

Article 13 – Review and Revision of the Constitution

13.01 Maintaining the Constitution

The Monitoring Officer has responsibility to maintain an up-to-date version of this Constitution, incorporating all alterations and amendments, and to ensure that it is available for consultation by Councillors, staff and the public.

13.02 Monitoring and Review

The Monitoring Officer will monitor and review the operation of this Constitution with a view to the aims and principles of the Constitution being given full effect, and may make recommendations to the Council for amendments or revisions to it.

13.03 Protocol for monitoring and review of constitution by monitoring officer

The Monitoring Officer must be aware of the strengths and weaknesses of the Constitution adopted by the Council, and may recommend ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task, the Monitoring Officer may:

- (a) observe meetings of different parts of the member and officer structure;
- (b) undertake audit trails of sample decisions;
- (c) record and analyse issues raised with him/her by members, officers, the public and other relevant stakeholders; and
- (d) compare practices in this authority with those in other comparable authorities, or national examples of best practice.

13.04 Constitution Review

The Monitoring Officer will review the Constitution every three years and seek its formal readoption by the Council. In the intervening period, the Monitoring Officer has a duty to keep the Constitution under review and has delegated authority to amend the Constitution where there has been a change in law, job titles, structures, re-arrangement of job responsibilities, ~~or general administrative convenience~~. Such changes will be notified to members and the published Constitution will be amended.

13.05 Amendments and Alterations Generally

Except for alterations made by the Monitoring Officer under Article 13.04, changes to the constitution will only be approved by the full Council after consideration of a recommendation from the Audit and Standards Committee or a proposal from the Chief Executive or the Monitoring Officer, or by way of members proposing a notice of motion in accordance with the Council's Procedure Rules subject to Section 101(2) of the Local Government Act 1972 applying which allows any committee of the council to arrange for any of its functions to be discharged by an officer of the authority.

Article 15 – Public Speaking at meetings of the Council and its Committees

15.0 Questions from Members of the Public at Full Council Meetings

- 15.01 Any resident of the Council's district may, subject to 15.02, may ask a question at an ordinary meeting of the council.
- 15.02 Questions will only be asked be asked under 15.01 if:
- (i) the person who wants to ask the question has given it in writing to the Director of Resources before 4.30 p.m. on the fourth working day before the meeting (this means that if the meeting is to be held on a Monday, the question must be given before 4.30pm on the Tuesday before);
 - (ii) the question will take no longer than two minutes to ask; and
 - (iii) ~~at the time the question is given to the Director of Resources, no more than four questions to be asked under this rule at the meeting concerned have previously been given to her.~~ A maximum of five questions can be added under this rule at the meeting concerned and should be notified to the Chief Executive, Director of Resources or a member of the Governance Team.
- 15.03 The Leader of the Council will be given at least 24 hours' notice of any questions to be asked under this rule.
- 15.04 The question will be answered by the Leader of the Council or any other member nominated by them, so long as that member has consented before the meeting.
- 15.05 The person who has asked the question may then ask one supplementary question, which must arise out of the answer given to the original question and take no longer than two minutes to ask, and the member who answered the original question must answer the supplementary question.
- 15.06 No debate will be allowed arising out of a question asked or answer given under this rule.
- 15.07 No person may ask more than one question under this rule (excluding supplementary questions under 15.05) at any meeting.
- 15.08 If a person who has given a question to the Director of Resources as provided under 15.02 is unable to attend the council meeting to ask it, the Leader of the Council must arrange for a written answer to the question to be given to the person who has submitted it.

15.1 Public Platform

Public Platform is an opportunity for people who live or work in the Council's district to put their point of view to a committee about matters within its terms of reference. The first fifteen minutes of each meeting of each programme committee, will be available for Public Platform. Public Platform will be conducted as set out below.

- (a) The Chairman will begin the meeting by inviting any person (other than a councillor) who is present at a meeting and lives or works in the Council's district to address the committee about any matter within the committee's terms of reference.
- (b) If he considers that Public Platform may be oversubscribed, the Chairman will give priority to members of the public who wish to speak about items on the agenda of the meeting.
- (c) No person may address the meeting for longer than three minutes.

- (ii) During the recovery period, the Director of Resources shall recover a decision for consideration at a meeting of the council if so requested by any ten members of the council. She shall arrange for the decision to be placed on the agenda of the next available meeting of the council
- (iii) Notwithstanding anything in the scheme of delegation or elsewhere in the constitution:
 - a. a recoverable decision may not be implemented during the recovery period; and
 - b. a decision that has been recovered under rule (b)(ii) will be treated for all purposes as though the decision had been a recommendation to a meeting of the council to take that decision

- (iv) In this rule:

The “next available” meeting means the first meeting falling more than ten working days after the Director of Resources receives the request for recovery, unless it is practicable to include the decision as an agenda item at an earlier meeting, in which case it means that earlier meeting.

“recoverable decision” means any decision taken by a committee or sub-committee of the council except:

- a. a decision to make a recommendation to a meeting of the council or to any committee or sub-committee of the council (including a joint committee);
- b. a decision relating to the determining of any approval, consent, licence, permission or registration;
- c. a decision relating to conduct or procedure at the meeting at which it was taken; or
- d. a decision in respect of which the Chief Executive, following consultation with the leader of the council, has, before the decision is recovered, certified that any delay likely to be caused by the recovery process would seriously prejudice the council’s or the public interest.

“recovery period” means, in relation to a decision, the period of six working days commencing with the day when the draft minutes of the meeting are posted on the Council’s website.~~that made the decision.~~ This means that, if the ~~meeting was held~~minutes were posted on a ~~Tuesday~~Monday, the request for recovery would need to be made no later than 4.30pm the ~~following~~of the following week, unless there was a bank holiday in between.

11 MOTIONS

11.1 Notice of Motion

(a) Purpose and limitations

Notice of motion is a procedure that allows members of the council to ask the council to discuss any matter for which the Council has a responsibility or which affects the Fylde area.

(b) Giving notice

Any member of the council can give written notice to the Director of Resources (or a member of the Governance Team in her absence) of a motion ~~that~~ they wish to move. ~~–~~

The Director will publish the motion on the council's website and arrange for it to be placed on the agenda of the next available ordinary council meeting. The "next available" meeting means the first meeting falling more than eight working days after the written notice has been given. Motions will be listed on the agenda in the order in which notice was received.

(c) At the council meeting

The motion will be debated at council subject to it being moved as set out in this rule and seconded. Only the member who gave written notice of a motion under this rule may move it at the council meeting, unless the council indicates its assent to another member moving it in their place.

11.2 Procedural Motions

The following motions may be moved at any council meeting without notice:

- (i) to appoint a chairman of the meeting at which the motion is moved;
- (ii) to amend the minutes;
- (iii) to change the order of business in the agenda;
- (iv) to refer something to an appropriate body or individual;
- (v) to appoint a committee or member arising from an item on the agenda;
- (vi) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- (vii) to withdraw a motion;
- (viii) to amend a motion;
- (ix) to proceed to the next business;
- (x) that the question be now put;
- (xi) to adjourn a debate;
- (xii) to adjourn a meeting;
- (xiii) to suspend a particular council procedure rule;

- (d) Every member may speak once on any amendment for up to five minutes, when invited to do so by the Mayor.
- (e) The member who proposed the original motion has the right to speak last in the debate about any amendment to it, immediately before the Mayor asks members to vote on the amendment.
- (f) If an amendment is carried, the Mayor will read out the amended motion, which thus replaces the original motion. Members can then continue to debate the motion and may propose further amendments, which will be dealt with under this rule. After any debate and if there are no further amendments, the Mayor will put the substantive motion as amended to the vote.
- (g) When a member has proposed an amendment to a motion, no-one can propose another amendment until the amendment that has been proposed has been voted on (or has failed because it has not been seconded), although the Mayor may in his/her sole discretion accept notice of further amendment(s).
- (h) All amendments should be submitted in writing and given to officers prior to the [Council] meeting. If this is not possible, a written copy will be accepted during the meeting so that ~~officers~~ it can be read ~~it~~ aloud, thus providing clarity to all members.

12.8 When a member may speak again

A member who has spoken on a motion or an amendment may not speak again on the motion or amendment he has spoken on, except;

- (a) to move a further amendment if the motion has been amended since he/she last spoke;
- (b) in exercise of a right of reply;
- (c) on a point of order; and
- (d) by way of personal explanation.

12.9 Alteration or withdrawal of motion or amendment

- (a) A member who has proposed a motion or amendment may only alter or withdraw it if his seconder and the meeting agrees (the meeting's consent to be signified by a vote, but without discussion) and any alteration is one that could have been made as an amendment.
- (b) If an amendment is moved, the proposer of the original motion has the right of reply at the close of the debate on the amendment.
- (c) The proposer of the amendment has no right of reply to the debate on his or her amendment.

12.10 Motions which may be moved during debate

When a motion or amendment is being debated, no-one may propose any other motion or amendment except the following procedural motions:

- (i) to amend the motion presently being debated;
- (ii) to proceed to the next business (*see rule 12.11(b)*);
- (iii) that the question be now put (*see rule 12.11(c)*);
- (iv) to adjourn a debate (*see rule 12.11(d)*);
- (v) to adjourn a meeting (*see rule 12.11(d)*);
- (vi) to exclude the public and press in accordance with the Access to Information Rules; and

- (c) *If he will be absent from the whole of a committee or sub-committee meeting, a member may, subject to paragraph (d), be represented by a named substitute member, but only if the intended substitution is notified to the Director of Resources (or her representative) no later than the day before the meeting either:*
 - (i) *by the member who will be absent; or*
 - (ii) *by or on behalf of the leader of his political group (but only if the member who will be absent does not notify a substitution at any time before the start of the meeting).*
- (d) *No member may act as substitute at a meeting of a committee if he has previously acted as substitute at three meetings of that committee during the municipal year.*
- (e) *23(c) and (d) do not apply to the Planning Committee. Rule 24 applies instead.*
- (f) *Substitute members may speak, propose or second motions and amendments and vote as though they were a member of the Committee or Sub-Committee.*

24 SUBSTITUTES AT PLANNING COMMITTEE

- (a) *If he will be absent from the whole of a meeting of the Planning Committee, a member of that committee may, subject to paragraph (b), be represented by a Reserve Planning member but only if the intended substitution is notified to the Director of Resources (or her representative) no later than the day before the meeting either:*
 - (i) *by the member who will be absent; or*
 - (ii) *by or on behalf of the leader of his political group (provided that the member who will be absent does not notify a substitution at any time before the start of the meeting).*
- ~~(b)~~ ~~*No member may act as substitute at a meeting of the committee if he has previously acted as substitute at five meetings of the committee during the municipal year.*~~
- ~~(c)~~(b) *A Reserve Planning Member is a member who has been named as such by the Planning Committee.*
- ~~(d)~~(c) *There can be no more than ten Reserve Planning Members at any time.*
- ~~(e)~~(d) *The Planning Committee can only name as a Reserve Planning Member a member whom they consider:*
 - (i) *has a sufficient level of experience or training to enable him to contribute to the work of the committee; and*
 - (ii) *is willing and available to frequently attend meetings of the committee (whether or not acting as a substitute).*

25 CONFIDENTIALITY

Members should not disclose (whether verbally, in writing or otherwise) any information, material or matter presented to or considered or decided by a meeting of the Council or Committee/Sub-committee following the exclusion of the press and public from the meeting or meetings concerned unless the Chief Executive has expressly consented in writing.

26 DECISIONS AFFECTING PERSONS EMPLOYED BY THE COUNCIL

If any matter or question arises at a meeting of the Council, a Committee or Sub-committee concerning the appointment, conduct, promotion, dismissal, suspension, salary, pension, conditions of service or other

personal facts or circumstances of any person employed by the Council, that matter or question shall not be discussed until the meeting has decided whether or not to exercise its powers to exclude the press and public during the consideration of that item, pursuant to Section 100A(4) of the Local Government Act 1972 or any re-enactment of that legislation.

27 DECISION OF THE CHAIRMAN

- (a) *The ruling of the Chairman at any meeting of the Council, or a Committee/sub-committee concerning the conduct of that meeting, the interpretation, construction or application of these rules or questions of order, procedure, propriety, relevancy or regularity; shall be final and shall not be challenged or disputed at any meeting of the Council, or a Committee.*
- (b) *The Chairman must stop any discussion which, in his/her opinion, is irrelevant to the consideration of the business before the meeting or does not concern the economic, social or environmental well being of the district (as the case may be).*

28 SUSPENSION AND AMENDMENT OF STANDING ORDERS

28.1 Suspension

Any of these standing orders may be suspended by motion for the duration of the meeting. But the motion to suspend must be on notice unless at least half of the whole number of members of the Council, committee or sub-committee are present. Suspension can only be for the duration of the meeting.

28.2 Amendment

Any motion to add to, vary or revoke these standing orders, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council except where it is a result of a proposal put forward by the Audit and Standards Committee or a proposal from the Chief Executive or the Monitoring Officer in accordance with provision 13.05 'Amendments and Alterations Generally'.