

## COUNCIL RULES

Application:

Rules and procedures shown in columns 2 and 3 shall be applicable to those bodies as shown in the Application columns 4,5,6 and 7 using the following key:

C – Council

E – Executive

O – Overview and Scrutiny Committee and Panels

NE – Other non Executive and Regulatory Committees, Sub-Committees, Panels and Working Groups

No.	Rule	Procedure	Application			
			C	E	O	NE
<b>A1</b>	<b>AMENDMENT OF COUNCIL PROCEDURE RULES</b>	Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.	<b>X</b>			
<b>A2</b>	<b>ATTENDANCE OF NON-MEMBERS AT MEETINGS</b>	Any member of the Council may attend a meeting of the Cabinet, a Cabinet Committee any other Committee, Sub-Committee, Panel, Board or Working Group of the Council, except a meeting of a committee dealing solely with quasi-judicial matters. With the permission of the Chairman, a member may take part in discussion but may not vote and may not introduce any new business.	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
<b>C1</b>	<b>CANCELLATION OF MEETINGS</b>	The decision to cancel any meeting of the Council shall be made by the Chairman in consultation with the Chief Executive (or his representative). In circumstances where a meeting has to be cancelled for reasons which are outside the Council's control at short notice, the decision to cancel shall be made no later than 2 hours before the commencement of the meeting and notified to all Councillors and other interested persons as soon as possible thereafter.	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
<b>C2</b>	<b>CHAIRMAN OF MEETING</b>	The person presiding at the meeting may exercise any power or duty of the Chairman. Where these rules apply to Committee and Sub-Committee meetings, references to the Chairman also include the Chairman of Committees, Sub-Committees, Working Groups and Panels.	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>

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		<p>If the appointed Chairman and Vice Chairman are absent, another member from those present shall preside for all or part of the meeting in question.</p> <p>The Leader shall be the Chairman of the Cabinet and in his/her absence the Deputy Leader shall preside</p>	X	X	X	X
<b>D1</b>	<b>DISCHARGE OF COMMITTEE BUSINESS AFTER ELECTION</b>	In order to ensure the continuous discharge of the ordinary current business of the Council pending the reconstitution of the committees after the retirement of councillors on the fourth day following an election, each committee shall after the retirement of councillors and until reconstituted by the Council, consist of such members of the committee who remain or who have been re-elected members of the Council.				X
<b>D2</b>	<b>DISTURBANCE BY PUBLIC</b>	<p><b>Removal of Member of the Public</b></p> <p>If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room.</p> <p><b>Clearance of Part of Meeting Room</b></p> <p>If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared.</p>	X	X	X	X
<b>E1</b>	<b>EXCLUSION OF PUBLIC</b>	Members of the public and press may only be excluded either in accordance with the Access to Information Article (Article 17) or following Disturbance by Public.	X	X	X	X
<b>E2</b>	<b>EXTRAORDINARY COUNCIL MEETINGS – CALLING OF</b>	<p>(1) Those listed below may request the Proper Officer to call Council meetings in addition to ordinary meetings:</p> <p>(i) the Council by resolution;</p> <p>(ii) the Chairman of the Council;</p>	X			

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		<p>(iii) the Monitoring Officer; and</p> <p>(iv) any five members of the Council if they have signed a requisition presented to the Chairman of the Council 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.</p> <p>(2) Single Issue Council Meetings - The Leader may, from time to time, call for a Council meeting to be held dealing with a single issue of critical importance to the residents of the District. The normal rules of debate will apply in the case of 'single issue' Council meetings. Such meetings will be extraordinary Council meetings.</p>				
<b>E3</b>	<b>EXTRAORDINARY MEETINGS – OTHER BODIES</b>	It shall be competent for the Chairman of the Cabinet, any committee, Sub-Committee, panel or working group to call an extraordinary meeting following advice from the proper officer.		X	X	X
<b>11</b>	<b>INTERESTS</b>	<p>(1) Any member of the Council who has registered a disclosable pecuniary interest or has a pending notification of such interest in any items of business to be considered by the authority, must withdraw from the Council Chamber (or other meeting room) including the public gallery during the whole consideration of that item except if he or she is permitted to remain as a result of a dispensation.</p> <p>(2) Such requirements shall also apply to any Cabinet members with a disclosable pecuniary interest (including a pending notification) who shall be debarred from determining any matter which they would otherwise have dealt with as a portfolio holder under delegated authority.</p> <p>(3) Where a member of the Council has not registered such an interest or does not have a pending notification, they shall declare the existence and nature of that interest and withdraw from the meeting during discussion of any relevant item of business.</p> <p>(4) The Leader may take a decision, direct another member of the executive to do so, refer the matter for Cabinet decision or delegate to the decision to another officer where the exercise of an</p>	X	X	X	X
				X		
			X	X	X	X
				X		

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		executive function that has been delegated to an individual member or an officer gives rise to a pecuniary or non-pecuniary interest				
<b>M1</b>	<b>MEMBERS' CONDUCT</b>	<p><b>Standing to Speak</b></p> <p>When a member speaks at full Council they must stand and address the meeting through the Chairman. If more than one member stands, the Chairman 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.</p> <p><b>Chairman Standing</b></p> <p>When the Chairman stands during a debate, any member speaking at the time must stop and sit down. The meeting must be silent.</p> <p><b>Member not to be Heard Further</b></p> <p>If a member persistently disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructs business, the Chairman may move that the member be not heard further. If seconded, the motion will be voted on without discussion.</p> <p><b>Member to Leave the Meeting</b></p> <p>If the member continues to behave improperly after such a motion is carried, the Chairman may move that either the member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.</p> <p><b>General Disturbance</b></p> <p>If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he/she thinks necessary.</p>	X			
			X	X	X	X
			X	X	X	X
			X	X	X	X

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<b>M2</b>	<b>MINORITY REFERENCES</b>	<p>(1) It shall be competent for at least one quarter (rounded up to the nearest whole number) of the number of Council members of a Committee present at a meeting of that Committee to require immediately after a vote has been taken at the meeting that no action be taken on a particular matter until it has been considered by the Council. In the case of Sub-Committees acting under delegated authority (except for Plans Sub-Committees) it shall be competent for one quarter (rounded up to the nearest whole number) of the members of that Sub-Committee present at a meeting of that Sub-Committee to require at the meeting that no action be taken on a particular matter until it has been considered by the parent committee.</p> <p>(2) In relation to Area Plans Sub-Committees it shall be competent for at least four members of that Sub-Committee present at a meeting of that Sub-Committee to require that no action be taken on a particular matter until it has been considered by the District Development Management Committee.</p> <p>(3) This Standing Order shall apply only to items of business at a committee or sub-committee meeting and not to those submitted for information or report.</p>				X
<b>M3</b>	<b>MINORITY REPORTS</b>	If a minority consisting of not less than one quarter (rounded up to the nearest whole number) of the members present at any meeting proposing to report to its parent body and forwards it to the Chief Executive so that it is received by the tenth working day (or such other time as is agreed with the Chief Executive) following the date of the meeting, copies of such minority reports shall be circulated by the Chief Executive with the report of the body concerned.				X
<b>M4</b>	<b>MINUTES</b>	<p><b>Signing the Minutes</b></p> <p>The Chairman will sign the minutes of the proceedings at the next suitable meeting. The Chairman 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.</p> <p><b>Extraordinary Meetings</b></p>	X	X	X	X
			X			

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		<p>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.</p> <p><b>Form of Minutes</b></p> <p>Minutes will contain all motions and amendments in the exact form and order in which the Chairman put them.</p>	X			
M5	<b>MOTIONS - ON NOTICE</b>	<p><b>Notice of Motion</b></p> <p>Except for motions which can be moved without notice, written notice of every motion, signed by at least the mover and seconder of the proposed motion, must be delivered, in writing, to the Chief Executive not later than seven working days before the date of the meeting.</p> <p><b>Motions to be set out in Agenda</b></p> <p>Motions for which notice has been given will be listed on the agenda in the order in which each notice was received, unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it. Any motion involving executive functions shall automatically stand referred to the Cabinet and any motion which deals with the Council's policy or budget frameworks, the Constitution or any matter requiring the consent of the Council, shall be subject to a report back to the next appropriate Council meeting.</p> <p><b>Scope of Motions</b></p> <p>Motions must be about matters for which the Council has a responsibility or which affect the Epping Forest District.</p>	X			
			X			

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M6	MOTIONS - RULES OF DEBATE -	<b>No Speeches until Motion Seconded</b>  No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.	X			
		<b>Right to Require Motion in Writing</b>  Unless notice of the motion has already been given, the Chairman may require it to be written down and handed to him/her before it is discussed.	X			
		<b>Secunder's Speech</b>  When seconding a motion or amendment, a member may reserve their speech until later in the debate.	X			
		<b>Content and Length of Speeches</b>  Speeches must be directed 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 Council.	X			
		<b>When a Member may Speak Again</b>  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	X			

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		<p>(f) by way of personal explanation.</p> <p><b>Amendments to Motions</b></p> <p>(a) An amendment to a motion must be relevant to the motion and will either be:</p> <p>(i) to refer the matter to an appropriate body or individual for consideration or reconsideration;</p> <p>(ii) to leave out words;</p> <p>(iii) to leave out words and insert or add others; or</p> <p>(iv) to insert or add words as long as the effect of (ii) to (iv) is not to negate the motion.</p> <p>(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.</p> <p>(c) if an amendment is not carried, other amendments to the original motion may be moved.</p> <p>(d) if an amendment is carried, the motion as amended takes the place of the original motion becoming the substantive motion to which any further amendments may be moved.</p> <p>(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.</p> <p><b>Alteration of Motion</b></p> <p>(a) A member may alter a motion of which he/she has given notice with the consent of the Council. The Council's consent will be signified without discussion.</p> <p>(b) A member may alter a motion which he/she has moved without notice with the consent of both the Council and the seconder. The Council's consent will be signified without discussion.</p>	X			
			X			



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		<p>(c) Only alterations which could be made as an amendment may be made.</p> <p><b>Withdrawal of Motion</b></p> <p>A member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The Council'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 by the Council.</p> <p><b>Right of Reply</b></p> <p>(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.</p> <p>(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.</p> <p>(c) The mover of the amendment has no right of reply to the debate on his or her amendment.</p> <p><b>Motions which may be Moved during Debate</b></p> <p>When a motion is under debate, no other motion may be moved except the following procedural motions:</p> <p>(a) to withdraw a motion;  (b) to amend a motion;  (c) to proceed to the next business;  (d) that the question be now put;  (e) to adjourn a debate;  (f) to adjourn a meeting;  (g) to exclude the public and press in accordance with the Access to Information Article; and</p>	X			
			X			
						X
			X			X

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		<p>(i) to not hear further a member or to exclude them from the meeting.</p> <p><b>Point of Order</b></p> <p>A member may raise a point of order at any time. The Chairman will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure 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 Chairman on the matter will be final.</p> <p><b>Personal Explanation</b></p> <p>A member may make a personal explanation at any time. 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 Chairman on the admissibility of a personal explanation will be final.</p> <p><b>Motions referred to Overview and Scrutiny</b></p> <p>Any motion adopted by the Council following due notice from a Member of the Council and which relates to the responsibilities of Overview and Scrutiny shall, on adoption, stand referred to the Overview and Scrutiny Committee for consideration. In determining how to respond to the motion, the Overview and Scrutiny Committee shall consider whether the proposal should be incorporated in the work programme or held for future consideration in accordance with the procedures outlined in Paragraph 4 and 5 above. The Committee shall also advise the Council, via the Members' Information Bulletin, of the action taken on such motions.</p> <p><b>Mover of Motion may attend Committees</b></p> <p>When a motion has been referred to the Executive or any Committee from a meeting of the Council, the member of the Council who has moved or given notice of intention to move the motion and his seconder shall have notice of the meeting at which it is proposed to consider the</p>	X			X
			X			X
			X			
			X	X	X	X



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		<p>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.</p> <p>(l) closure motion - to adjourn a meeting (see above)</p> <p>(m) to suspend a particular council procedure rule;</p> <p>(n) to exclude the public and press in accordance with the Access to Information Rules;</p> <p>(o) not to hear further a member or to exclude a member from the meeting;</p> <p>(p) to extend the time allowed for any member's speech under (Council only); and</p> <p>(q) to give the consent of the Council where its consent is required by this Constitution.</p>	X			
<b>N1</b>	<b>NOTICE AND SUMMONS TO MEETINGS</b>	The Chief Executive will give notice to the public of the time and place of any meeting in accordance statutory regulation. The notice (or 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.	X	X	X	X
<b>P1</b>	<b>PETITIONS</b>	All petitions received by the Council shall be dealt with in accordance with the Authority's approved procedure shown at Appendix 1 to these rules	X			
<b>P2</b>	<b>PLANNING APPLICATIONS</b>	<p>(1) Any planning application submitted directly to a Council meeting without prior consideration by the District Development Management Committee and/or an Area Plans Sub-Committee shall be subject to the procedure for public participation by applicants, objectors and parish/town councils in the same way as those applied to Committees and Sub-Committees.</p> <p>(2) That, pursuant to the scheme of delegation on planning applications set out in Part 3 of this constitution, where a local council have indicated, during the course of planning consultations, of their intention to attend and speak at the Area Planning Subcommittee meeting where the proposal will be considered and then subsequently fail to register and attend, the application be referred (without any consideration of the merits of the development proposal) to the Service Director (Planning Services) for determination</p>	X			X

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Q1	<b>QUESTIONS BY MEMBERS FOLLOWING NOTICE</b>	<p>(1) A member of the Council may ask a question on any matter in relation to which the Council has powers or duties or which affects the Epping Forest District to:</p> <p>(a) the Chairman;</p> <p>(b) the Leader;</p> <p>(c) a Portfolio Holder</p> <p>(c) the Chairman of any Committee or Sub-Committee</p> <p><b>Notice of Questions</b></p> <p>(2) A member may only ask a question under Rule (1) above if either:</p> <p>(a) they have given at least four working days' notice in writing of the question to the Chief Executive; or</p> <p>(b) the question relates to urgent matters, the content of the question is given in writing to the Chief Executive and they have the consent of the Chairman by 10.00 a.m. on the day of the meeting.</p> <p><b>Replies to Questions under notice</b></p> <p>(3) An answer may take the form of:</p> <p>(a) direct oral answer;</p> <p>(b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or</p>	X			

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		<p>(c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.</p> <p>Answers to questions falling within categories (a) and (b) above shall be made available to the member asking the question one hour before the meeting of the Council at which the question will be put. Answers to questions under (c) above will be circulated to all Councillors.</p> <p><b>Supplementary Question</b></p> <p>A member asking a question under Rule (2) above may ask one supplementary question without notice of the member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply.</p>				
<b>Q2</b>	<b>QUESTIONS BY MEMBERS WITHOUT NOTICE</b>	<p>(1) A member of the Council may ask the Leader, Chairman of Overview and Scrutiny or any member of the Cabinet any question without notice on any matter in relation to which the Council has powers or duties or which affects the Epping Forest District.</p> <p><b>Response to a question without notice</b></p> <p>(2) An answer to a question without notice may take the form of:</p> <p>(a) direct oral answer.</p> <p>(b) direct oral answer from the Chairman of the Overview and Scrutiny Committee or, if appropriate, from another member dealing with that issue as part of an Overview and Scrutiny review;</p> <p>(c) where the desired information is in a publication of the Council or other published work, a reference to that publication;</p>	<b>X</b>			

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		<p>(d) where the reply cannot be conveniently be given orally, a written answer circulated later to the questioner; or</p> <p><b>Time Limit for Questions without Notice to the Leader of Council &amp; Portfolio Holders on Written Reports and Other Matters</b></p> <p>(3) A time limit of 30 minutes shall be set for questions under this Rule. Any question which cannot be dealt with within the time available will receive a written reply.</p> <p>(4) Questions without notice on written reports and on other matters will be dealt with by the Chairman of the Council as follows:</p> <p>(a) by extending the period of thirty minutes by up to 10 minutes at his/her discretion; and</p> <p>(b) by ensuring that questions by members are dealt with in the order in which they are put and that all questions from each political group and from independent members receive a reply.</p> <p><b>Time Limit for Questions without Notice to the Chairman of the Overview &amp; Scrutiny Committee on Written Reports and Other Matters</b></p> <p>(5) questions without notice on reports of the Chairman of the Overview &amp; Scrutiny Committee and on any other matter affecting Overview &amp; Scrutiny will be dealt with at the same time as other business from that Committee and shall be limited to a period of ten minutes extended by the Chairman's discretion by a further ten minutes if necessary; and</p> <p>(6) the Chairman of the Council shall apply the rules for questions set out in Rule (1) and (2) above to questions to the chairman of the Overview &amp; Scrutiny Committee.</p> <p><b>Supplementary Questions</b></p> <p>(7) The will be no supplementary questions permitted in respect of questions put under this</p>				

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<b>Q3</b>	<b>QUESTIONS BY THE PUBLIC</b>	<p><b>General</b></p> <p>(1) Members of the public may ask questions of the Leader of the Council, any Portfolio Holder or the Chairman of Overview and Scrutiny Committee, at ordinary meetings of the Council;</p> <p>(2) Members of the public may also ask questions of any Portfolio Holder at ordinary meetings of the Cabinet and of the Chairman of Overview and Scrutiny Committee at ordinary meetings of the Committee;</p> <p><b>Order of Questions</b></p> <p>(3) Questions will be asked in the order in which notice of them was received, except that the Chairman may group together similar questions.</p> <p><b>Notice of Questions</b></p> <p>(4) A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Chief Executive at least 4 working days before the meeting. Each question must give the name and address of the questioner.</p> <p><b>Number of Questions</b></p> <p>(5) At any one meeting no person may submit more than two questions and no more than two such questions may be asked on behalf of one organisation.</p> <p><b>Scope of Questions</b></p> <p>(6) The Chief Executive may reject a question if it:</p>	X	X	X	



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		<p>(a) is not a question on any matter in relation to which the Council has powers or duties or which affects the Epping Forest District.</p> <p>(b) is defamatory, frivolous or offensive;</p> <p>(c) is substantially the same as a question which has been put at a meeting of the Council or Cabinet in the past six months; or</p> <p>(d) requires the disclosure of confidential or exempt information.</p> <p>If a question is rejected, the Chief Executive will reply to the questioner outlining the reasons why the question was rejected and report the matter for noting to the next relevant meeting of the body concerned.</p> <p><b>Dealing with Questions</b></p> <p>(6) The Chief Executive will immediately send a copy of any received question to the member determined by the Leader or Chairman as being responsible for the response. Copies of all questions, including those rejected, will be tabled at the meeting.</p> <p><b>Asking the Question at the Meeting</b></p> <p>(7) The Chairman will invite the questioner to put the question to the relevant member. If a questioner who has submitted a written question is unable to be present, he/she may ask the Chairman to put the question on their behalf.</p> <p><b>Supplementary Question</b></p> <p>(8) A questioner who has put a question in person may also put one supplementary question without notice to the member who replied to his or her original question. A supplementary</p>				

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		<p>question must arise directly out of the original question or the reply. The Chairman may reject a supplementary question on any of the grounds in Rule (5) above.</p> <p><b>Written Answers</b></p> <p>(9) Any question which cannot be dealt with during public question time will be dealt with by a written answer.</p> <p><b>Reference of Question to the Executive or a Committee/Sub-Committee</b></p> <p>(10) No discussion will take place on any question, but any member may move that a matter raised by a question be referred to the Executive or a Committee. Once seconded, such a motion will be voted on without discussion.</p>				
<b>Q4</b>	<b>QUORUM</b>	<p>(1) The quorum of a meeting will be one quarter of the whole number of members or a minimum of three members unless otherwise specified below. During any meeting if the Chairman 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 Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.</p> <p>(2) The quorum for a meeting of an Area Plans Sub-Committee or Licensing Committee is five or more members.</p> <p>(3) The quorum for a meeting of the Cabinet, shall be 5 members of the executive. The quorum for a Cabinet Committee shall be three members. Appendix 1 to these rules sets out procedures for safeguarding the Cabinet quorum in exceptional circumstances.</p>	<b>X</b>		<b>X</b>	<b>X</b>
				<b>X</b>		<b>X</b>

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R1	<b>RECISION OR REJECTION OF PREVIOUS DECISIONS AND MOTIONS</b>	<b>Motion to Rescind a Previous Decision</b>  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 15 members.	X			
		<b>Motion Similar to One Previously Rejected</b>  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 15 members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.	X			
R2	<b>RECORD OF ATTENDANCE</b>	All members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.	X	X	X	X
S1	<b>SUBSTITUTE MEMBERS - APPOINTMENT</b>	(1) A Leader, Deputy Leader or other appointed member of a political group shall be authorised to nominate substitute members from that group in respect of any committee, sub-committee, panel, board or working group of the Council, subject to the following conditions:  (i) notice being given to Democratic Services by not later than 60 minutes before the commencement of the meeting concerned;  (ii) any political group member so appointed shall be notified to the Governance Manager at the beginning of each Council year;  (iii) the substitution notification deadline shall be included on every agenda where substitution is permitted under the Council's Constitution.  (iv) substitutions on Cabinet Committees shall be restricted to other members of the Executive  (v) substitutes on Area Planning Sub-Committees are not permitted	X		X	X
				X		X

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		(2) It shall be competent for the Chief Executive, in circumstances where a political group notifies that a Councillor from that group will be temporarily unable to attend a Committee for a period of 8 weeks by reason of serious illness or other incapacity, to approve a substitute member and to report to the Council on action taken.	X			
<b>S2</b>	<b>SUSPENSION OF THE RULES</b>	<p>A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of councillors are present.</p> <p>The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.</p> <p>It shall be competent for the Chief Executive, after consultation with the Monitoring Officer, to seek a decision from relevant members on the suspension of any rule on grounds of public interest.</p> <p>Such suspension shall be recorded as a decision of the executive and notified to all Councillors.</p>	X			
<b>T1</b>	<b>TIME AND PLACE OF MEETINGS</b>	<p>(1) Meetings of the Council shall be held at the Civic Offices, High Street, Epping at 7.30 p.m. or at such other time or venue as the Chairman of the Council may determine in consultation with the Chief Executive.</p> <p>(2) The time and place of other meetings of the authority shall be agreed with the Chairman of the meeting concerned and approved by that committee at its next meeting.</p> <p>(3) A calendar of meetings shall be approved by the council annually</p>	X			
				X	X	X
			X			
<b>V1</b>	<b>VOTING</b>	<p><b>Majority</b></p> <p>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.</p>	X	X	X	X

No.	Rule	Procedure	Application			
			C	E	O	NE
		<p><b>Chairman's Casting Vote</b></p> <p>If there are equal numbers of votes for and against, the Chairman will have a second or casting vote. There will be no restriction on how the Chairman chooses to exercise a second or casting vote.</p> <p><b>Show of Hands</b></p> <p>Unless a recorded vote is demanded (Council only), the Chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.</p> <p><b>Recorded Vote</b></p> <p>If five members present at the meeting require 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.</p> <p><b>Right to Require Individual Vote to be Recorded</b></p> <p>Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.</p> <p><b>Quasi-judicial meetings – Voting</b></p> <p>If a Committee, Subcommittee or Panel is acting in a quasi-judicial capacity, any member absent for any part of the hearing of evidence for the item of business shall not vote on that item. This may also be subject to such a ruling by the Chairman of the meeting concerned.</p>	X	X	X	X
			X	X	X	X
			X			
			X	X	X	X
						X
V2	<b>VOTING ON APPOINTMENTS</b>	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.	X		X	

No.	Rule	Procedure	Application			
			C	E	O	NE
<b>V3</b>	<b>VOTING ON BUDGET/COUNCIL TAX</b>	<p>The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 require that immediately after any vote on the budget or council tax is taken at a budget decision meeting of an authority, the individual votes on a decision must be recorded in the minutes of the meeting.</p> <p>In accordance with the Council's Code of Conduct, no declarable pecuniary interest is created by the requirement of this rule.</p>	<b>X</b>			

## Petition Scheme – Epping Forest District Council

### 1. Definition

1.1 For the purpose of this procedure a petition is a request to the Council made either in writing; or through the Council's e-petitions system on its website.

1.2 The petitions page of the Council's website is available at:

<https://rds.eppingforestdc.gov.uk/mgePetitionListDisplay.aspx>

### 2. Scope of Scheme

2.1 The Council will accept paper-based petitions, e-petitions (but only those submitted through its own petition system) or a mix of paper and e-petitions. The proper officer for petitions is the Service Manager (Governance).

### 3. Acknowledgement

3.1 The Council will treat something as a petition if it is identified as being a petition, or if it seems to the Council that it is intended to be a petition.

3.2 All petitions sent or presented to the Council will be acknowledged within seven days of receipt. Such acknowledgement will be sent to the lead petitioner and will set out what the Council plan to do with the petition.

### 4. Exceptions to the Scheme

4.1 The following do not fall within the scope of this Petition Scheme:

- (a) emailed petitions, as email systems are not secure. Petitioners must use either paper or the Council's e-petitions system. The Council will not monitor third party petitions systems;
- (b) petitions which are considered to be vexatious, abusive, anonymous or otherwise inappropriate will not be accepted. In the period immediately before an election or referendum the Council may need to deal with a petition differently – if this is the case the Council will explain the reasons with the petitioner and discuss the revised timescale which will apply;
- (c) petitions relating to a planning application, including those about a development plan document or the community infrastructure levy. The planning application process deals with objections to applications;
- (d) petitions relating to a licensing decision; (as the Licensing scheme deals with objections to applications);
- (e) petitions relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal;

- (f) any matter for which the Standards Committee has powers for determining complaints received under the Local Assessment process;
- (g) any complaint made against an employee of the District Council;
- (h) any matter which is substantially the same as a petition submitted in the previous 12 months;
- (i) where the subject matter is subject to ongoing legal proceedings; or
- (j) petitions made during formal Council consultations related to the subject matter of the consultations (these will be formally referred to that process as appropriate).

4.2 Where a petition submitted relates to one of the categories set out above the Council will write to the lead petitioner and explain why the matter is not covered by the authority's Petition Scheme. In appropriate circumstances, the Council may advise how the public views can be considered via alternative means.

## **5. Submission guidelines/Signatory Requirements**

5.1 Petitions submitted to the Council must include:

- (a) a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the council to take;
- (b) the name and address and signature of any person supporting the petition; and
- (c) contact details, including an address (and a valid email address if submitted electronically), for the lead petitioner;

5.2 If the lead petitioner wishes to start an e-petition, the Council and the lead petitioner will agree the period over which signatures will be collected and the final wording of the petition. The petition will then be available to sign 'electronically' for the agreed period on the Council's website. On the expiration of that time, the Council will respond in accordance with Section 7 below.

5.3 Anyone who lives, works or studies in Epping Forest District is entitled to sign to support a petition. The supporter's name, address, a valid email address and/or postcode are required to sign an e-petition on the Council's website. For paper petitions signatories must provide their, name, address and signature.

5.4 A paper petition template can be downloaded from the Council's website.

5.5 E-petitions will run on the Council website for a maximum of 3 months, but the Council and the lead petitioner can choose a shorter timeframe up to the maximum period.

## **6. The procedure when the Council receives a petition**

6.1 The Council will send the lead petitioner an acknowledgement of the petition within seven working days. Local ward councillors will be informed of the receipt of a petition.



- 6.2 If the Council can do what the petition asks for, the acknowledgement may confirm that the Council have taken the action requested and the petition will be closed.
- 6.3 If the petition needs more investigation, the Council will advise the lead petitioner of the steps that it plans to take.
- 6.4 If the lead petitioner has created an e-petition, the Council will check that the content of the e-petition is suitable before it is made available for signature. This will take a maximum of ten working days. Any person wishing to submit an e-petition should ensure there are no existing petitions addressing the same issue before creating a new petition.
- 6.5 If the Council cannot publish an e-petition for some reason, the Council will contact the lead petitioner within ten working days to explain the reason for not publishing a petition based upon the exceptions in section 4 above.
- 6.6 A lead petitioner is able to change and resubmit their e-petition within ten working days. If they fail to do so within that time, a summary of the e-petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.
- 6.7 When an e-petition has closed for signature, it will automatically be submitted to the Council's Democratic Services Section. In the same way as for a paper petition, the lead petitioner will receive an acknowledgement within 10 working days.
- 6.8 All e-petitions currently available for signature will be available on the Council's website. Any person visiting the e-petition will be able to see the name of each signatory in the list of those persons that have signed the petition, but contact details will not be visible. All members of the Council will be advised of the submission of an e-petition, through the Council Bulletin.

## 7. How the Council considers petitions

Petition type	Response
Correspondence with fewer than 20 signatures	This will normally be dealt with by the appropriate Directorate as ordinary correspondence, unless the Service Director concerned is of the opinion that the subject matter is sufficiently important or contentious to warrant referring the matter to the appropriate Portfolio Holder.
Petitions with more than 20 but fewer than 1200 signatures	These will be considered and dealt with by the relevant portfolio holder who may: <ul style="list-style-type: none"> <li>(a) take action if he or she has delegated powers to act alone;</li> <li>(b) prepare a report to the Cabinet or a Sub-Committee of the Cabinet for decision if appropriate.</li> </ul>

<b>Petition type</b>	<b>Response</b>
Petition containing at least 1200 signatures.	The relevant Portfolio Holder will prepare a report to the Cabinet for decision on the matter.
2400 signatures or more	These large petitions will be scheduled for a council debate.
E-petitions	When an e-petition has closed for signature, it will automatically be submitted to the relevant officer, portfolio holder or Council In the same way as a paper petition.

## **8. Decisions on petitions**

8.1 The Council's response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- taking the action requested in the petition;
- considering the petition at a council meeting;
- holding an inquiry into the matter;
- undertaking research into the matter;
- holding a public meeting;
- holding a consultation;
- holding a meeting with petitioners;
- referring the petition for consideration by the Cabinet or a Cabinet Committee;
- writing to the lead petitioner setting out our views about the request in the petition.

8.2 In addition to these steps, the Council will consider all the specific actions it can potentially take on the issues highlighted in a petition.

8.3 If a petition is about something over which the Council has no direct control, the responsible body (under section 7 above) will consider making representations on behalf of the community to the relevant body.

8.4 There is a three-tier system of local government in the Epping Forest District. Generally, Essex County Council is responsible for strategic functions and services such as education and social care and the district and borough councils provide more local services, although some functions are shared between the county and district councils. Details of the main functions of Essex County Council and Epping Forest District Council can be found in the Appendix to this Scheme. Some of the Council's functions and responsibilities have also been devolved to local town and parish councils.

8.5 In addition, many public services are delivered by other organisations, including the police (through the Police, Fire and Crime Commissioner), health services (via the National Health Service), welfare benefits and employment services etc.

8.6 If the Council is not able to meet the petitioners' requests for any reason (for example if what the petition calls for conflicts with council policy), then the Council will set out the reasons for not taking the action requested in writing to the lead petitioner.

- 8.7 Decisions made by a Portfolio Holder will be recorded in writing and notified to the public, the lead petitioner and all members of the Council.
- 8.8 All petitions received will be reported to the Council via regular Portfolio Holder reports.

## **9. Petitions received after a decision is made**

- 9.1 In cases where a petition is received after a decision has been made by the Council on any matter, the following steps will be taken by the relevant service director unless the petition meets the threshold for a Council debate:
- (a) a letter of acknowledgement shall be sent to the lead petitioner, including a statement of the action already taken by the Council;
  - (b) in consultation with the appropriate Portfolio Holder, Committee or Sub-Committee Chairman a decision will be taken as to whether the petition raises new evidence requiring further consideration by the Portfolio Holder or Committee concerned;
  - (c) if it is decided that no new matters are raised by the petition, the lead petitioner shall be advised accordingly;
  - (d) if new matters are raised then the petition will be treated as 'new' under this Scheme.

## **10. Full Council and Cabinet debates**

- 10.1 If a petition contains more than 2400 signatures it will be debated by the full Council at its next ordinary meeting.
- 10.2 If a petition contains more than 1200 signatures it will be subject to report and debate by the Cabinet at its next available meeting.
- 10.3 The lead petitioner will be given five minutes to present the petition at the meeting and the petition will then be discussed by councillors.
- 10.4 The Council or Cabinet will decide how to respond to the petition at this meeting. The Council or Cabinet may:
- (a) decide to take the action the petition requests, and in the case of a Cabinet debate, report to Council if appropriate (see paragraph 11 below)
  - (b) not to take the action requested for reasons put forward in the debate, or
  - (c) commission further investigation into the matter, for example by the Cabinet (if the matter was debated at Council) or a relevant Cabinet committee.

## **11. Council Referrals**

- 11.1 Where the issue is one on which the Council Executive are required to make the final decision (i.e. within the financial and policy framework), the Council will decide whether to make recommendations to inform that decision. The lead petitioner will receive

written confirmation of this decision. This confirmation will also be published on the Council's website.

## **12. Further Information**

12.1 Further information about the Council's Petition Scheme can be obtained by contacting:

[democraticservices@eppingforestdc.gov.uk](mailto:democraticservices@eppingforestdc.gov.uk)

Revision to scheme agreed 20/12/18

## Appendix: main functions of local authorities

<b>Function</b>	<b>Tier</b>
Allotments	Town/Parish
Arts and recreation	County/District
Births, ceremonies and deaths registration	County
Building regulations	District
Burials and cremations	District
Cemeteries	Town/Parish
Children's services	County
Community safety	District
Concessionary travel	County
Consumer protection	County
Council tax and business rates	District
Economic development	County/District
Education, including special educational needs, adult education, pre-school	County
Elections and electoral registration	District
Emergency planning	County/District
Environmental health	District
Highways (not trunk roads), street lighting and traffic management	County
Housing	District
Libraries	County
Licensing	District
Markets and fairs	District
Minerals and waste planning	County
Museums and galleries	County/District
Open spaces	Town/Parish
Parking	County/District
Passenger transport (buses) and transport planning	County
Planning and development	County/District
Public conveniences	District
Public health	County
Social services, including care for the elderly and community care	County
Sports centres, parks, playing fields	District
Street cleaning	District
Tourism	County/District
Trading standards	County
Waste collection and recycling	District
Waste disposal	County

13.