

Date: 17<sup>th</sup> October 2011

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To all Councillors

## **RE: The Council's Constitution**

I am writing to all Councillors following concerns expressed regarding the ending of the Council meeting last month.

The constitutional position is very clear and is set out in paragraph 11.1:

If the business of the meeting has not been concluded by two and a half hours after its start, the Mayor must interrupt the meeting. The Member speaking must immediately sit down and the Mayor will then immediately and without debate take a vote on the item under discussion (including any amendment) and shall then dispose of the remaining business in accordance with rule 11.2.

As you will see from this section all meetings must finish two and a half hours after they started. The only exception is where a decision is taken by the Council to 'suspend standing orders' which is available under section 24.1:

All of these Council Rules of Procedure except Rules 13.2 and 20.7 (which are mandatory) may be suspended by motion on notice if at least two thirds of the Members of the Council are present. Suspension can only be for the duration of the meeting.

In effect this means that as long as two thirds of the Council Members are present, then any single Member may move a motion to 'suspend standing orders' at any time during the meeting. This motion would be put to the vote following discussion and assuming it receives the majority support, the time limit may be extended or lifted.

In my experience, the role of the Mayor in these circumstances has been to draw Members attention to the timing of the meeting, by referring to how long there is to go. It is open to any Member of the Council to suggest an extension of the time limit by moving a motion to 'suspend standing orders' in this respect. At the last Council meeting the Mayor reminded Members of the time at 9.05 and 9.25 pm. Despite the reminders a motion to suspend standing orders was not moved and therefore the Mayor concluded the meeting at 9.30, as required by the Constitution.

There are also other time limits that are clearly set out in the constitution, for example 15 minutes for questions for each portfolio holder that is reporting

and 30 minutes for Questions on Notice. For Questions on Notice the 30 minute time is often taken up by supplemental questions and answers which are of course discretionary. If Members wish a particular question to be asked which is near the bottom of the list, the options are to be frugal with regard to supplementary questions; to seek the Mayor's permission to re-order the questions (which would normally require the permission of questioners that are 'higher up the list') or to withdraw questions that are higher up the list than the one being referred to.

In addition, if Members of the Council are aware of particular community interests represented in the public gallery, it would be helpful if they could draw that to my attention or to Democratic services staff so that the Mayor has the opportunity to bring these questions forward using one of the routes outlined above.

As you know the Council is bound by its Constitution and we must ensure that all of our decisions are taken entirely in line with the constitutional framework in which we operate. If any Member is unclear on any aspect of how the constitution works, then the Monitoring Officer or staff from Democratic Services are able to provide support and assistance and training where necessary.

Please let me know if you have any ongoing concerns or uncertainties regarding the operation of the constitution.

Yours sincerely

A handwritten signature in black ink, appearing to read 'G Farrant', with a long horizontal flourish underneath.

Graham Farrant  
Chief Executive