

Appendix 1

Recommendations from the Member Task and Finish GroupOrder of Business

The Constitution under Chapter 2 Part 2 point 2, sets out the order of an ordinary meeting, which also allows for any variation to the programme as decided at a previous meeting of full Council. The Task and Finish Group (the Group) suggested the order of business be changed, as set out below. These changes were recommended to address concerns that at long meetings Councillors were not always able to stay for substantive items of business that are placed towards the end of agenda.

- Elect a person to preside if the Mayor and Deputy Mayor are not present;
- Receive any apologies for absence from Members;
- Receive any declarations of interest from Members;
- To approve the minutes of the last meeting;
- Receive any announcements from the Mayor;
- Receive a presentation from the Youth Mayor, as appropriate, (and/or the Deputy Youth Mayor), by invitation, for up to five minutes on the activities of Broxtowe Youth Voice (the Youth Mayor and/or the Deputy Youth Mayor will have the right to speak, but not to vote, on any item on the agenda at a full Council meeting whether annual or ordinary with the rules on speaking being as per these Council Procedure Rules);
- To receive a report from the Leader and receive questions and answers on the report if any;
- To deal with questions from Councillors in accordance with Rule 10;
- To receive questions from Councillors to those representing the Council on outside bodies;
- To receive reports from the Cabinet Portfolio Holders and receive questions and answers on the reports;
- To receive questions from, and provide answers to, the public in relation to matters which in the opinion of the Chief Executive are relevant to the Council's functions (subject to Rule 8.5);
- To consider motions;
- To receive reports from the Committees and receive questions and answers on the reports;
- To consider business which, in the opinion of the Chair or Vice-Chair of the Overview & Scrutiny Committee, or in their absence, the Mayor or Deputy Mayor, or in their absence the Chief Executive or their nominee's should be considered at the meeting as a matter of urgency;
- To receive petitions in relation to matters which in the opinion of the Chief Executive are relevant to the Council's functions;
- To receive items referred from the Committees or questions from Members on the business of the Committees;

- To approve a programme of ordinary meetings of the Council and Committees for the year at an appropriate time. The Council meeting to consider the budget shall be limited to only that substantive item unless by agreement of the Mayor; or the criteria for urgent business, at 2.1.21, is met.
- To approve amendments to the membership of Committees.
- receive updates from the Chair or Vice Chair of the Overview and Scrutiny Committee on the Scrutiny work programme.
- Receive an Annual Review of Scrutiny report at an appropriate time.
- To consider any other business specified in notice convening the meeting, including proposals from the Cabinet in relation to the Budget and Policy Framework and reports from the Overview and Scrutiny Committee;
- To consider urgent business.

It was further suggested by the Group that Portfolio Holders' need only introduce their reports if reporting on new updates or changes that had arisen since their reports had been published, speeches would be limited to 2 minutes. This recommendation would allow more time to be spent on portfolio holders providing answers to Member questions.

Appointments to Committees and Working Groups

The Group considered the method by which Members are currently appointed to Committees and Working Groups. It was suggested that this can often be rushed between the period of group meetings and the Council meeting that approves the appointments. It was suggested that an alternative method would be for the Council meeting to approve the proportionality at the annual Council meeting and a resolution be passed authorising the Head of Democratic Services to make changes in the standing appointments to Committees and Sub Committees on the instructions of political groups. This ensures that the power to appoint remains with the groups as required by the Local Government (Committees and Political Groups) Regulations 1990, but the administrative action is carried out by the Head of Democratic Services. Nominations would have to be confirmed in writing at least a week before the meeting to allow for agendas to be despatched and substitutes to be informed.

Budget Council

Concern was raised that due to the schedule of meetings, and the business of budget and mayor-making Council meetings, there was no opportunity for other business between Council meetings held on December and July the following year. It was suggested that there be additions to the budget meeting to allow for Members' Questions and Portfolio Holders' Reports to allow for updates to be given on the business of the Council.

Advisory Shareholder Sub-Committee

The meetings of the Advisory Shareholder Sub-Committee were considered to be light. It was suggested that a recommendation be made to remove the Advisory Shareholder

Sub-Committee from the Councils Committee structure and the terms of reference be subsumed into the Governance, Audit and Standards Committee to reduce the need for a separate meeting to be held and better utilise Councillors' time.

The Sub-Committee is currently scheduled for three meetings each year and the terms of reference are as follows:

1. Number of Members: 7 (politically proportionate)
2. The Advisory Shareholder Sub-Committee may co-opt and / or otherwise engage the services of such external consultants and advisors as may be required from time to time, including but not limited to, auditors.
3. Meetings shall be held as necessary and not less than once each year. The quorum for meetings is 3.
4. The Advisory Shareholder Sub-Committee acts in an advisory capacity and is not a decision-making body.
5. The Advisory Shareholder Sub-Committee shall assist, support and advise the Portfolio Holder for Resources and Personnel Policy and the Cabinet in its exercise of the Council's function as the shareholder of the Council's companies.
6. Without prejudice to the generality of clause 5 above, the Advisory Shareholder Sub-Committee shall consider the business plans and financial performance of the Council's companies in respect of which it may advise and make recommendations to the Portfolio Holder for Resources and Personnel Policy and the Cabinet in respect of its exercise of the shareholder function.

Proforma for Motions

Dual hatted Members on the Constitution Group raised examples of proforma being used for Council motions at other authorities. The proforma was received favourably as it was suggested that it would bring consistency of approach to motions submitted to full Council. It was further suggested that an amended proforma could be used for Public Questions, Members' Questions, Urgent Items and petitions submitted to full Council meetings. The draft proforma is attached at Appendix 2.

Planning Committee

The Group considered a number of issues regarding Planning Committee procedures. New paragraphs covering bias and predetermination at Planning Committee have been inserted to ensure Members are aware of the principles of bias and predetermination and to ensure accuracy in their decision making.

The number of speakers allowed to speak at Planning Committee has been amended. The Group considered that the current arrangements were too restrictive and ambiguous as they only allowed multiple speakers for large applications. This has now changed to two objectors and two supporters being allowed to speak on any type of

application. This is to ensure fairness and impartiality when considering each application.

Supplementary questions, (to be put through the Chair only), are now proposed to be allowed once each speaker has spoken, this is something that the Members of Planning Committee were not allowed to do previously. The Group felt this was important to aid their understanding of the application and to ensure informed and accurate decision making. These amendments are included in the change table at Appendix 3.

Reference

Appendix 2

NOTICE OF MOTION FOR FULL COUNCIL	
Title of Motion:	
Date of Council meeting:	
Proposer of Motion: (Name and signature)	
Seconder of Motion: (Name and signature)	
Background/supporting information (maximum 100 words):	
Motion to be proposed (active section):	
Date and time received: <i>(for completion by Democratic Services)</i>	

Change Table

Constitution Chapter and Number	Current Wording/Suggested Change	Reason for Change
<p>Chapter 2 Part 2 Ordinary Meetings</p>	<p>To set the order of business at ordinary Council meetings as follows:</p> <ul style="list-style-type: none"> • Elect a person to preside if the Mayor and Deputy Mayor are not present; • Receive any apologies for absence from Members; • Receive any declarations of interest from Members; • To approve the minutes of the last meeting; • Receive any announcements from the Mayor; • Receive a presentation from the Youth Mayor, as appropriate, (and/or the Deputy Youth Mayor), by invitation, for up to five minutes on the activities of Broxtowe Youth Voice (the Youth Mayor and/or the Deputy Youth Mayor will have the right to speak, but not to vote, on any item on the agenda at a full Council meeting whether annual or ordinary with the rules on speaking being as per these Council Procedure Rules); • To receive a report from the Leader and receive questions and answers on the report if any; • To deal with questions from Councillors in accordance with Rule 10; • To receive questions from Councillors to those representing the Council on outside bodies; • To receive reports from the Cabinet Portfolio Holders and receive questions and answers on the reports; 	<p>To set the order for full Council meetings.</p> <p>To include Portfolio Holders' reports and Questions by Members at budget meetings.</p>

	<ul style="list-style-type: none"> • To receive questions from, and provide answers to, the public in relation to matters which in the opinion of the Chief Executive are relevant to the Council’s functions (subject to Rule 8.5); • To consider motions; • To receive reports from the Committees and receive questions and answers on the reports; • To receive updates on the work of Scrutiny Committees • To consider business which, in the opinion of the Chair or Vice-Chair of the Overview & Scrutiny Committee, or in their absence, the Mayor or Deputy Mayor, or in their absence the Chief Executive or their nominee’s should be considered at the meeting as a matter of urgency; • To receive petitions in relation to matters which in the opinion of the Chief Executive are relevant to the Council’s functions; • To receive items referred from the Committees or questions from Members on the business of the Committees; • To consider any other business specified in notice convening the meeting, including proposals from the Cabinet in relation to the Budget and Policy Framework and reports from the Overview and Scrutiny Committee; • To approve a programme of ordinary meetings of the Council and Committees for the year at an appropriate time. The Council meeting to consider the budget shall be limited to only that substantive item with the addition of Portfolio Holders’ Reports and Questions by Members unless by agreement of the Mayor; or the criteria for urgent business, at 2.1.21, is met. • To approve amendments to the membership of Committees. • receive updates from the Chair or Vice Chair of the Overview and Scrutiny Committee on the Scrutiny work programme. • Receive an Annual Review of Scrutiny report at an appropriate time. • To consider urgent business. 	
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<p>Chapter 2 Part 2 1.17 Appointments to Committees</p>	<p>Suggested wording Delegate to the Head of Democratic Services to make changes in the standing appointments to Committees and Sub Committees on the instructions of political groups Nominations to be confirmed in writing at least a week before the meeting</p>	
<p>Chapter 2 Part 8 1.17</p>	<p>To remove the Advisory Shareholder Sub-Committee and transfer the terms of reference to the Governance, Audit and Standards Committee's terms of reference.</p>	
<p>Appendices</p>	<p>To include a proforma for Members' Questions, Public Questions, Motions and Petitions.</p>	
<p>Chapter 5 Part 3 (Probity in Planning)</p>	<p>Insertion of new paragraph to deal with Bias and Predetermination: Bias and Pre-determination Members of the Planning Committee need to take account of the general public's expectation that a planning application will be processed and determined in a transparently open and fair manner, in which members taking the decision will take account of all the evidence presented before arriving at a decision, not take into account irrelevant evidence or representations and that to commit themselves one way or the other before hearing all the arguments and evidence makes them vulnerable to an accusation of partiality. A Member may voice their concerns publicly before a meeting, but they should make it clear that they will not form a final opinion until they have considered all the information. Members must not prejudice their ability to participate in planning decisions at a Planning Committee by making up their mind or clearly appearing to have made up their mind on how they will vote on any planning matter prior to formal consideration of the matter at the relevant</p>	<p>Ensure Members are aware of the principles of bias and predetermination. Ensure accuracy in their decision making.</p>

	<p>Planning Committee and hearing the officer’s presentation and evidence and arguments on both sides.</p> <p>Pre-determining a matter in this way and then taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or a failure to take into account all of the factors enabling the proposal to be considered on its merits.</p> <p>If a Member has made up their mind prior to the meeting or have made public comments which indicate that they might have done and is not able to reconsider their previously held view, then they will not be able to participate on the matter.</p> <p>Members who are members of a Planning Committee and who in that capacity attend any ancillary meeting or Committee need to avoid any appearance of bias or of having predetermined their views before taking a decision on a planning application or on planning policies. Section 25 of the Localism Act 2011 provides that a Member should not be regarded as having a closed mind simply because they previously did or said something that, directly or indirectly, indicated what view they might take in relation to any particular meeting, provided they remain open to listening to all the arguments and changing their mind in the light of all the information presented at a relevant meeting. A Member in this position will always be judged against an objective test of whether the reasonable onlooker with knowledge of the relevant facts, would consider that the Member was biased.</p> <p>Circumstances may also arise where a Member has had significant personal involvement with an applicant, agent or interested party (whether or not in connection with the particular matter before the Planning Committee), which could lead an observer who knows the relevant facts to reasonably think the Member’s interest is so significant that it is likely to prejudice the Member’s judgement of the public interest.</p>	
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	<p>For advice on bias and predetermination, Members should seek the advice of the Monitoring Officer and/ or Deputy Monitoring Officers.</p>	
<p>Chapter 5 Part 3 Paragraph 4: Public Speaking at Planning Committee</p>	<p>Existing wording:</p> <p>one person objecting and the applicant or a supporter may speak. Where an application is a major planning application and affects a large area, additional speakers will be allowed, at the discretion of the Head of Legal and Head of Planning and Economic Development, if it is felt there is justification on the basis of a multiplicity of viewpoints and issues.</p> <p>If more than one person wishes to speak in objection to a particular application then, subject to the above discretion, the person living closest, or most likely to be affected by the development, will be allowed to speak. Head of Planning and Economic Development and the Head of Legal will make that decision. Other people may be put in touch with the chosen person in order that they may co-ordinate the views of others.</p> <p>A supporter may only speak if the applicant chooses not to. Following the registration deadline, the people selected to speak will be notified by Democratic Services</p> <p>Suggested wording</p> <p>Two people objecting and two people supporting an application may speak. one person objecting and the applicant or a supporter may speak. Where an application is a major planning application and affects a large area, additional speakers will be allowed, at the discretion of the Head of Legal</p>	<p>To ensure fairness and impartiality.</p>

	<p>and Head of Planning and Economic Development, if it is felt there is justification on the basis of a multiplicity of viewpoints and issues.</p> <p>If more than one person wishes to speak in objection to a particular application then, subject to the above discretion, the person living closest, or most likely to be affected by the development, will be allowed to speak. Head of Planning and Economic Development and the Head of Legal will make that decision. Other people may be put in touch with the chosen person in order that they may co-ordinate the views of others.</p> <p>A supporter may only speak if the applicant chooses not to. Following the registration deadline, the people selected to speak will be notified by Democratic Services.</p>	
<p>Chapter 5 Part 3 Paragraph 4: Public Speaking at Planning Committee</p>	<p>Insertion of new paragraph</p> <p>Speakers may be asked supplementary questions from the Committee where clarification is required, these supplementary questions will be asked via the Chair.</p>	<p>To ensure informed and accurate decision making.</p>
<p>Chapter 2 Part 1, paragraph 2.</p>	<p>Suggested wording:</p> <p>2.1.21 The Council may deal with business even though it is not on the Agenda if that business is considered to be urgent. Urgent business means business that requires the urgent attention of Council in connection with a matter that affects the Borough, which needs to be dealt with before the next Ordinary meeting.</p> <p>The procedure for urgent business is as follows:</p> <ul style="list-style-type: none"> • the business is raised by a Motion on Notice under Rule 11 	<p>Added again as dropped out of last adopted version.</p>

	<p>(Motions on Notice);</p> <ul style="list-style-type: none"> • For the motion to be considered as urgent business, the issue will be expected to have arisen between 12 noon seven clear working days before the Council meeting and 12 noon midday on the day before the meeting • The Mayor at the meeting, or the Voting Councillors, decide that the business is urgent and • the agenda relating to the meeting states that the Council may deal with urgent business at that meeting. <p>The Chief Executive in discussion with the Leader of the Council may reject the motion if it:</p> <ul style="list-style-type: none"> • does not meet the definition of urgent business; • is vexatious, abusive or otherwise inappropriate; • relates to a planning decision; • relates to a licensing decision; • relates to any other matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment; • requires the disclosure of confidential or exempt information; <p>the Mayor shall refer the urgent motion to the voting Councillors. the voting</p> <p>Councillors will then decide whether or not the motion on notice is urgent and required to be debated. if they decide that it is urgent, they will debate it under rule 13 rules of debate. if they decide that the matter is not urgent, the motion shall be deferred to the next ordinary Council meeting (i.e. not to an extraordinary Council meeting, an annual meeting, or a meeting to set the budget).</p>	
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<p>Chapter 2 Part 1, paragraph 2.</p>	<p>11. Motions on Notice</p> <p>New wording highlighted in bold below:</p> <p>11.1 Except for motions which can be moved without notice under Rule 12 and Urgent Business under Rule 2.1.21 above, written notice of every motion, must be delivered to the Chief Executive not later than 12 noon seven clear working days before the Council meeting at which it is to be considered. Motions received will be recorded and open to public inspection.</p>	<p>Added to accommodate allowing Urgent Business under rule 2.1.21</p>
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Reference