

COUNCIL PROCEDURE RULES - Council and Committee

Meetings

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COUNCIL PROCEDURE RULES RELATING TO MEETINGS

1. ANNUAL MEETING OF THE COUNCIL

1.1 Timing and Business

The Annual Meeting of the Council shall be held on the twelfth day after the first Thursday in May.

The Annual Meeting will:-

- (i) appoint the Mayor of Council;
- (ii) elect the Deputy Mayor of Council;
- (iii) appoint the Sheriff
- (iv) receive any announcements from the Mayor and/or Head of the Paid Service;
- (v) elect the Leader;
- (vi) appoint members of the Executive;
- (vii) appoint the committees provided for in this Constitution;
- (viii) appoint substitute members of certain committees in accordance with Rule 4;
- (ix) agree a 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, Table 3 of this Constitution);
- (x) approve a programme of ordinary meetings of the Council and its committees for the year; and
- (xi) consider any other business set out in the notice convening the meeting.

1.2 Appointment of Councillors to Committees and Outside Bodies

At the Annual Meeting, the Council meeting will:-

- (i) decide which committees (if any) to establish for the municipal year in addition to those provided for in this Constitution;
- (ii) decide the size and terms of reference for those committees;
- (iii) decide the allocation of seats on all committees to political groups in accordance with the political balance rules;

- (iv) receive nominations of councillors to serve on each committee and outside body; and
- (v) 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 executive

2. ORDINARY MEETINGS

Ordinary meetings of the council will take place in accordance with a programme decided at the Council's annual meeting. Ordinary meetings will:-

- (i) elect a person to preside if the Mayor and Deputy Mayor are not present;
- (ii) approve any outstanding minutes of the meeting;
- (iii) receive any declarations of interest from members;
- (iv) receive any announcements from the Mayor, Leader, members of the executive or the head of paid service;
- (v) receive questions from, and provide answers to the public
- (vi) receive reports from the leader, Members of the Executive, the Council's committees, and the Chairs of Council Committees and receive members' questions and comments and the relevant Chairman's responses on any of those reports;
- (vii) receive reports about the business of joint arrangements and external organisations and receive members' questions and comments and the chair's or representatives responses to them;
- (viii) consider recommendations from the Executive, members of the Executive, committees of the Council and officers, properly made to the Council in accordance with the provisions of the Constitution.
- (ix) consider motions;
- (x) consider any other business specified in the summons to the meeting.
- (xi) Approve the work plans for scrutiny committees.
- (xii) Receive and debate any petitions received in accordance with the Petition Scheme.

3. EXTRAORDINARY MEETINGS

3.1 Calling extraordinary meetings

Those listed below may request the Chief Executive and Town Clerk to call Council meetings in addition to ordinary meetings:

- (i) the Council by resolution;
- (ii) the Mayor;
- (iii) The head of paid service, monitoring officer; and the officer responsible for the financial affairs of the Council ; and
- (iv) any five members of the Council if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

4. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES

4.1 Allocation

As well as allocating seats on committees and sub-committees, the Council will appoint substitute members to any of its committees.

4.2 Number

For each committee or sub-committee, the council will appoint not more than two substitutes in respect of each political group. In the event of the named substitute not being available any other member from the relevant political group may take their place.

4.3 Powers and duties of substitute members

Substitute members will have all the powers and duties of any ordinary members of the committee but will not be able to exercise any special powers or duties exercisable by the person for whom they are substituting and in particular may not chair the meeting.

4.4 Substitution

Substitute members may attend meetings in that capacity only:-

- (i) to take the place of an ordinary member of the same political group;
- (ii) where the ordinary member will be absent for the whole of the meeting; and

5. TIME AND PLACE OF MEETINGS

All meetings of Council except the Annual Meeting and meetings the time of which is otherwise fixed by statute shall be held at 6.30 pm at a place determined by the Chief Executive and Town Clerk and notified in the summons.

6. NOTICE OF AND SUMMONS TO MEETINGS

The Chief Executive and Town Clerk will give notice to the public of the

time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the Chief Executive and Town Clerk will send a summons signed by him or her by post to every member of the Council, leave it at their usual place of residence or provide access to it electronically if requested by the member. The summons will give the date, time and place of each meeting and specify the business to be transacted and will be accompanied by such reports as are available.

7. CHAIR OF MEETING

The person presiding at the meeting may exercise any power or duty of the Mayor. Where these rules apply to the committee and sub-committees, references to the Mayor also include the chairman of committees and sub-committees.

8. QUORUM

The quorum of a meeting will be one quarter of the whole number of members, unless specified elsewhere within the Constitution. During any meeting if the Mayor counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

9. ALLOCATION OF SEATS

The allocation of seats on Committees shall be in accordance with Section 15 and 17 of the Local Government and Housing Act 1989.

10. DURATION OF MEETING

There will be no requirement for meetings to end at a specified time.

11. QUESTIONS BY THE PUBLIC

11.1 General

Members of the public may ask questions of the Leader, any Member of the Executive or the Chair of any Committee at ordinary meetings of the Council.

11.2 Notice of Questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Chief Executive and Town Clerk no later than midday seven days before the day of the meeting. Each question must give the name and address of the questioner and must identify the office holder to whom it is to be put.

Questions must be written as succinctly as possible.

11.3 Number of Questions

No person may submit more than one question at any one meeting.

11.4 Scope of Questions

The Chief Executive and Town Clerk may reject a question if it:-

- (i) does not relate to a matter of general interest; or
- (ii) does not relate to a matter for which the Council has responsibility or which affects the interests of the City; or
- (iii) relates exclusively to an individual grievance or personal issue; or
- (iv) is defamatory, offensive, or frivolous; or
- (v) is substantially the same as a question which has been put at a meeting of the Council within the previous six months; or
- (vi) requires the disclosure of exempt or confidential information.

11.5 Record of Questions

- (a) The Chief Executive and Town Clerk will maintain a register of questions received which will be available to public inspection. A copy of the question shall be sent to the office holder to whom it is to be put.
- (b) Copies of all questions will be circulated to all Members and will be made available to the public attending the meeting.

11.6 Rejection of Questions

Any person whose question is rejected in accordance with 11.4 above will be informed in writing including the reason for rejection.

11.7 Asking the Question at the Meeting

Questions will be asked in the order in which notice of them was received, except that any person who has asked a question at the preceding meeting of the Council will only be entitled to put his or her question after questions from persons who have not asked questions at the preceding meeting have been dealt with. The Mayor will invite the questioner to put the question to the office holder named in the notice. The questioner must read out the question in person unless he or she is prevented from doing so by any disability. The question must be put strictly in the form in which it was submitted. Answers will be given by the office holder the question is directed to, unless it properly falls within the remit of another office holder.

11.8 Supplemental Question

A questioner who has put a question in person may also put one supplementary question without notice to the Member who has replied to his or her original question. A supplementary question must arise directly out of the original question or reply. The Mayor may reject a supplementary question on any of the grounds in Rule 11.4.

11.9 Written Answers

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Member to whom it was to be put, will be dealt with by a written answer. All written answers will also be submitted to all Members of the Council.

11.10 Length of Question Time

Question time will be limited to 20 minutes.

12. QUESTIONS BY MEMBERS

12.1 On reports of the Executive Member or Committee Chairman

A member of the Council may ask the Leader, Portfolio Holders or the Chairman of a committee any question or make comment without notice relating to an item in the report of the Executive or a committee respectively when that item is being received or is under consideration by the Council.

12.2 Questions on Notice at Full Council

Subject to Rule 12.4, a member of the Council may ask:

- a member of the Executive; or
- the chairman of any committee or sub-committee

a question on any matter within his or her competence in relation to which the Council has powers or duties or which affects the area.

12.3 Questions on Notice at Committees and Sub-Committees

Subject to Rule 12.4, a member of a committee or sub-committee may ask the chairman of it a question on any matter in relation to which the Council has powers or duties, or which affects the area and falls within the terms of reference of that committee or sub-committee.

12.4 Notice of Questions

A member may only ask a question under Rule 12.2 or 12.3 if either:

- (a) they have submitted their question to the Chief Executive in writing by 10am two clear working days before the day of the meeting, not including the day of the meeting (under normal circumstances questions for a Full Council meeting on a Tuesday would need to be submitted by 10am on the preceding Friday); or
- (b) the question relates to urgent matters, they have the consent of the Executive member or chairman to whom the question is to be put and the content of the question is given to the Chief Executive and Town Clerk by 10am on the day of the meeting.

12.5 Response

Any response to any question or comment raised under Rules 12.1, 12.2

and 12.3 may take the form of:

- (a) a direct oral answer ; or
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the question is asked without notice and the reply cannot conveniently be given orally, a written answer circulated later to all members of the Council or committee (as the case may be) and reported to the next meeting.

12.6 Supplementary Question

A member asking a question under Rule 12.2 or 12.3 may ask one supplementary question without notice of the member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

12.7 Duration of Question Time

No question of which notice has been given under Rule 12.2 or 12.3 shall be asked after the expiration of 1 hour from the Mayor or Committee Chair calling for the first question at any meeting under Rule 12. Any questions not put to the meeting under this provision shall be given a written answer circulated to all members .

13 RECOMMENDATIONS TO COUNCIL

- 13.1** Where reports are received under Rule 2 (viii) the Chair of the Committee or relevant member of the Executive will propose the recommendations to Council. Rules 17.4, 17.5, 17.6, 17.9, 17.10, 17.11, 17.12 and 17.13 will apply, with the recommendations being classed as a motion and the relevant Chair-Executive member classed as the proposer of the motion.

14 MOTIONS ON NOTICE

14.1 Notice

Except for motions which can be moved without notice under Rule 16, written notice of every motion must be given to the Chief Executive and Town Clerk by at least two members, one of whom must be the proposer and another the seconder of the motion. Such Notice must be given not less than 7 working days before the date of the meeting at which it is to be considered. Notice may be given in writing or by e-mail or facsimile. The proposer and seconder must sign the notice of motion. In the case of a notice delivered by electronic means, a printed copy must be signed not later than the commencement of the meeting at which it is to be considered. All notices will be entered in a book open to public inspection.

14.2 Motion Set Out in Agenda

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the member giving the notice states, in writing, that they propose to move it to a later meeting or withdraw it.

14.3 Scope

- (1) Motions must be about matters for which the Council has a responsibility or which affect the City of Lincoln.
- (2) In the event of a Motion being received on a matter for which the Council does not have a responsibility for or which does not affect the City of Lincoln the Chief Executive or the Monitoring Officer shall have the power to refuse the Motion and advise the proposer the reasons why it is being refused.

14.4 Absence of Proposer or Secunder

In the absence of the proposer or seconder a person nominated by either of them may act in their place providing notice has been given to the Chief Executive and Town Clerk prior to the commencement of the meeting.

15 MOTIONS AFFECTING PERSONS EMPLOYED BY THE COUNCIL

If any question arises at any meeting regarding the appointment, promotion, dismissal, salary, superannuation or conditions of service, or the conduct of any person employed by the Council, such questions shall not be the subject of discussion until the meeting has decided whether or not the power of exclusion of the public under Section 100 A(4) of the local Government Act 1972 shall be exercised.

16 MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- (a) to appoint a chairman of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or member arising from an item on the summons for the meeting;
- (f) to receive reports and consider recommendations of committees or officers and to pass any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question now be put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;

- (m) extending the time limit for speeches;
- (n) to suspend a particular council procedure rule;
- (o) to exclude the public and press in accordance with the Access to Information Rules;
- (p) to not hear further a member named under Rule 23.3 or to exclude them from the meeting under Rule 23.4;
- (q) to give the consent of the Council where its consent is required by this Constitution.

17 RULES OF DEBATE

17.1 No speeches until Motion Seconded

No speeches may be made after the mover has moved a proposal and explained the purpose of it, until the motion has been seconded.

17.2 Right to Require Motion in Writing

Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to him/her before it is discussed

17.3 Secunder's Speech

When seconding a motion or amendment, a member may reserve the right to speak until later in the debate.

17.4 Content and Length of Speeches

Speeches must be direct to the question under discussion or to a personal explanation or point of order. No speech may exceed five minutes without the consent of the meeting.

17.5 When a Member may Speak Again

A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another member;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;
- (c) if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and

- (f) by way of personal explanation.

17.6 Amendments to Motions

- (a) An amendment to a motion must be proposed and seconded and must be relevant to the original motion and will either be:
 - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others; or
 - (iv) to insert or add words.

As long as the effect of (ii) to (iv) is not to negate the motion.

- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of, provided that the Mayor may permit two or more amendments to be discussed (but not voted on) together if circumstances suggest that this course of action would facilitate the proper conduct of the Council's business.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

17.7 Alteration of Motion

- (a) A member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

17.8 Withdrawal of Motion

A member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

17.9 Right of Reply

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (c) The mover of the amendment has no right of reply to the debate on his or her amendment.

17.10 Motions which may be moved during Debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question now be put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) to extend the time limit for a speech;
- (h) to exclude the public and press in accordance with the Access to Information Rules;
- (i) to not hear further a member named under Rule 23.3 or to exclude them from the meeting under Rule 23.4; and
- (j) to refer the subject of debate back to a relevant committee.

17.11 Closure Motions

- (a) A member may move, without comment, the following motions at the end of a speech of another member:
 - (i) to proceed to the next business;
 - (ii) that the question be now put;
 - (iii) to adjourn a debate; or
 - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Mayor thinks the item has been sufficiently discussed, he/she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

- (c) If a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed, he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

17.12 Point of Order

A member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Council Procedure Rules or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Mayor on the matter will be final.

17.13 Personal Explanation

A member may make a personal explanation at any time. The Mayor will allow the meeting to hear the personal explanation immediately where it relates to an issue of the members or another's integrity or reputation. In all other circumstances the Mayor will determine whether the personal explanation should be heard immediately or after the current speaker has concluded his speech. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final.

18 PREVIOUS DECISIONS AND MOTIONS

18.1 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least five members.

18.2 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least five members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

19 VOTING

19.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members voting and present in the room at the time the question was put.

19.2 Mayor's casting vote

If there are equal numbers of votes for and against, the mayor will have a second or casting vote. There will be no restriction on how the mayor chooses to exercise a casting vote.

19.3 Show of hands

Unless a recorded vote is demanded under Rule 19.4 the mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

19.4 Recorded vote

If one third of the members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

19.5 Right to require individual vote to be recorded

If a member so requests immediately after the vote is taken, his or her vote will be so recorded in the minutes to show whether he or she voted for or against the motion or abstained from voting.

19.6 Voting on appointments

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

20 MINUTES

20.1 Signing the minutes

The Mayor will sign the minutes of the proceedings at the next suitable meeting. The Mayor will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

20.2 No requirement to sign minutes of previous meeting at extraordinary meeting

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

20.3 Form of minutes

Minutes will contain all motions and amendments in the exact form and order the Mayor put them.

21 RECORD OF ATTENDANCE

A record shall be kept of all members present during the whole or part of a meeting.

21A WITHDRAWAL FROM THE MEETING

Where a member has a disclosable pecuniary interest in any business of the authority they must withdraw from the room or chamber where a meeting considering the business is being held unless they have obtained a dispensation from the authority's Ethics and Engagement Committee or Monitoring Officer.

22 EXCLUSION OF THE PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 23 (Disturbance by Public).

23 MEMBERS' CONDUCT

23.1 Standing to Speak

When a member speaks at full council he or she must stand and address the meeting through the Mayor. If more than one member stands, the Mayor will ask one to speak and the others must sit. Other members must remain seated whilst a member is speaking unless they wish to make a point of order or a point of personal explanation.

23.2 Mayor Standing

When the Mayor stands during a debate, any member speaking at the time must stop and sit down. The meeting must be silent.

23.3 Member not to be heard further

If a member persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the member be not heard further. If seconded, the motion will be voted on without discussion.

23.4 Member to leave meeting

If a member continues to behave improperly after such a motion is carried, the mayor may move that either the member leaves the meeting or that the meeting is adjourned for a specific period. If seconded, the motion will be voted on without discussion.

23.5 General disturbance

If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as he/she thinks necessary.

24 DISTURBANCE BY PUBLIC

24.1 Removal of member of the public

If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor will order their removal from the meeting room.

24.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Mayor may call for that part to be cleared, and may adjourn the meeting for so long as he/she thinks necessary.

25 INTERPRETATION

The ruling of the Mayor or Chair as to the construction or application of any of these Procedure Rules, or regarding any proceedings of any Council meeting or committee shall not be challenged at any meeting of the Council.

26. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

26.1 Suspension

All of these Council Rules of Procedure except Rules 19.2, 19.5 and 20.2 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

26.2 Amendment

Any motion to add to, vary or revoke these Council Procedure Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

27. RECORDING/BROADCASTING OF MEETINGS

The recording or broadcasting of the proceedings or photographing of any Council or Committee meeting shall not be permitted without the prior consent of the Mayor (in the case of a Council meeting) or the Chair (in the case of a committee meeting). Before granting consent the Mayor or Chair shall consult the Leader of the Council.

28. APPLICATION TO COMMITTEES AND SUB-COMMITTEES

All of the Council Procedure Rules apply to meetings of full Council. None of the rules apply to meetings of the Executive. Only rules 4,6,8,9 and 10, 12.3-12.7,19-28 (but not rule 23.1 and 26) apply to meetings of committees and sub-committees.

29 STATE OF THE AREA DEBATE

29.1 The leader may call one or a series of the state of areas debate on dates and in a form to be agreed with the Mayor .

29.2 Form of Debate

The Leader in consultation with the Mayor will decide the form of the debate with the aim of enabling the widest possible public involvement and publicity .

29.3 Chairing the Debate

The debate will be chaired by the Mayor.

29.4 Results of Debate

The results of the debate will be :

- (i) disseminated as widely as possible within the community and to agencies and organisations in the area; and
- (ii) considered by the Leader in proposing the budget and policy framework to the council for the coming Year.
- (iii) Council may also decide to refer the outcome of the debate or part of it to a committee of the Council for further development and or research .