

# **4E: OVERVIEW & SCRUTINY PROCEDURE RULES**

## **GENERAL MATTERS**

### **RULE 1 - STRUCTURE AND MEMBERSHIP**

Members of all political groups (except members of the Cabinet) may be members of a Policy Development and Scrutiny Panel. However, no member may be involved in scrutinising a decision in which he/she has been directly involved.

Any Policy Development and Scrutiny Panel dealing wholly or in part with education matters, shall include in its membership voting representatives of Parent Governors and from the Church of England and Roman Catholic Dioceses. They may vote only on education matters but their views may be sought on other issues discussed at such a Panel. The number of such representatives to be determined by the relevant Policy Development and Scrutiny Panel, but will include at least two representatives of Parent Governors.

A Policy Development and Scrutiny Panel designated as the Crime and Disorder Panel under Police and Justice Act 2006 may include in its membership, voting representation from the Community Safety Responsible Authorities Group, subject to the Panel's discretion. They may vote only on crime and disorder matters, but their views may be sought on other issues discussed at such a body.

### **RULE 2 – CHAIRING**

The Chair(persons) of Policy Development and Scrutiny Panels will be allocated to political groups on a basis to be agreed by the Council.

### **RULE 3 – SUBSTITUTES**

The membership of a Policy Development and Scrutiny Panel shall, as far as practicable remain the same throughout the period of a specific review, whether within the programme of reviews or unplanned. For all other business of Policy Development and Scrutiny Panels, substitute members (other than Cabinet members) will be permitted in accordance with the arrangements described in Council Procedure Rule 8 above. All substitutes will be the holder of that seat for the whole duration of that meeting, whether or not in attendance throughout.

### **RULE 4 – CASUAL VACANCIES**

A vacancy on a Policy Development and Scrutiny Panel arises when a Councillor or a co-opted member resigns from membership of the Panel, or dies.

The Chief Executive will use delegated powers to fill vacancies on these Panels, in consultation with the Chair of the relevant Policy Development and Scrutiny Panel, and in accordance with the wishes of the political group which has nomination rights to the vacancy.

### **RULE 5 – DATES AND TIMES OF MEETINGS**

The arrangements for meetings of Policy Development and Scrutiny Panels shall be set out in the diary of meetings as agreed by the Council. Such Panels will have flexibility to make other or additional arrangements for conducting their business, particularly in undertaking detailed service or issue reviews.

## **RULE 6 – SPECIAL OR EXTRAORDINARY MEETINGS**

A special or extraordinary meeting may be called by the Chair of a Policy Development and Scrutiny Panel.

Alternatively, such a meeting may be called by at least one quarter of the Panel's membership signing a notice to the Chief Executive, setting out the business of the meeting and, if appropriate the time scale in which the meeting is to be held.

The Chief Executive will convene the meeting as soon as practicable.

The Chief Executive may also at his/her instigation convene a special or extraordinary meeting, having first consulted the relevant Chair and Vice chair.

## **RULE 7 – JOINT MEETINGS**

A Policy Development and Scrutiny Panel may have a joint meeting with another such body (or may appoint a sub panel or board to participate in a joint meeting) to discuss matters of mutual interest.

The joint meeting will, by a simple majority vote, elect a Councillor to chair the meeting.

## **RULE 8 – SUB BODIES**

A Policy Development and Scrutiny Panel may appoint sub bodies. These must have a specified short - term task and a specified life span. Their establishment must be consistent with the overall work programme (See Rule 9 below).

## **RULE 9 – WORK PROGRAMME**

A rolling programme of work for each Policy Development and Scrutiny Panel will be drawn up, with individual discretion as to the best means for achieving their individual work programme. Overview and Scrutiny Chairs and Vice Chairs will ensure work plan activities are maximised to the benefit of the whole Overview and Scrutiny function, within shared resources and available budgets.

If there is any doubt or disagreement with regard to the allocation of business between Panels, the Chief Executive is authorised to determine such matters after consultation with Overview and Scrutiny Chairs and/or Group Leaders (or their nominees).

The designated "Crime and Disorder Committee" will scrutinise the Community Safety Strategy as a minimum once each year, as required by the Police and Justice Act 2006.

## **RULE 10– MATTERS WITHIN THE REMIT OF MORE THAN ONE POLICY DEVELOPMENT AND SCRUTINY PANEL**

Where a matter for consideration by a Policy Development and Scrutiny Panel also falls within the remit of one or more other such Panels, the Monitoring officer, on behalf of the Chief Executive, and in consultation with the Chairs and Vice Chairs of the relevant Policy Development and Scrutiny Panels will determine (a) which such body will consider it, or (b) which parts will be considered by which body or (c) that the matter will be considered by a joint meeting of the relevant bodies.

## **RULE 11 – REQUESTS FROM COUNCIL OR CABINET**

All requests from the Council and the Cabinet to review particular areas of work will be reported to the Chair and Vice Chair of the relevant Policy Development and Scrutiny Panel who will then place the item on the relevant agenda. In determining such requests the Panel, on advice from its Chair (person), will consider its capacity to deliver on the request within any stated time scales, and will advise the requesting person/body of any issues on this.

## **RULE 12 – POLICY REVIEW AND DEVELOPMENT**

The role of Policy Development and Scrutiny Panels in relation to the development of the Council's Policy and Budget Framework is set out in the Policy and Budget Framework Procedural Rules.

In relation to the development of the Council's approach to other matters, Policy Development and Scrutiny Panels may make proposals or comment to the Cabinet (or other bodies/persons exercising executive functions).

Policy Development and Scrutiny Panels may hold enquiries 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. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so, as long as such payments can be met from within existing budgets.

## **RULE 13 – REPORTS FROM POLICY DEVELOPMENT AND SCRUTINY PANELS**

Once it has formed recommendations or proposals (either on its own volition or in response to a request), a Policy Development and Scrutiny Panel will prepare a report of its findings and may submit it for initial consideration by either the Cabinet or the full Council – the choice is that of the Policy Development and Scrutiny Panel, unless specifically directed by the Council.

When a Policy Development and Scrutiny Panel reports to the Council, the Chair shall give an opportunity to the relevant Cabinet Member(s) to comment on any recommendations contained in the report.

Where the report of the Policy Development and Scrutiny Panel contains recommendations or findings for consideration by a partner body/joint body which performs functions on behalf of the Council or on behalf of the Cabinet, the Policy Development and Scrutiny Panel shall submit its report to that partner body/joint body instead of or as well as reporting to the Council or the Cabinet.

Any report which recommends a change to the Policy and Budget Framework will be made available to all Council members.

Where a Policy Development and Scrutiny Panel makes a recommendation that would involve the Council incurring additional expenditure (or reducing income) it has a responsibility to consider and / or advise on how the Council should fund that item from within its existing resources or the extent to which that should be seen as a priority for future years' budget considerations.

The Council or the Cabinet as appropriate shall always consider the report of the Policy Development and Scrutiny Panel at the next available meeting.

**Minority reports:** If a Policy Development and Scrutiny Panel cannot agree on one single final outcome report then a minority report may be prepared and submitted by the dissenting member(s). Officers supporting the particular Policy Development and Scrutiny Panel during the relevant review will offer factual information to the dissenting member(s) in the production of their minority report.

#### **RULE 14 – RIGHTS OF ATTENDANCE BY CHAIRS OF POLICY DEVELOPMENT AND SCRUTINY PANELS AND CABINET MEMBERS**

The Chair (or nominee) and Vice Chair of a Policy Development and Scrutiny Panel will have the right to attend any meeting of the Cabinet or other executive body at which a report from her/his Panel is being considered, whether it is in public or private session (for consideration of exempt items). The Chair (or nominee) shall also have the right to present the report to the meeting of the Cabinet.

Similarly, s/he shall have the right to present the findings of a report direct to a Cabinet Member prior to a decision being taken which falls within the portfolio of the Cabinet Member.

A Cabinet Member shall have the right to attend any formal meeting of a Policy Development and Scrutiny Panel at which an issue is being discussed which directly relates to a previous or proposed executive decision or policy issue falling within the Cabinet Member's portfolio. The Cabinet Member may speak at the discretion of the Chair of the Policy Development and Scrutiny Panel.

#### **RULE 15 - RESPONSE OF COUNCIL AND THE CABINET TO REPORTS OF POLICY DEVELOPMENT AND SCRUTINY PANELS**

When it receives a report and recommendations direct from a Policy Development and Scrutiny Panel, the Council shall consider

- what it has the power to do given the allocation of functions to the Council, the Cabinet and other Committees of the Council if relevant;
- what comments it wishes to offer to the Cabinet in referring any report to them for action – such comment may take the form of a clear view about the wishes of the Council on the matter which the Cabinet should take account of;
- requesting the Cabinet to report back to Council with an action plan for executive action on the findings of the report;
- making a decision on the findings of the report, where it has the power to do so;
- whether the report should be referred back to the Policy Development and Scrutiny Panel – with comments from the Council on matters to be further considered

When it receives a report direct from a Policy Development and Scrutiny Panel, the Cabinet shall publish its response within 2 months, having considered

- any recommendations contained in the report;

- referring the report to a Cabinet Member for consideration and report back direct to the Policy Development and Scrutiny Panel – where the report covers issues falling within the portfolio of a single Cabinet Member;
- any further Officer advice needed in order to determine its response to the issues raised;
- any impact on the Policy and Budget Framework (in which case the procedure as set out in Policy and Budget Framework Procedure Rule 2 shall apply for any agreed actions)
- an action plan to deliver on those recommendations that are accepted;
- reporting back to the relevant Policy Development and Scrutiny Panel on its decisions and the reasons and rationale for accepting or rejecting the Panel's recommendations.

and may invite the Council to comment on the matter before taking any action.

When a Policy Development and Scrutiny Panel requests the Cabinet or a Cabinet Member to defer taking a decision pending further work by Overview and Scrutiny, the Cabinet or the Cabinet Member

- shall seek advice from the relevant lead Officer and/or the Monitoring Officer/Chief Financial Officer as appropriate; and
- shall have regard to any statutory or other timetable relevant to the timing of the decision

The final decision on the request is that of the Cabinet or Cabinet Member.

#### **RULE 16 – RIGHTS OF MEMBERS TO DOCUMENTS**

In addition to their rights as councillors, members of Policy Development and Scrutiny Panels have the right to documents and to notice of meetings as set out in the Access to Information Procedure Rules earlier in this volume.

Nothing in this Rule prevents full liaison between the Cabinet and Policy Development and Scrutiny Panels as appropriate.

#### **RULE 17 – MEMBERS AND OFFICERS ATTENDING**

A Policy Development and Scrutiny Panel may require any member of the Cabinet or a senior Officer (Chief Executive, Director or Divisional Director) to attend before it to explain any particular decision made or the extent to which the action taken implements Council policy.

If a Policy Development and Scrutiny Panel is convened to consider a petition calling an officer to account, a senior Officer will be required to attend. The Officers of the Council who can be called to account in this way are; the Chief Executive, Strategic Directors, the Monitoring Officer and the Chief Financial Officer (subject to the provisions set out in the Council's Petitions Scheme).

Any member of the Council may be invited to attend a meeting of a Policy Development and Scrutiny Panel to give evidence in a particular review being undertaken or to assist in other business of the meeting.

## **RULE 18 – ATTENDANCE BY OTHER INVITED PERSONS**

Policy Development and Scrutiny Panels may invite any other persons to give evidence. These rights are in addition to public speaking rights. Each Panel will make appropriate arrangements for the presentation of evidence, questioning of participants, time limits etc, subject to the Council approving supplementary rules or guidance if this is deemed to be necessary.

## **RULE 19 – “CALL IN” OF EXECUTIVE DECISIONS**

A Policy Development and Scrutiny Panel shall consider any validated “call-in” of an executive decision referred to it and shall report its findings thereon to the person or body who made the decision. The detailed “call-in” Rules are set out at the end of the Cabinet Procedure Rules within this Constitution.

A Policy Development and Scrutiny Panel will itself have the power to comment on a planned decision as notified to it in the Cabinet Work Programme. A Chair or Vice Chair will have the right to comment directly to the proposed decision maker on any planned decision included in the emerging or published Cabinet Forward Plan.

## **PREPARATION FOR MEETINGS OF POLICY DEVELOPMENT AND SCRUTINY PANELS**

### **RULE 20 – AGENDA DESPATCH**

When a Policy Development and Scrutiny Panel is considering formal business, the items to be considered will be set down in an agenda. The agenda papers will be sent to every member of the Policy Development and Scrutiny Panel 5 clear working days before the meeting.

In the case of an emergency meeting of the Panel, a shorter period of notice may be given.

The list of agenda items will be made available to councillors who are not members of the relevant Panel.

### **RULE 21 – ITEMS ON THE AGENDA**

Any member of the Council may submit to the Chief Executive a relevant item for the agenda of the next available meeting of a Policy Development and Scrutiny Panel. Written notice of every item, signed by or on behalf of the Member(s) giving notice, with the name of the political group shown after the Member’s name (unless the item is to stand in the name of the Member only), must be delivered to the Monitoring Officer (on behalf of the Chief Executive) not later than 7 clear working days before the date of the meeting.

The Chair following consultation with the Vice chair of the relevant Panel will determine whether or not to include the item on the agenda and their decision shall be final.

In considering this matter, the Chair will take into account the views of the Chief Executive who shall also give advice about the implications of the request on the delivery of the Overview and Scrutiny work programme.

If the item is accepted, the member will have the right to attend and, at the discretion of the Chair, to speak on the matter.

The meeting has the right to determine with advice from Officers whether it wishes to defer the matter to a future meeting for further Officer report/advice.

## **RULE 22 - AGENDA CONTENT AND ORDER OF BUSINESS**

The following formal business shall be considered by each Policy Development and Scrutiny Panel as appropriate:

- (i) minutes or other record of previous meeting;
- (ii) declarations of interest;
- (iii) consideration of any matter referred to the Panel for a decision in relation to the “call-in” of an executive decision;
- (iv) response of the Cabinet to reports of Overview and Scrutiny activity;
- (v) business otherwise set out on the agenda.

## **RULE 23 – MEMBERS ATTENDING POLICY DEVELOPMENT AND SCRUTINY PANELS**

When the Council or the Cabinet refers any matter raised by a Member to a Policy Development and Scrutiny Panel for consideration, the Member concerned will have the right to attend any meeting which considers the matter. The Member may speak on the matter only at the discretion of the Chair and will not be permitted to vote on the matter unless s/he is a named voting member of that meeting.

Any Member of the Council may attend to observe at a meeting of a Policy Development and Scrutiny Panel and may speak at the discretion of the Chair (person).

## **RULE 24 – MINIMUM NUMBER OF MEMBERS PRESENT (QUORUM)**

No business shall be transacted at a formal meeting of a Policy Development and Scrutiny Panel unless at least one quarter of the voting councillors or 3, whichever is the greater, are present. Where non-councillor members of a Panel have voting rights, their attendance shall be excluded from the calculation of the minimum number.

If, at the start of or during any meeting of a Policy Development and Scrutiny Panel the Chair, after requiring a count of the number of Members present, declares that there is not a minimum required number present, the meeting shall immediately stand adjourned.

The consideration of any business not transacted shall be adjourned to the next ordinary meeting of the Panel concerned unless the Chair decides following consultation with the Vice Chair that the meeting should be re-convened on another date to transact or complete its business. When this happens, the Chair may also decide the date and time at which the meeting shall re-convene.

## **RULE 25 - RECORD OF ATTENDANCE**

The names of the Members present during the whole or part of a meeting shall be recorded.

## **RULE 26 - RECORDING AT MEETINGS**

Persons attending meetings may take photographs, film and audio record the proceedings and report on the meeting. However, oral commentary is not permitted during the meeting as it would be disruptive.

Many meetings are webcast and those who do not wish to be filmed need to make themselves known to the webcasting staff. However, members of the public need to be aware that they may be filmed by others attending and that is not within the Council's control.

### **RULE 27 - SUSPENSION OF RULES**

There are occasions when it is helpful to the conduct of a meeting, or for other reasons, not to apply a particular Rule(s). It is therefore open to any meeting to suspend one or more Rule.

In accordance with Article 16.1, it is necessary for the suspension of a Rule to be proposed by a Councillor who should make it clear which Rule is being suspended and for how long. For example, it may be necessary to suspend a Rule for part or all of a meeting.

A majority of members present at a meeting must support the proposal to suspend a Rule.

### **RULE 28 – CHAIR'S CONDUCT OF MEETING**

The Chair is responsible for conducting the meeting. In this s/he will be guided by the Chief Executive.

### **RULE 29 - POWERS AND DUTIES OF CHAIR**

Council Procedural Rule 26 applies with regard to the powers and duties of the Chair. It is accepted that the proceedings of Policy Development and Scrutiny Panels need to be flexible and not structured rigidly in terms of debating and evidence gathering procedures.

Accordingly, there are no formal rules of debate set down for Policy Development and Scrutiny Panels and the Chair has wide discretion to rule on conduct, process and procedural matters.

The Chair will exercise this discretion in a manner which preserves the best interest of the Council and the effective conduct of its business.

### **RULE 30 – QUESTIONS FROM THE PUBLIC**

Members of the public have the right to put forward questions for answer at a meeting of an Policy Development and Scrutiny Panel. This right extends to any resident of Bath & North East Somerset of any age and includes a homeless person, a traveller currently within the Council area or a member of the Council's staff provided the subject matter relates to their role as a private citizen. This right also exists for a representative of any Bath & North East Somerset organisation or of any South West regional or sub-regional organisation that has legitimate legal activity in the Bath & North East Somerset area or whose work affects Bath & North East Somerset citizens. All questions must be submitted in writing (this to include transmission by e mail).

Notice of the question must be given to the Council Solicitor no later than close of business 2 clear working days before the day of the meeting (eg 5pm on a Monday for a meeting on a Thursday).



A maximum of 2 questions will be accepted per member of the public (each question to have no more than 2 sub-sections).

All questions will be circulated to members of the Policy Development and Scrutiny Panel, visiting councillors and the public in advance of the meeting.

Questions must only be asked of the Chair (person), on behalf of the Policy Development and Scrutiny Panel.

The Chair (person) may

- nominate another councillor to reply on his or her behalf;
- indicate that a written answer will be provided, in which case that written answer shall be provided no later than 5 clear working days after the day of the meeting.

There is no requirement of the questioner to read out the question nor of the Chair (person) to read out the answer if circulated. Where a written answer is circulated in advance, the Chair (person) may add to that answer orally at the meeting.

A question will not be accepted under this Rule if:

- the answer would require exempt or confidential information to be divulged;
- the subject matter is about an application for a legal consent or permission where there is an alternative process to challenge the decision or to appeal against it or where the question/answer process might prejudice the proper consideration of such an application or consent;
- it is about a matter which has already been lodged with the Council or with another statutory body as a formal complaint;
- it contains an allegation against, or comments about, the conduct of individual councillors or officers.

### **RULE 31 – QUESTIONS FROM COUNCILLORS**

A Councillor shall have the right to put forward a question for answer at a meeting of a Policy Development and Scrutiny Panel.

All questions must be submitted in writing (this to include transmission by e mail).

Notice of the question must be given to the Council Solicitor no later than close of business 2 clear working days before the day of the meeting (eg 5pm on a Monday for a meeting on a Thursday).

All questions will be circulated to members of the Policy Development and Scrutiny Panel, visiting councillors and the public in advance of the meeting.

Questions must only be asked of the Chair (person), on behalf of the Policy Development and Scrutiny Panel.

The Chair (person) may

- nominate another councillor to reply on his or her behalf;

- indicate that a written answer will be provided, in which case that written answer shall be provided no later than 5 clear working days after the day of the meeting.

There is no requirement of the questioner to read out the question nor of the Chair (person) to read out the answer if circulated. Where a written answer is circulated in advance, the Chair (person) may add to that answer orally at the meeting.

A question in multiple parts will be treated as a series of individual questions.

A question will not be accepted under this Rule if

- the answer would require exempt or confidential information to be divulged;
- the subject matter is about an application for a legal consent or permission where there is an alternative process to challenge the decision or to appeal against it or where the question/answer process might prejudice the proper consideration of such an application or consent;
- it is about a matter which has already been lodged with the Council or with another statutory body as a formal complaint;
- it contains an allegation against, or comments about, the conduct of individual councillors or officers.

### **RULE 32 – PETITIONS, STATEMENTS AND DEPUTATIONS FROM THE PUBLIC OR COUNCILLORS**

Members of the public have the right to put forward petitions, statements and deputations at a Council meeting. The submission must be relevant to the Council and/or the Bath & North East Somerset area. This right to submit a statement or deputation extends to any resident of Bath & North East Somerset of any age and includes a homeless person, a traveller currently within the Council area or a member of the Council's staff who lives in the area, provided the subject matter relates to their role as a private citizen. This right also exists for a representative of any Bath & North East Somerset organisation or of any South West regional or sub-regional organisation that has legitimate, legal activity in the Bath & North East Somerset area or whose work affects Bath & North East Somerset citizens. All items must be submitted in writing (this to include transmission by e mail). Petitions can be submitted by anyone who lives, works or studies in the Council area.

There is no minimum number of signatures required for a petition.

Advance notice of the petition, statement or deputation, setting out the subject matter, must be lodged with the Council Solicitor no later than 2 clear working days before the day of the meeting at which the submission is to be made (e.g. Thursday 5pm for a meeting on Tuesday).

A submission under this Rule will not be accepted if

- it seeks to address exempt or confidential matters;
- the subject matter is about an application for a legal consent or permission where there is an alternative process to challenge the decision or to appeal against it or where this Procedural Rule would prejudice the proper consideration of such an application or consent;
- it is about a matter which has already been lodged with the Council or with another statutory body as a formal complaint;

- it contains an allegation against, or comments about, the conduct of individual councillors or officers.

There is a limit of one submission per item per individual member of the public. There is a limit of one hour for items from the public, extended at the Chair's discretion. Individual submissions will be limited to a maximum of 3 minutes, or of a given time at the Chair's discretion.

If the submission relates to a general matter not on the agenda for the meeting, it will be taken at the start of the meeting. If it relates to an item on the agenda for the meeting, the person making the submission will be invited to address the meeting either at the start of the meeting or immediately before the item is debated, whichever they prefer.

Once the submission has been made, the Chair (person) will invite the members of the body if they have any factual questions of the person making the submission. The meeting will then determine what action it wishes to take on the matters contained in the submission.

Nothing in this Rule shall constrain a Policy Development and Scrutiny Panel from making such arrangements as it thinks fit to enable the public and councillors to offer evidence to support any review work it undertakes.

### **RULE 33 – OTHER OPPORTUNITIES FOR VISITING PUBLIC AND COUNCILLORS TO SPEAK AT MEETINGS**

During a meeting of a Policy Development and Scrutiny Panel, the Chair (person) may extend an invitation to the public and councillors in attendance, to ask an oral question about, or to comment on, an agenda item. There is no requirement to have given advance notice.

Where the Chair (person) decides to exercise such discretion the contribution from the public or from visiting councillors will be sought before the meeting moves to a formal debate of the agenda item.

The Chair (person) has absolute discretion in such matters. In choosing whether or not to exercise this discretion the Chair (person) shall have regard to the need for expediency and efficiency in the exercise of the meeting's business.

### **RULE 34- CONTACT WITH THE MEDIA**

All media enquiries seeking an official response about the conduct of Panel business should be referred to the Communications and Marketing team, and the Democratic Services Manager and Panel Chair (and Vice-Chair where practicable) kept informed. Members of Policy Development and Scrutiny Panels should not contact or respond to queries regarding the Panel's business from the press without authorisation from the Chair except as an individual member not representing the Panel.

### **RULE 35 – EXCLUSION OF PRESS AND PUBLIC**

If the Council, the Cabinet, a Policy Development and Scrutiny Panel, Committee, or sub-Committee pass a resolution pursuant to Section 100A of the Local Government Act 1972 to exclude the press and public from the whole or part of their proceedings, then the effect of such resolution shall extend to Members of the Council present at the meeting who are not Members of the body concerned: (subject to rule 14 above) provided that, except when the body is acting in a judicial or quasi-judicial capacity, such Members of the Council shall be permitted to remain if invited to do so by resolution of the body.

A Personal Assistant and/or nominated note taker for a disabled councillor or other person entitled to remain at a meeting after passing a resolution under this Rule, shall also be entitled to remain, provided they have signed an undertaking in advance not to divulge the nature of any exempt or confidential business discussed or submitted.

### **RULE 36 – DISORDERLY CONDUCT**

If at a meeting any member of the Council, in the opinion of the Chair, misconducts her/himself by persistently disregarding the ruling of the chair, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the meeting, the Chair or any other member may move "that the member named be not further heard", and the motion if seconded shall be put and determined immediately without discussion.

If the member named continues the misconduct after a motion under the foregoing paragraph has been carried the Chair shall -

EITHER move "that the member named do leave the meeting" (in which case the motion shall be put and determined immediately without seconding or discussion):

OR

adjourn the meeting for such period as s/he shall consider expedient.

In the event of general disturbance, which in the opinion of the Chair renders the due and orderly despatch of business impossible, the Chair in addition to any other power vested in her/him may, without question put, adjourn the meeting of the Council for such period as s/he in her/his discretion shall consider expedient.

### **Disturbance by Members of the Public**

The provisions of Section 100A (exclusion of the public and press) are without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.

If a member of the public interrupts the proceedings at any meeting the Chair shall issue a warning. If the person continues the interruption, the Chair shall order the person's removal from the meeting room. In case of general disturbance in any part of the chamber open to the public, the Chair may order that part of the meeting room to be cleared and / or may adjourn the meeting for such period as s/he in her/his discretion shall consider expedient.

### **RULE 37 – DECLARATION OF A PARTY WHIP**

When considering any matter referred to a Policy Development and Scrutiny Panel by the Cabinet, or the review of any decision in respect of which a member of a Policy Development and Scrutiny Panel is subject to a party whip, the member must declare the existence of the whip, and the nature of it, before the commencement of the Panel's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

The "party whip" means: -

Any instruction given by or on behalf of a political group to any Councillor who is a member of that group as to how that Councillor shall speak or vote on any matter before the Council or

any Committee or Sub-Committee, or the application or threat to apply any sanction by the group in respect of that Councillor should he/she speak or vote in any particular manner.

### **RULE 38 - RIGHTS AND RESPONSIBILITIES OF VICE CHAIRS**

The Vice Chair of any Policy development panel will have the right:

1. to attend meetings organised by the Lead director for any Panel or relevant Cabinet Member to discuss or plan agenda items, workloads, priorities and current/future issues or developments and receive information/briefing material relating thereto;
2. to participate in meetings with all Chairs to discuss Policy Development & Scrutiny business.