

Last updated: 14 April 2021

CHAPTER 4 – RULES

PART 1 - COUNCIL RULES (EXTRACT)

8. RULE 8 - QUESTIONS BY THE PUBLIC

8.1 General

Members of the public may ask questions of members of the Cabinet, or of chairs of Committees, at ordinary meetings of the Council.

8.2 Notice of questions

A question may be asked if notice has been given in writing, or by electronic mail, to the Chief Executive by midday seven working days before the day of the meeting. Each question must give the name and address of the questioner and must name the member of the Council to whom it is to be put.

8.3 Number of questions

At any one meeting no person or organisation may submit more than one question. Members of the public who have not submitted questions before will be given priority over those who have. Any questions that have not been answered at the meeting within the time limits will be answered in writing after the meeting.

8.4 Scope of questions

The Chief Executive may reject a question if it:

- is not about a matter for which the Council has responsibility or which does not affect the area;
- is frivolous, defamatory, offensive, racist, sexist, homophobic or otherwise improper;
- is substantially the same as a question which has been put at a meeting of the Council in the past six months;
- requires the disclosure of confidential or exempt information.

8.5 Record of questions

The Chief Executive will enter each question in a book open to public inspection and will immediately send a copy of the question to the member to whom it is put. Rejected questions will include reasons for rejection. If the question has been rejected because it is considered frivolous, defamatory, offensive, racist, sexist, homophobic or otherwise improper then only the fact that a question was received and that it was considered so, will be entered.

Copies of all questions will be circulated to all members and will be made available to the public attending the meeting.

8.6 Asking the question at the meeting

The Mayor will invite the questioner to put the question to the member named. The person to whom the question has been put will normally answer the question verbally after the question has been put. The time allowed for answers to each question at Council meetings shall not exceed three minutes. If a questioner who has submitted a question is unable to be present, the question will be answered in writing after the meeting.

~~There is no provision for supplementary questions. The questioner is entitled to put one short supplementary question arising from the response at the meeting and have one supplementary reply. The time allowed for the answer to each supplementary question at Council meetings shall not exceed three minutes.~~

20. RULE 20 – NOMINATION OF MAYOR AND DEPUTY MAYOR

~~20.1 The Mayor shall be elected by the Council from among the Councillors at the annual meeting and, unless a casual vacancy occurs, the Mayor shall continue in office until a successor is elected.~~

~~20.2 The Deputy Mayor shall also be elected by the Council from among the Councillors at the annual meeting.~~

~~20.3 Except in the year of Medway Council elections, the Council at its ordinary meeting before the annual meeting shall nominate candidates to be recommended for election as Mayor and Deputy Mayor at the annual meeting.~~

20.1 Each political group as constituted in accordance with Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990 shall be credited on the 1 January every year with a number of points equivalent to the number of members of the Council within that group.

20.2 A report setting out the outcome of the calculations in accordance with the scheme shall be submitted to the first meeting of the Council after 1 January each year.

20.3 The political group with the highest number of points after the process described in paragraph 20.1 shall be invited to nominate a candidate for the Mayoralty in the ensuing year and shall, at the first ordinary Council meeting following such qualification, accept or decline the nomination.

20.4 In the event that two or more political groups have the same number of points and no agreement is reached between them as to which group shall have the right to nominate a candidate for the Mayoralty, the matter will be referred to Council for decision.

20.5 The formal procedure of election of that candidate as Mayor will take place at the annual meeting.

20.6 The political group nominating a candidate for the Mayor shall also have the right to nominate a candidate for Deputy Mayor.

20.7 In the event of any political group having the right to nominate the Mayor for the ensuing year declining to do so, that political group shall nevertheless be deemed to have exercised its right and its points shall be adjusted accordingly.

~~20.120.8~~ Any political group not having been represented on the Council for a continuous period of 15 months or more shall be eliminated from the points system.

~~20.220.9~~ The political group that was entitled to nominate the Mayoralty in the immediately preceding January shall on the next 1 January be debited with a number of points equivalent to the whole number of members of the Council.

Notes:

The original Council Rule 20.1 stated:

“Each political group as constituted in accordance with Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990 shall be credited on the 1 January every year with a number of points equivalent to the number of members of the Council within that group. **The term "political group" shall include an individual independent member of any group of independent members agreeing to be grouped for this purpose.**”

The Assistant Director Legal and Governance has advised that the section in bold is superfluous and has been removed from the proposed new wording.

The original Council Rule 20.9 stated:

“The political group entitled to the Mayoralty shall be debited on 1 January with a number of points equivalent to the whole number of members of the Council.”

The Assistant Director Legal and Governance has reworded this section for clarity.