7 CHAIR OF MEETING**

The person presiding at the meeting (where this is not the person appointed at the annual meeting as chair) may exercise any power or duty of the chair.

## **CMR8 QUORUM**

The quorum for meetings will be as indicated on the table below. During any meeting if the chair counts the number of Councillors present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the chair. If a date is not fixed, the remaining

business will be considered at the next ordinary meeting.

<b>Committee Size</b>	<b>Quorum</b>
25 - 30	8
21 - 24	7
16 - 20	6
13 - 15	5
10 - 12	4
7 - 9	3
3 - 6	2

## **CMR9 PETITIONS, QUESTIONS AND STATEMENTS**

### **CMR9.1 General**

#### **Petitions and statements**

**Further details of the Council's petition scheme is set out in part 4.10 of the Constitution.**

- (i) Save for the exceptions in CMR9.9, members of the public and members of council, provided they give notice in writing or by electronic mail to the proper officer (and include their name and address and details of the wording of the petition and the number of signatories to the petition, and in the case of a statement, a copy of the submission), by no later than 12 noon 2 working days before the meeting, may present a petition or submit a statement at ordinary meetings of the committee. The petition or statement must relate to the terms of reference and role and responsibility of the committee in question.

**Notice required - 12 noon 2 working days before the meeting**

- (ii) Save for committees established to determine planning applications, the total time allowed for dealing with petitions, statements (including questions under CMR 9.2 below) is thirty minutes.

**Time limit - 30 minutes**

- (iii) Persons presenting petitions may be required to read out the objectives of the petition.

- (iv) Statements, provided they are no more than 1,000 words in length, will be circulated to all members and will be published on the Council's website no later than one hour before the meeting.

**Time limit no later than 1 hour before the meeting**

- (v) Save for committees established to determine planning applications, there will be no debate but after receiving the petition / statement the committee will resolve;

- (a) *"that the petition / statement be noted"*; or

if the content relates to a matter on the agenda for the meeting:

- (b) *“that the contents of the petition / statement be considered when the item is debated”*; or
- (c) *“that the petition/statement be referred to the relevant department within the Council for a response”*.

### **Variations - committees established to determine planning applications (development control committees):**

- (vi) Petitions / statements relating to planning applications to be determined at the meeting will be received at the time the item is determined. There will be no discussion on the submissions, but the committee will consider the issues as the item is debated.

### **Questions**

- (vii) Questions by members of the public or members of council may be asked of the chair of the committee.

### **CMR9.2 Order of questions**

Questions will be asked in the order that they were received, except that the chair may group together similar questions.

### **CMR9.3 Notice of questions**

- (i) A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the proper officer no later than 5pm, three clear working days before the day of the meeting.

**Notice required – no later than 5pm, 3 clear working days before the meeting**

- (ii) Late urgent questions **may** be asked of the chair of the committee provided:
  - (a) the question relates to urgent matters; and
  - (b) the consent of the chair has been obtained; and
  - (c) the content of the question has been given to the proper officer by no later than **two hours** before the meeting on the day of the meeting.

**Notice required - 2 hours before the meeting**

### **CMR9.4 Number of questions**

There will be a limit of three questions and two supplementary questions in total for each questioner.

## **CMR9.5**

### **Scope of questions, statements and petitions**

The chair in consultation with the proper officer may reject a question, statement or petition if it:

- (i) is not about a matter for which the committee has a responsibility;
- (ii) is defamatory, frivolous or offensive, or
- (iii) requires the disclosure of confidential or exempt information

Rejected questions will be resent to the questioner and include reasons for rejection.

## **CMR9.6**

### **Record of questions**

Copies of all questions will be circulated to all members of the relevant committee and will be published on the Council's website no later than one hour before the meeting.

**Time limit – no later than 1 hour before the meeting**

## **CMR9.7**

### **Supplementary questions**

There will be a limit of two supplementary questions in total for each questioner. A questioner who has put a question in person may also put without notice, two supplementary questions to the chair. A supplementary question must arise directly out of the original question or the reply. The chair may reject a supplementary question on any of the grounds in CMR9.5 (scope of questions) above.

## **CMR9.8**

### **Response**

- (i) Replies to questions (*for which three clear working days' notice has been given*) will be available on the Council's website at least **one hour** before the meeting

**Time limit – at least 1 hour before the meeting**

- (ii) Oral answers will be given to urgent questions asked under CMR9.3 (b) (notice of questions).

## **CMR9.9**

### **Exceptions**

CMR9.1 - CMR9.8, will **not** apply to committees established to deal with:

- (i) the appointment or dismissal of first and second tier officers;
- (ii) appeals.

## **CMR10**

### **MOTIONS WITHOUT NOTICE**

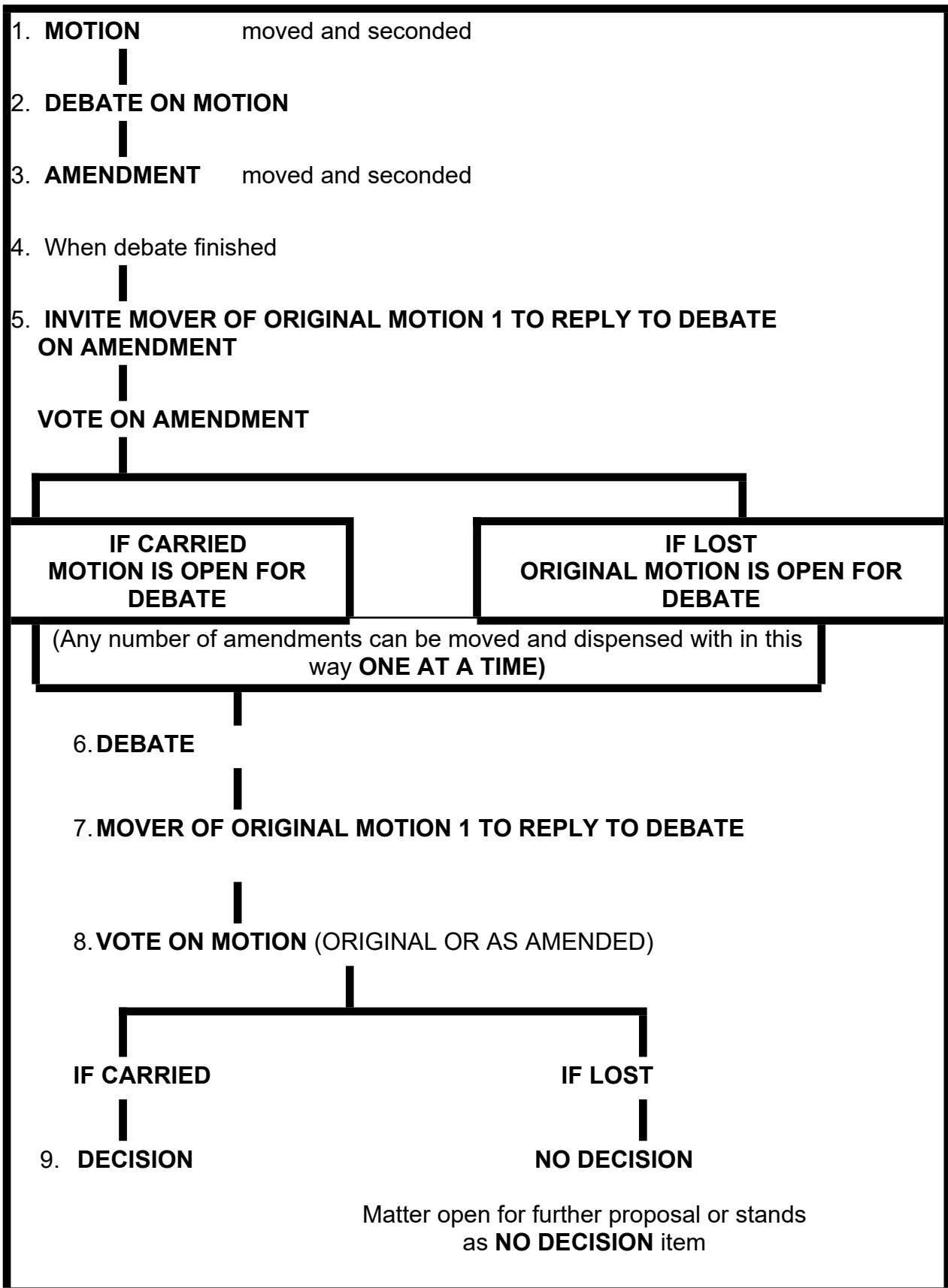
The following motions may be moved without notice:

- (a) to appoint a chair of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;

- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a sub-committee or member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) to suspend a particular **Committee Procedure Rule** (CMR);
- (n) to exclude the public and press in accordance with the **Access to Information Rules** (APR);
- (o) to not hear further a member or co-optee named under CMR 16.3 or to exclude them from the meeting under CMR 16.4; and
- (p) to give the consent of the council where its consent is required by this constitution.

**CMR11  
RULES OF DEBATE**

Simplified diagram showing how decisions might be reached





### **CMR11.1**

#### **No debate until motion or amendment is seconded**

A motion or an amendment may be debated only after it has been seconded by another Councillor.

### **CMR11.2**

#### **Right to require motion or amendment in writing**

Unless notice of the motion or amendment has already been given, a copy of the motion must be put in writing and sent electronically to the proper officer either before it is moved or immediately after it is moved. (See also CMR11.6 (f) re. amendments).

### **CMR11.3**

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

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

### **CMR11.4**

#### **Content of speeches**

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

### **CMR11.5**

#### **When a Councillor may speak again**

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

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

### **CMR11.6**

#### **Amendments to motions**

- (a) An amendment to a motion must be relevant to the motion and will either be:
  - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
  - (ii) to leave out words;

- (iii) to leave out words and insert or add others; or
  - (iv) to insert or add words as long as the effect of (ii) to (iv) is not to negate the motion.
- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
  - (c) If an amendment is not carried, other amendments to the original motion may be moved.
  - (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
  - (e) After an amendment has been carried, the chair will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.
  - (f) A copy of the amendment must be put in writing and sent electronically to the proper officer either before it is moved or immediately after it has been moved.

#### **CMR11.7**

##### **Alteration of a motion**

- (a) A member may alter a motion (of which they have given notice) with the consent of the meeting. The consent of the meeting will be signified without discussion.
- (b) A member may alter a motion (which they have moved) without notice with the consent of both the meeting and the seconder. The consent of the meeting will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

#### **CMR11.8**

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

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

#### **CMR11.9**

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

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.

## **CMR11.10**

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

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

- (a) to amend a motion;
- (b) that the question be now put;
- (c) to adjourn a debate;
- (d) to adjourn a meeting;
- (e) to exclude the public and press in accordance with the **Access to Information Rules**; and
- (f) to not hear further a member or co-optee named under CMR 16.3 or to exclude them from the meeting under CMR 16.4.

## **CMR11.11**

### **Closure motions**

- (a) A member may move, without comment, the following motions at the end of a speech of another member:
  - (i) that the question be now put;
  - (ii) to adjourn a debate; or
  - (iii) to adjourn a meeting;
- (b) if a motion *“that the question be now put”* is seconded and the chair considers the item has been sufficiently discussed, the procedural motion will be put to the vote. If it is passed the chair will give the mover of the original motion a right of reply before putting their motion to the vote; or
- (c) If a motion *“to adjourn the debate”* or *“to adjourn the meeting”* is seconded and the chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, the procedural motion will be put to the vote without giving the mover of the original motion the right of reply.

## **CMR11.12**

### **Point of order**

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

## **CMR11.13**

### **Personal explanation**

A member may make a personal explanation at any time. A personal explanation should relate to an action or statement of the Councillor which may appear to have been misunderstood. The ruling of the chair on the admissibility of a personal explanation will be final.

## **CMR12 PREVIOUS DECISIONS AND MOTIONS**

### **CMR12.1 Motion to rescind a previous decision**

A motion to rescind a decision (made at a meeting of a committee within the past six months) cannot be moved unless:

- (a) written notice of the motion has been supplied to the proper officer before the rising of the meeting of the committee at which the original motion has been passed; and
- (b) oral notice has been given to the chair during the meeting of the committee at which the original motion was passed (and then placed in writing to the proper officer within fifteen minutes of the end of that committee meeting).

**Notice required 15 minutes**

### **CMR12.2 Motion similar to one previously rejected**

A motion in similar terms to one that has been rejected at a meeting of the committee in the past six months cannot be moved unless the notice of motion is given in accordance with CMR 12.1 (motion to rescind a decision) above. Once the motion is dealt with, no one can propose a similar motion for six months.

## **CMR13 VOTING**

### **CMR13.1 Majority**

Any matter will be decided by a simple majority of those members voting and present at the time the question was put.

### **CMR13.2 Chair's casting vote**

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

### **CMR13.3 Recorded vote**

If two or more members present at the meeting immediately demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

## **CMR13.4**

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

*[This rule cannot be suspended]*

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

## **CMR13.5**

### **Voting on appointments**

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

If there are two people nominated then there will be a vote and the person with the majority of votes will be elected.

## **CMR14**

### **MINUTES**

#### **CMR14.1**

##### **Signing of the minutes**

The chair will sign the minutes of the proceedings at the next suitable meeting. The chair will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is the accuracy.

#### **CMR14.2**

##### **No requirement to sign minutes of previous meeting at extraordinary meeting**

*[This rule cannot be suspended]*

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an extraordinary meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

#### **CMR14.3**

##### **Form of minutes**

Minutes will contain all motions and amendments in the exact form and order the chair put them.

## **CMR15**

### **EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded either in accordance with the **Access to Information Rules** (APR) in part 4 of this constitution or CMR 17 (disturbance by public).

## **CMR16 MEMBERS' AND CO-OPTees' CONDUCT**

### **CMR16.1 Speaking at committees**

When a member or a co-optee speaks at the committee they must address the meeting through the chair. If more than one Councillor or a co-optee seeks to speak, the chair will ask one to speak. Other members and co-optees must remain silent whilst a member is speaking unless they wish to make a point of order or a point of personal explanation.

### **CMR16.2 Chair's Ruling**

When the chair so requires during a debate, any member or cooptee speaking at the time must stop. The meeting must be silent.

### **CMR16.3 Member or Co-optee not to be heard further**

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

### **CMR16.4 Member or Co-optee to leave the meeting**

If the member or co-optee continues to behave improperly after such a motion is carried, the chair may move that either the member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

### **CMR16.5 General disturbance**

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

## **CMR 17 DISTURBANCE BY PUBLIC**

### **CMR17.1 Removal of member of the public**

If a member of the public interrupts proceedings, the chair will warn the person concerned. If they continue to interrupt, the chair will order their removal from the meeting room.

### **CMR17.2 Clearance of part of meeting room**

If there is a general disturbance in any part of the meeting room open to the public, the chair may call for that part to be cleared.

## **CMR18 SUSPENSION AND AMENDMENT OF COMMITTEE PROCEDURES RULES**

### **CMR18.1 Suspension**

All of these **Committee Procedure Rules** (CMR) except CMR 13.4\* and 14.2\* may be suspended by motion on notice or without notice if at least one half of the whole number of members are present. Suspension can only be for the duration of the meeting.

*\* CMR 13.4 - Right to require and individual vote to be recorded*

*CMR 14.2 - No agreement to sign minutes of previous meeting if extraordinary.*

### **CMR18.2 Amendment**

Any motion to add to, vary or revoke these **Committee Procedure Rules** (CMR) will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the committee.

## **Annex 1**

This Annex contains specific rules of procedure that relate to meetings of the Policy Committees and their sub-committee. In the event of a conflict between the rules in this Annex and the Committee Procedure Rules, the rules in this Annex shall apply.

The Policy Committees and their sub-committees shall have the following rules and procedures:

### **1. Frequency of meetings of Policy Committees**

Each Policy Committee will meet approximately 6-8 times per annum, with the exception of the Strategy and Resources Committee which will meet on a monthly basis.

### **2. Work Programme**

Each Policy Committee will set a Work Programme twice a year which sets out the matters that are likely to be considered by the committee in the next six months.

When drawing up its work programme, a Policy Committee will take into account the wishes of all members on that committee.

In setting its work programme, a Policy Committee will have regard to the Council's strategic priorities and policies, including the policy framework and budget and spending plans and their impact on service delivery and outcomes for the people of Bristol.

### **3. Forward Plans**

Each Policy Committee will publish a Forward Plan in accordance with the rules set out in the Access to Information Procedure Rules.

### **4. Sub-committees**

Each Policy Committee can establish sub-committees to discharge any of the functions of the committee.

The Chair of a sub-committee shall be a member of the Policy Committee that established the sub-committee.

Membership of any sub-committee established by a Policy Committee may include any member of the Council.

The membership of any sub-committee shall be determined by the Party Group Whips and shall be based on the political proportionality of the Council.

### **5. Task and Finish Groups**

Each Policy Committee can establish up to two Task and Finish Groups (e.g. Working Groups, Inquiry Days) in each municipal year.

The terms of reference and working arrangements for a Task and Finish Group shall be determined by the Policy Committee, taking into consideration the overall resources



available to the Council following advice from officers.

When a Task and Finish Group has prepared its final report, it will submit its report and recommendations to the Policy Committee for consideration.

Where the report of the Task and Finish Group relates to a service which is provided directly by or is supported by the council, the appropriate senior officer(s) will then be invited to comment on the recommendations prior to the submission of the report to the Policy Committee.

Where the report of the Task and Finish Group relates to a service which is supplied by an external agency, then that agency will be invited to comment on the recommendations prior to the submission of the report to the Policy Committee.

## **6. Policy Development**

Each Policy Committee can undertake policy development work in respect of any matter within its terms of reference.

In carrying out policy development work, a Policy Committee shall take into consideration matters which are on its Work Programme or the Forward Plan for the Policy Committee.

Taking into consideration the overall resources available to the Council following advice from officers, a Policy Committee may hold inquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations.

## **7. Statutory scrutiny functions**

The following rules apply to the discharge of statutory scrutiny functions by the relevant Policy Committee or sub-committee.

### **7.1 Health scrutiny**

Where a Policy Committee is exercising its functions in relation to the planning, provision or operation of local health services and it makes a report relating to the planning, provision and operation of health services in its area, it may make a report and recommendations to a local NHS body, that body must respond in writing within 28 days of the request (or if this is not possible, as soon as reasonably practicable thereafter to a timescale agreed with the proper officer).

Where a Policy Committee is exercising its functions in relation to the planning, provision or operation of local health services, a local NHS body must provide it with any such information as the Policy Committee may require in accordance with the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 or any legislation that supersedes it.

## **7.2 Crime and disorder scrutiny**

Where a Policy Committee which is discharging a statutory crime and disorder function makes a report or recommendations to a responsible authority (including any part of the council) or cooperating person or body, the relevant Policy Committee must provide the responsible authority or cooperating person or body with a copy of the report or recommendations with a written notice requiring that they:

- (a) consider the report and recommendations;
- (b) respond in writing to the committee within 28 days of the date of the report or recommendations (or, if this is not possible, as soon as reasonably possible thereafter) indicating what (if any) action they propose to take;
- (c) have regard to report or recommendations in exercising its functions.

Where a Policy Committee makes a request in writing for information to a responsible body or co-operating person or body, that information must be provided in accordance with the Crime and Disorder (Overview and Scrutiny) Regulations 2009 or any legislation that supersedes it.

## **7.3 Flood risk management scrutiny**

Where a Policy Committee is discharging a statutory flood risk management function, it can make a request for information and make reports and recommendations to a flood risk management authority.

A flood risk management authority must comply with a request made by a policy committee for information and have regard to reports and recommendations of a Policy Committee discharging flood risk management functions.

## **8. Referral of matters to a Policy Committee**

The Chair or a Policy Committee, in consultation with the Monitoring Officer and Section 151 Officer may refer a matter to a Policy Committee for decision.

The Head of Paid Service, the Monitoring Officer and Section 151 Officer, in consultation with the Chair of a Policy Committee, may refer a matter to a Policy Committee for decision.

## **9. Recording of decisions**

All decisions taken by a Policy Committee shall be recorded in a log and published on the Council's website within two working days of the date of the decision.

The Chair of the relevant Policy Committee shall confirm that the decision record is accurate prior to publication of the record of decision. In the absence of the Chair, the Vice-chair of the relevant Policy Committee shall confirm that the decision record is accurate prior to publication.

Nothing in this rule shall require the publication of 'exempt' or 'confidential' information as defined in the Access to Information Procedure Rules.

## **Annex 2**

This Annex contains specific rules of procedure that relate to meetings of the Escalation Panel. In the event of a conflict between the rules in this Annex and the Committee Procedure Rules, the rules in this Annex shall apply.

The Escalation Panel shall have the following rules and procedures.

### **1. Meetings of the Escalation Panel**

The Proper Officer shall call a meeting of the Escalation Panel when a decision of a Policy Committee has been escalated in accordance with these rules.

### **2. Membership of the Escalation Panel**

Any member of the Council is eligible to sit on an Escalation Panel provided that they did not participate in the consideration of the decision that is to be escalated to the Escalation Panel.

The membership of any Escalation Panel shall be determined by the Party Group Whips and shall be based on the political proportionality of the Council.

### **3. Chair of the Escalation Panel**

The Chair of an Escalation Panel shall be held on rotation by the Political Groups on the Council in an order to be determined by the Party Group Whips.

### **4. Procedure for escalation of a decision to the Escalation Panel**

- (a) When a decision is made by a Policy Committee or a key decision is made by an officer with delegated authority from a Policy Committee, the decision shall be published on the Council's website, within two clear working days of the decision being made.
- (b) That decision notice will bear the date on which it was published and will specify that the decision will come into force, and may then be implemented, unless the decision is escalated to the Escalation Panel by 5pm on the fifth clear working day from the date the decision was taken.
- (c) During that period, at least ten members of the Council may ask the proper officer to escalate a decision to the Escalation Panel using the appropriate 'escalation notice' pro forma.
- (d) Where an escalation notice has been received, the proper officer will first satisfy themselves that the following requirements have been met:
  - (i) the escalation notice has been received within the prescribed time scales;
  - (ii) the decision taker's decision has been properly identified and described;
  - (iii) the members seeking to escalate the decision to the Escalation Panel have identified those principles of Article 14 of the constitution which they

believe have been breached; and

- (iv) the proper officer is satisfied that none of the members seeking to escalate the decision participated in the consideration of the decision that is to be escalated to the Escalation Panel.
- (e) If the proper officer is satisfied that the requirements are met, then within five clear working days the proper officer will call a meeting of the Escalation Panel to consider the decision.

## **5. Suspension of a decision pending consideration by the Escalation Panel**

Where a decision has been escalated to the Escalation Panel, the implementation of the decision is suspended pending the outcome of the decision of the Escalation Panel.

## **6. Exclusion of urgent decisions from consideration by the Escalation Panel**

A decision is exempt from escalation to the Escalation Panel where the decision being taken is urgent. A decision will be urgent if any delay likely to be caused by the escalation to an Escalation Panel would seriously prejudice the council's or the public's interests.

The record of the decision and notice by which it is made public shall state whether, in the opinion of the Head of Paid Service and the Monitoring Officer, in consultation with the Chair of the relevant policy committee, the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Head of Paid Service, the consent of the Chief Financial Officer shall be required, and in the absence of the Monitoring Officer, the consent of the Deputy Monitoring Officer shall be required.

Decisions taken as a matter of urgency must be reported by the Chair of the relevant policy committee to the next available meeting of the Full Council, together with the reasons for urgency.

## **7. Procedure for a meeting of the Escalation Panel**

A meeting of the Escalation Panel shall have the following procedure:

- (a) The Chair explains the purpose of the meeting and the decisions which the Escalation Panel is able to take.
- (b) The members escalating the decision present their case, explaining reasons for escalating the decision.
- (c) Members of the Panel ask questions and seek clarification from the members escalating the decision.
- (d) The Chair of the relevant policy committee and the relevant Strategic/ Service Director will explain the background to the decision.
- (e) Members of the Panel ask questions and seek clarification from the the Chair of the relevant policy committee and the relevant and Strategic/Service Director.

- (f) General debate during which Panel members may ask questions of both parties with a view to helping them make up their mind.
- (g) The Chair sums up and identifies the key issues arising out of the debate.
- (h) The Panel resolves either;
  - (i) to take no further action;
  - (ii) to refer the matter back to the relevant Policy Committee for reconsideration with issues (to be detailed in the minute) for the relevant Policy Committee to consider before taking its final decision;
  - (iii) to recommend to Full Council that the decision is not implemented; or
  - (iv) to refer the matter to Full Council for consideration.