

## APPENDIX 1

### CONSTITUTIONAL CHANGES FOR ANNUAL MEETING

#### CHANGES TO PROCEDURE RULE ON ORDER OF BUSINESS

#### 4. ANNUAL MEETING (MAYOR-MAKING AND CONSTITUTIONAL) OF THE COUNCIL ASSEMBLY

##### 4.1 ANNUAL MEETING (MAYOR-MAKING AND CONSTITUTIONAL)

*This rule cannot be suspended.*

1. The council shall in every year hold an annual meeting.
2. In a year of ordinary elections of councillors to the council, the annual meeting shall be held on the eighth day after the day of retirement of councillors or such other day as the council may fix within the twenty-one days immediately following the day of retirement. This will normally be the third or fourth Wednesday in the month of May.
3. The annual meeting shall in all other years be held on the third Wednesday in the month of May, except when re-arranged (so long as it is held in March, April or May).

##### 4.3 ANNUAL MEETING (MAYOR-MAKING AND CONSTITUTIONAL) – BUSINESS

1. The annual meeting will:
  - a) elect a person to preside if the outgoing Mayor is not present
  - b) elect a new Mayor (the Mayor thereafter, may appoint a Deputy Mayor)
  - c) receive any Mayor's announcements, including apologies for absence
  - d) approve as a correct record and sign the minutes of the last meeting of the council assembly in the previous municipal year
  - e) elect the leader
  - f) receive a report from the leader on the determination and allocation of executive functions to members of the cabinet
  - g) receive any report of the leader on the delegation of executive functions for 'matters reserved for member decision' and 'scheme of delegation' or such part of it as the constitution determines it is for the council to agree (as set out in part 3 of this constitution)
  - h) establish the council's committees including at least one overview and scrutiny committee, a ~~standards~~ committee and such other committees, the number and allocation of places on each committee, their terms of reference and the appointment of chairs and vice-chairs for the coming year as the council considers appropriate to deal with matters which are neither reserved to the council assembly nor are executive functions (as set out in part 3 of this constitution)
  - i) establish the council's panels including the constitutional steering panel and pensions panel, the number and allocation of places on

each panel, their terms of reference and the appointment of chairs and vice-chairs for the coming year as appropriate

- ~~j) receive any report of the leader on the 'matters reserved for member decision' and 'scheme of delegation' or such part of it as the constitution determines it is for the council to agree (as set out in part 3 of this constitution)~~
- k) receive a report from the proper constitutional officer as to the appointment of the leader of the majority group, the leader of the opposition, leaders of other party groups (if any) and the chief and deputy whip of each party group
- ~~l) consider a report from the proper constitutional officer on constitutional matters for the municipal year including:  
the draft calendar of meetings for the coming year  
establishment of the voluntary bodies appointments panel as set out in Part 3~~
- ~~m) establishment of the constitutional steering panel as set out in Part 3~~
- n) the appointment of representatives to outside bodies and joint committees
- ~~e) receiving a report on the review of the constitution~~
- ~~p) consider the members' allowances scheme for the forthcoming municipal year~~
- q) consider other business specified in the agenda (if any)
- r) consider any matters of urgency not specified in the summons.

#### **4.2 ESTABLISHMENT AND SELECTION OF COUNCILLORS ON COMMITTEES AND OUTSIDE BODIES**

1. The annual constitutional meeting will:
  - a) decide which committees to establish for the municipal year
  - b) decide the size and terms of reference for those committees
  - c) decide the allocation of seats and reserve/substitute members to political groups in accordance with the political balance rules
  - d) receive nominations of councillors to serve on each committee and outside body
  - e) appoint to those committees and outside bodies except where appointment to those bodies has been delegated by the council or is exercisable only by the cabinet.

#### **4.3 LEADER AND CABINET**

1. The leader shall be appointed at the first annual meeting of the council to be held after ordinary elections take place or, at an ordinary or extraordinary council meeting as necessary.
2. The leader shall appoint between two and nine other councillors at the first annual meeting of the council to be held after ordinary elections take place or at an ordinary or extraordinary council meeting as necessary, to serve as members of the cabinet.
3. The leader shall appoint one member of the cabinet at the first annual meeting of the council to be held after ordinary elections take place or at an ordinary or extraordinary council meeting as necessary, to serve as deputy leader. Where a vacancy occurs in the office of deputy leader, the leader must appoint another person in his place.

4. The leader shall have power to vary the allocation of portfolios within the cabinet on an interim basis. The leader shall also have power to designate a cabinet member as lead cabinet member in respect of any policy matter that is cross-cutting. In the event that a cabinet member ceases to be a member of the cabinet, the leader shall have the discretion as to whether or not to appoint a replacement.
5. Other political groups represented on the council may nominate a councillor to act as their leader. The leader of the largest opposition political group represented on the council shall be known as the leader of the opposition and shall act as the spokesperson for the opposition on all matters of general policy and business.

#### **4.4 APPOINTMENT OF RESERVE/SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES**

##### **Allocation**

1. As well as allocating seats on non-cabinet committees and sub-committees, the council will allocate seats in the same manner for reserve/substitute members.

##### **Number**

2. For each committee or sub-committee, council assembly will appoint one fewer reserve seats(s) than a political group holds ordinary seats, subject to a minimum of one unless otherwise agreed by council assembly.

##### **Powers and duties**

3. 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.

##### **Substitution**

4. At the commencement of each meeting each political group shall announce whether any of the named voting members are to be substituted by a reserve or deputy. This substitution shall remain in effect for the whole of the meeting.

#### **4.5 PROPER OFFICER SHALL MAKE OR TERMINATE APPOINTMENTS IF NECESSARY**

1. Whenever an appointment of a voting member of a committee or sub-committee falls to be made in accordance with the wishes of a political group to whom the seat has been allocated, and whenever such an appointment falls to be terminated in accordance with such wishes, then the proper constitutional officer shall make the relevant changes and inform the appropriate committee or sub-committee at its next available meeting. The proper constitutional officer shall maintain a full list of committee and sub-committee memberships. In the event of the termination of an appointment in accordance with the wishes of a political group, the proper constitutional officer is to inform the individual concerned in writing within three days of notice being received.

**Notification of appointments, resignations and termination of appointments**

2. All appointments to and resignations from the membership of committees and sub-committees must be submitted in writing to the proper constitutional officer. A minimum of five clear working days must elapse from the date of receipt of such notices before any appointments become effective. Any resignations or terminations become effective immediately.

**4.6 CONTINUING MEMBERSHIP OF THE MAYOR AND DEPUTY MAYOR IN FULL COUNCIL ELECTION YEAR**

*This rule cannot be suspended.*

1. In a year when the term of office of the Mayor spans full council elections, the Mayor shall continue in office and remain as a member of the council notwithstanding that he/she does not seek or achieve re-election as a councillor.
2. In a year when the term of office of the Deputy Mayor spans full council elections, the Deputy Mayor shall continue in office but will not remain as a member of the council unless he/she achieves re-election as a councillor.
3. The term of office of the Mayor and Deputy Mayor in an election year shall continue until the annual meeting of the council assembly.

**4.7 VOTING RIGHTS OF MAYOR AT ANNUAL MEETINGS**

*This rule cannot be suspended.*

1. If the person presiding at the annual meeting would have ceased to be a member of the council he/she shall not be entitled to vote in the election of the new Mayor except in accordance with paragraph 2 below.

**Casting vote**

*This rule cannot be suspended.*

2. In the case of an equality of vote, the person presiding at the meeting shall give a casting vote in addition to any other vote he/she may have.

## **CHANGES TO PROCEDURE RULE ON GUILLOTINE FOR ANNUAL MEETING**

### **1.12 GUILLOTINE**

*This rule cannot be suspended.*

#### **FOR ORDINARY, COUNCIL TAX SETTING AND EXTRAORDINARY MEETINGS**

##### **Concluding the meeting**

1. The guillotine shall take effect three hours after the start of the meeting.
2. A bell will be rung once the guillotine is reached and the member speaking must immediately sit down.
3. The following outstanding business shall be considered:
  - any business required by statute
  - approval of minutes of council assembly
  - each individual report with a recommendation, be it from the cabinet, committee or officer
  - any other business accepted by the Mayor as late and urgent business.

##### ***Process for dealing with any outstanding business (Fifteen minute debate rule)***

4. Each item of business specified in rule 1.12(3) shall be afforded up to a maximum of 15 minutes. If the matter is not concluded within that time the Mayor shall, if appropriate, call upon the mover of the substantive motion to exercise their right of reply and a vote shall be taken. In circumstances where the council is legally obliged to make a decision, but the motion or recommendation voted upon is lost, the Mayor will take motions from the floor, each allocated up to a maximum of 15 minutes, until a decision is reached.

##### **Motions not dealt with**

5. If there are motions or other business still outstanding at the fall of the guillotine, then subject to council assembly procedure rule 1.12(6) all other motions or business not considered shall be put to the vote without debate.

##### **Suspension of guillotine rule**

6. The guillotine rule can be suspended for up to a maximum of 30 minutes only.

#### **FOR ANNUAL COUNCIL**

##### **Concluding the meeting**

7. The guillotine shall take effect one and half hours after the start of the meeting.

8. A bell will be rung once the guillotine is reached and the member speaking must immediately sit down.

9. The following outstanding business shall be considered:

- any business required by statute
- approval of minutes of council assembly
- each individual report with a recommendation, be it from the cabinet, committee or officer
- any other business accepted by the Mayor as late and urgent business.

**Process for dealing with any outstanding business**

10. Each item of business specified in rule 1.12(3) and still outstanding at the fall of the guillotine, shall be put to the vote without debate.