

CHAPTER 4 – RULES

PART 1 - COUNCIL RULES

Contents

CHAPTER 4 – RULES.....	1
PART 1 - COUNCIL RULES	1
1. RULE 1 - ANNUAL MEETING OF THE COUNCIL	3
1.1 Timing and business.....	3
1.2 Selection of Councillors on Committees and outside bodies	3
2. RULE 2 - ORDINARY MEETINGS	4
3. RULE 3 - SPECIAL MEETINGS (EXTRAORDINARY MEETINGS)	5
3.1 Calling special meetings	5
3.2 Business	5
4. RULE 4 – NOTICE AND SUMMONS OF MEETINGS	5
5. RULE 5 - ROLE OF THE CHAIRPERSON OF MEETING	5
6. RULE 6 - MINIMUM ATTENDANCE.....	6
7. RULE 7 - PETITIONS	6
8. RULE 8 - QUESTIONS BY THE PUBLIC	6
8.1 General.....	6
8.2 Notice of questions	6
8.3 Number of questions.....	6
8.4 Scope of questions	7
8.5 Record of questions.....	7
8.6 Asking the question at the meeting.....	7
9. RULE 9 - QUESTIONS BY MEMBERS	8
9.1 Questions on notice	8
9.2 Notice and scope of questions.....	8
9.3 Response	8
10. RULE 10 - MOTIONS	10
11. RULE 11 - RULES OF DEBATE.....	10
11.1 Conduct of debate	10
11.2 Disturbance of meetings	11
11.3 Amendments.....	11
11.4 Alteration of motion.....	12
11.5 Right of reply.....	12
11.6. Closure motions.....	12
12. RULE 12 – VOTING	13
12.1 Majority	13

12.2	Mayor's casting vote	13
12.3	Show of hands	13
12.4	Recorded vote	13
12.6	Right for individual vote to be recorded	14
12.7	Voting on appointments	14
13.	RULE 13 - RECORD OF THE MEETING	14
14.	RULE 14 - RECORD OF ATTENDANCE	14
15.	RULE 15 - EXCLUSION OF PUBLIC	14
16.	RULE 16 - SUSPENSION AND AMENDMENT OF COUNCIL RULES	15
16.1	Suspension	15
16.2	Amendment to Council rules.....	15
17.	RULE 17 - APPLICATION TO COMMITTEES AND SUB-COMMITTEES.....	15
18.	RULE 18 - APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES	15
19.	RULE 19 - ASSISTANTS FOR POLITICAL GROUPS	16
20.	RULE 20 – NOMINATION OF MAYOR AND DEPUTY MAYOR	16
	Appendix A: Petitions	18
	What are the guidelines for submitting a petition?.....	18
	What will the Council do when it receives my petition?	19
	How will the Council respond to petitions?	19
	Full Council debates.....	20
	Officer evidence	21
	E-petitions	21
	How do I 'sign' an e-petition?	22
	What can I do if I feel my petition has not been dealt with properly?.....	22

1. RULE 1 - ANNUAL MEETING OF THE COUNCIL

1.1 Timing and business

In a year when there is an election of all Councillors, the annual meeting will take place within 25 days of the election. In any other year, the annual meeting shall take place in May.

The annual meeting shall:

- elect a person to chairperson the meeting if the Mayor is not present;
- elect the Mayor;
- elect the Deputy Mayor;
- approve the record of the last annual meeting;
- hear any announcements from the Mayor;
- elect the Leader (in the year of local elections);
- appoint members of the Overview and Scrutiny Committees, a Councillor Conduct Committee and other Council Committees to deal with matters which are neither reserved to the Council nor are executive functions;
- make appointments of Councillors to outside bodies;
- agree any amendments to the scheme of delegation relating to Council functions;
- approve a programme of ordinary meetings for the year ahead;
- consider any other business set out in the agenda, if any.

1.2 Selection of Councillors on Committees and outside bodies

At the annual meeting, the Council meeting will:

- decide which Committees to establish for the municipal year;
- decide the size and terms of reference for those Committees;
- decide the allocation of seats to political groups in accordance with the political balance rules;
- appoint to those Committees and outside bodies except where appointment to those bodies has been designated by the Council or is exercisable only by the Cabinet.

2. RULE 2 - ORDINARY MEETINGS

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. The normal order of business at meetings will be to:

- elect a person to chairperson the meeting if the Mayor and Deputy Mayor are not present;
- apologies for absence;
- receive any declarations of interest from members;
- approve the record of the last meeting;
- hear any announcements from the Mayor or the Leader;
- receive and debate petitions in accordance with the Council's petitions scheme – see appendix A to these rules;
- take and answer questions for up to 40 minutes from local people about Council business or issues of importance to Medway;
- debate motions ~~about the social, economic or environmental well-being of Medway, save that only one motion from formally constituted political groups or from an independent member (a Councillor who is not a member of a formally constituted political group) shall be debated at any meeting of the Council, with a limit of no more than one motion per political group or independent member~~ on the basis set out in section 10 of these rules;
- receive and debate for up to 30 minutes, a report from the Leader of the Council;
- take and answer questions on notice from members for up to 20 minutes;
- receive and debate an annual report on overview and scrutiny activity, at the last ordinary meeting of the municipal year, to include the provision for each Overview and Scrutiny committee Chairperson to speak for up to 5 minutes each.
- decide any issues referred to the Council because they are outside the budget or policy framework;
- decide any matter referred to the Council from the Cabinet dealing with the budget and/or the policy framework;
- debate reports from Overview and Scrutiny Committees;
- receive any information reports, which shall be moved on block by the Mayor, supported by the Deputy Mayor, and noted without debate.

- ~~receive and debate for up to 20 minutes a report on overview and scrutiny activity.~~

(NOTE – The Council has agreed to exclude petitions, questions from the public, the Leader’s report, a report of Overview and Scrutiny activity, questions from elected members and motions from the agenda of the meeting to determine the Council’s capital and revenue budgets)

3. RULE 3 - SPECIAL MEETINGS (EXTRAORDINARY MEETINGS)

3.1 Calling special meetings

Those listed below may request a special Council meeting:

- the Mayor;
- the Chief Executive;
- any five members of the Council notifying the Chief Executive

3.2 Business

The business of a special Council meeting may be any or all of the items set out in the order of business for ordinary meetings.

4. RULE 4 – NOTICE AND SUMMONS OF MEETINGS

- 4.1 The Chief Executive will give notice to the public of the time and place of Council meetings in accordance with the access to information rules, and will send every member of the Council a summons at least five working days before the meeting by post or electronic communication (where the member has presently consented to it being transmitted by this method). The summons will give the date, time and place of the meeting and list the business to be dealt with. Any reports that are ready will be sent at the same time.
- 4.2 A member may consent to receiving a summons by electronic communication by informing the Head of Democratic Services.
- 4.3 Members’ requests to change their method of receipt must be submitted in writing in a prescribed format to the Head of Democratic Services. A minimum of five clear working days must elapse from the date of receipt of such a request before it becomes effective.

5. RULE 5 - ROLE OF THE CHAIRPERSON OF MEETING

The chairperson of the meeting will manage the business of the meeting and ensure the time limits are observed. He or she shall try to ensure all points of view are heard, but balance this obligation with the need to ensure business is

dealt with in a timely manner. The chairperson of the meeting may limit the number of speakers in any debate at his/her full discretion. The chairperson of the meeting's decisions on who is to speak and how the debate is to be conducted are final. Where these rules apply to Committee and sub Committee meetings, references to the Mayor includes the Chairpersons of Committees and Sub Committees.

6. RULE 6 - MINIMUM ATTENDANCE

The minimum number of members who must be present for the meeting to proceed shall be one quarter of the membership, all figures to be rounded up to the nearest whole number. During any meeting, if the minimum number is not present, the meeting will adjourn immediately. The remaining business will be considered at a time and date fixed by the person chairing the meeting. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

(Note: The Council has agreed a quorum for the Councillor Conduct Committee will be three members.)

7. RULE 7 - PETITIONS

Petitions will be dealt with at Full Council in accordance with the Council's petition scheme at appendix A to these rules. The lead petitioner or their nominated representative and Councillors may present petitions to the meeting. Where a Full Council debate is triggered by a petition with the specified number of signatures or the Council considers a petition or undertakes a review of the response provided to a petition the lead petitioner (or their nominated representative) may address the meeting for up to five minutes and 20 minutes will usually be allowed for the Council to debate the matter.

8. RULE 8 - QUESTIONS BY THE PUBLIC

8.1 General

Members of the public may ask questions of members of the Cabinet, or of chairpersons 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 eight 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.

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.

The questioner is entitled to send a representative to read out their question at the meeting or the Mayor will put the question on their behalf if they are unable to attend, noting that only public questioners attending in person will be able to ask supplementary questions.

9. RULE 9 - QUESTIONS BY MEMBERS

9.1 Questions on notice

A member of the Council may ask a question with notice on matters to do with their Council responsibilities to:

- the Leader;
- a member of the Cabinet;
- the chairperson of any Committee or Sub-Committee.

At any one meeting no Member of the Council may submit more than one question. The time allowed for answers to each question at Council meetings shall not exceed three minutes. If a Member who has submitted a question is unable to be present, the question will be answered in writing. There is no provision for supplementary questions.

9.2 Notice and scope of questions

A member may only ask a question under Rule 9.1 if either:

- (a) notice has been given in writing, or by electronic mail, to the Chief Executive by midday eight working days before the day of the meeting or
- (b) the question relates to urgent matters, they have the consent of the person to whom the question is to be put and the content of the question is given to the Chief Executive by noon on the day of the meeting.

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.

The reason for rejection of any question shall be recorded and notified to the Member concerned.

9.3 Response

An answer may take the form of:

- (a) a direct verbal answer;

- (b) where the desired information is in a publication of the Council or other published source, a reference to that source;
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner, including the reason for the inconvenience.

10. RULE 10 - MOTIONS

10.1 There are two types of motions:

- (a) those relating to the smooth running of the meeting's business (for example to introduce the Leader's report, to amend or withdraw an item, to propose a move to next business, or a variation in the order of agenda), which do not require notice;
- (b) those that involve a debate relating to the Council's Local Authority's responsibilities functions, or the social, economic and environmental well-being of the area, which do require notice, may be amended without notice at the meeting, but the Mayor may require all amendments to be provided in writing.

10.2 Motions that require notice must be signed by at least one member of the Council and delivered to the Chief Executive by Midday eight working days before the date of the meeting. Once approved by the Monitoring officer (see paragraph 10.5 below), these will be entered in a book open to public inspection and listed on the agenda.

10.3 Only motions with notice from formally constituted political groups or from an independent member shall be debated at any Council meeting, with a limit of no more than one motion per political group or independent member three motions to be included on a Council agenda, where motions requiring notice are permitted business (see section 2 of these rules). Where two or more motions with notice are delivered to the Chief Executive, by a political group, or an independent member, the first in time so received, will be entered onto the agenda.

10.4 Political Groups and any independent Members shall be entitled to submit motions for inclusion on Council agendas, based on proportionality of the size of the political groups (and treating any Independent Members individually), with a schedule being submitted for noting to the Annual Council meeting each year on an "equity and 10% basis".

10.5 Upon submission of any motions, these will be reviewed by the Monitoring Officer who will seek appropriate amendments from the proposer of the Motion, so as to ensure compliance with any legal and/or constitutional aspects. In the event that the proposer of the motion is unable to agree, the Monitoring Officer will reject the proposed Motion and it will not appear on the agenda for the Council meeting.

10.6 In addition, Monitoring Officer may reject a motion if it:

- is not substantially about the Local authority's functions.
- is frivolous, defamatory, offensive, racist, sexist, homophobic or otherwise improper.
- is substantially the same as a motion which has been put at a meeting of the Council in the past six months.

The reason for rejection of any motion shall be recorded and notified to the Member concerned.

11. RULE 11 - RULES OF DEBATE

The following rules relate to any debate at Council or Committee meetings.

11.1 Conduct of debate

- 11.1.1 Each item must be introduced (moved) by a proposer, and supported by one other person (a seconder) before it is debated further. The person introducing the item may speak for up to five minutes. All other speakers may speak for up to three minutes.
- 11.1.2 The supporter may choose to speak later, and in particular may choose to reply to the debate, but shall nevertheless indicate their support immediately after the proposer has spoken.
- 11.1.3 No speaker except the proposer may speak more than once on an item and once on any amendment to an item. Where Motions with notice are being debated, the number of speakers shall be limited to any Independent Members plus up to 10% (rounded up) of the members of each political group. The same number of speakers will be allowed for each amendment to a motion.
- 11.1.4 The debate may be interrupted by a member rising to his or her feet:
 - Either to seek the Mayor's interpretation of these rules (a point of order) in which case the ruling of the Mayor will be final;
 - To give a short personal explanation of something he/she has already said (a point of personal explanation).
- 11.1.5 All speakers must address the issue under debate.
- 11.1.6 Members must remain quiet while a member is speaking unless they wish to make a point of order or a point of personal explanation.
- 11.1.7 When the Mayor stands during a debate, any member speaking at the time must stop and sit down, and all others present at the meeting must then be silent.

- 11.1.8 The Leader may speak for up to 10 minutes in introducing the Leader's report and will have up to five minutes at the end of the debate in which to reply to the debate.

11.2 Disturbance of meetings

- 11.2.1 If a member persistently disregards the ruling of the Mayor by behaving improperly, offensively or deliberately obstructing business, the Mayor may propose that the member be silenced for that item. If seconded, this will be voted on without discussion.

11.2.2 Member to leave the meeting

If the 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 specified period. If seconded, the motion will be voted on without discussion, and if carried the member shall leave the meeting or the meeting will be adjourned as appropriate.

11.2.3 General disturbance

If there is a general disturbance involving members of the public and/or members of the Council, making orderly business impossible, the Mayor may adjourn the meeting for as long as he/she thinks necessary.

11.2.4 Removal of a 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 may order their removal from the meeting room. If there is a general disturbance in any part of the meeting room open to the public, the chairperson may call for that part to be cleared.

11.3 Amendments

- 11.3.1 An amendment to a motion must be relevant.

- 11.3.2 Only one amendment may be moved and discussed at any one time.

- 11.3.3 If an amendment is carried, the amended motion takes the place of the original motion and further amendments to it may be moved.

- 11.3.4 If an amendment is not carried, other amendments to the original motion may be moved.

- 11.3.5 After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, will put it to the vote.

11.4 Alteration of motion

- 11.4.1 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.
- 11.4.2 A member may alter or withdraw a motion that 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.

11.5 Right of reply

- 11.5.1 The proposer of a motion has a right to reply at the end of the debate on that motion, immediately before it is put to the vote; or may instead give the right of reply to the seconder, providing the seconder has not already spoken.
- 11.5.2 The mover of the amendment has the right of reply at the end of the debate on his or her amendment.
- 11.5.3 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.

11.6. Closure motions

A member may move, without comment, the following motions at the end of a speech of another member:

- (i) to go to next business (11.6.1 refers);
- (ii) that the vote be taken (11.6.2 refers);
- (iii) to adjourn a debate (11.6.3 refers);
- (iv) to adjourn a meeting (11.6.3 refers).

11.6.1 Motion to go to next business

If a motion to go to next business is seconded and the Mayor thinks the item has been discussed adequately, he or she will give the mover of the current motion or amendment only a right to speak, and then put the procedural motion to the vote. If agreed the meeting will move to the next item of business immediately.

11.6.2 Motion that the vote be taken

If a motion that the question be decided now is seconded and the Mayor thinks the item has been discussed adequately, he/she will put the procedural motion to the vote immediately. If it is passed he/she will give the mover of the current motion and/or the amendment a right to speak before putting his/her motion to the vote.

11.6.3 Motion to adjourn the debate or the meeting

If a motion to adjourn the debate, or to adjourn the meeting, is seconded and the Mayor thinks the item has not been discussed adequately and cannot be reasonably 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.

12. RULE 12 – VOTING

12.1 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.

12.2 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.

12.3 Show of hands

The Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting unless a recorded vote is called for by at least six members.

12.4 Recorded vote

If six members present at a Council meeting stand and 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 record of the meeting. For Committee and Sub-Committee meetings a recorded vote will be taken if a quarter of members of the Committee or Sub-Committee stand and demand it.

12.5 Recorded voting at the budget decision meeting

- a) Immediately after any vote is taken at the Council's budget decision meeting on any decision relating to the making of a calculation or the issuing of a precept there will be recorded in the minutes of that meeting the names of those voting for or against the decision or who abstained from voting
- b) For the avoidance of doubt rule 12.5 (a) applies to proposed amendments as well as to a substantive motion.

12.6 Right for individual vote to be recorded

Where any member requests it immediately after the vote is taken, his/her vote will be recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

12.7 Voting on appointments

If there are more than two people nominated for any position on a Committee or outside body 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.

(Note: In Council rule 12.5 the Council's budget decision meeting is a meeting of full Council at which it makes a calculation in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ of the Local Government Finance Act 1992 or issues a precept under Chapter 4 of Part 1 of that Act, and includes a meeting where making the calculation or issuing the precept is included as an item of business on the agenda for the meeting).

13. RULE 13 - RECORD OF THE MEETING

- 13.1 A record of each meeting will be made that summarises the issues discussed, and records accurately all the decisions that were taken. This record will be published in accordance with the access to information rules later in this chapter.
- 13.2 The Mayor will sign the record of the meeting at the next suitable meeting, with the agreement of the members of that meeting. The only issue that can be discussed and potentially amended is the accuracy of the record.
- 13.3 There is no requirement for the record of a meeting to be agreed at the next meeting if it is a special meeting. The record can be held over for agreement to the next ordinary meeting instead.

14. RULE 14 - RECORD OF ATTENDANCE

All members present during the whole or part of a meeting shall sign their names on the attendance record before the end of the meeting.

15. RULE 15 - EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the access to information rules later in this chapter or rule 11.2.4. (removal of a member of the public) above.

16. RULE 16 - SUSPENSION AND AMENDMENT OF COUNCIL RULES

16.1 Suspension

All of these Council rules may be suspended by agreement if at least one half of the whole number of members of the meeting are present. Suspension can only be for the duration of the meeting.

16.2 Amendment to Council rules

Any motion to add to, change or withdraw these Council rules will, when proposed and seconded, be taken forward without discussion to the next ordinary meeting of the Council.

17. RULE 17 - APPLICATION TO COMMITTEES AND SUB-COMMITTEES

All of the Council rules apply equally to meetings of Committees, except in the case of rules 1-3 (Council meetings), rules 8 and 9 (public questions and members' questions) which only apply to Council meetings.

18. RULE 18 - APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES

- 18.1 All members of the Council except for the Cabinet may serve as substitute members of a Committee or Sub-Committee, in the absence of the appointed member. Members of the Cabinet may serve as substitutes on the regulatory Committees.
- 18.2 The political parties shall substitute no more than one-half of their members at any Committee or Sub-Committee (all figures to be rounded up to the nearest whole number).
- 18.3 The substitute member shall:
- (a) be from the same political group as the member who is unable to attend the meeting;
 - (b) not substitute for more than one member;
 - (c) not be a member of the Committee or Sub-Committee already.
- 18.4 Subject to any legal limits, a substitute member may attend, speak and vote as a member of the Committee or Sub-Committee at the meeting.
- 18.5 This shall not apply to any reconvened meetings of quasi- judicial bodies including the following:
- Employment Matters Appeals Panel
 - Licensing Sub- Committee
 - Licensing Hearing Panel
 - 1982 Act Hearing Panels
 - Appointments Committee

- Social Services Adoption Panel
 - Social Services Complaints Review Panel
 - School Transport and Curriculum Appeals Committee
- 18.6 If the appointed member attends the meeting when he or she has already been substituted, he or she may not attend as a member of the Committee.
- 18.7 There shall be no substitution on Cabinet or area Committees.
- 18.8 Where acting as a substitute for a particular Committee requires training, members will have undergone the necessary training programme or activity.
- 18.9 Rules 18.2 and 18.3 are waived in respect of Licensing Hearing Panels, the Licensing Sub-Committee and 1982 Act Hearing Panels, provided always that only members of the Licensing and Safety Committee may act as substitutes on Licensing Hearing Panels, the Licensing Sub-Committee and 1982 Act Hearing Panels.

19. RULE 19 - ASSISTANTS FOR POLITICAL GROUPS

- 19.1 No appointment shall be made to a post established by the Council pursuant to Section 9 of the Local Government and Housing Act 1989 (assistants for political groups) (referred to in this Council rule as a “political assistant”) until the Council has allocated a political assistant post to each of the political groups which qualify for one under that section.
- 19.2 No political assistant post shall be allocated by the Council to a political group which does not qualify for one under section 9 of the Local Government and Housing Act 1989.
- 19.3 No political group shall be allocated more than one political assistant post.

20. RULE 20 – NOMINATION OF MAYOR AND DEPUTY MAYOR

- 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.
- 20.8 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.
- 20.9 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.

Appendix A: Petitions

The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the council will usually receive an acknowledgement from the Council within five working days of receipt.

We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition and a reasonable person would regard it as such. The Council reserves the right to make this judgement and may decide to determine a matter under another procedure such as the internal complaints procedure. Paper petitions can be sent to:

Head of Democratic Services
Medway Council
Gun Wharf
Dock Road
CHATHAM
Kent ME4 4TR
Telephone 01634 332760
Email: democratic.services@medway.gov.uk

or be created, signed and submitted online via the Council's website.

You can also present a petition at a meeting of the Full Council or ask a Councillor to present a petition on your behalf at these meetings. Council meetings take place on a six weekly basis. Dates and times can be found on the Council's website (<http://democracy.medway.gov.uk/ieListMeetings.aspx?CId=122&Year=2010>). If you would like advice about this option please contact the Head of Democratic Services at least 10 working days before the meeting and she will explain the process. Alternatively contact details for all Medway Councillors can be found on the Council's website (<http://democracy.medway.gov.uk/mgMemberIndex.aspx?bcr=1>). If your petition has received 12,675 signatures or more it will automatically be referred to a meeting of the Full Council for debate and if this is the case we will let you know the date of the meeting in good time. (Note: the debate will not take place at the Council meeting where a petition is presented but will normally be the next ordinary meeting).

What are the guidelines for submitting a petition?

Petitions submitted to the Council must include:

- a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Council to take
- the name, address and signature of any person supporting the petition which the Council may choose to verify. For e –petitions you must provide a valid email address, postal address and postcode.

Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the council's website. If the petition does not identify a petition organiser, we will contact the first signatory to the petition to agree who should act as the petition organiser.

Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply. If a petition does not follow the guidelines set out above, the council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

The Council will not consider a petition which raises substantially the same issues as any other petition submitted in the past twelve months.

What will the Council do when it receives my petition?

An acknowledgement will be sent to the petition organiser usually within five working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. The subject of the petition will be published on our website.

If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a Council debate, or a senior officer giving evidence, then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

If the petition applies to a planning or licensing application, is a statutory petition (for example, seeking a referendum on whether the area should have an elected Mayor), or on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply. Please contact the Head of Democratic Services for further advice if you are uncertain.

We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.

To ensure that people know what we are doing in response to the petitions we receive the details of all the petitions submitted to us will be published on our website, except in cases where this would be inappropriate. We may also publish correspondence relating to the petition (all personal details will be removed). When you sign an e-petition you can elect to receive this information by email. We will not send you anything which is not relevant to the e-petition you have signed, unless you choose to receive other emails from us. You can do this by emailing the Council (<http://www.medway.gov.uk/information/personalisation/signup.aspx>).

How will the Council respond to petitions?

Our 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 Council's Overview and Scrutiny Committee*
- calling a referendum
- writing to the petition organiser setting out our views about the request in the petition.

*Overview and Scrutiny Committees are committees of Councillors who are responsible for scrutinising the work of the Council and other partners– in other words, the Overview and Scrutiny Committee has the power to hold decision makers to account. (<http://democracy.medway.gov.uk/mggeneric.aspx?md=oandsmenu>)

As a general rule in the first instance the lead petitioner will receive a response from the relevant Director usually within ten working days of receipt of the petition by the Council which will explain the action the Council proposes to take on the issues highlighted in a petition.

If your petition is about something over which the Council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The Council works with a large number of local partners and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with Council policy), then we will set out the reasons for this to you. You can find more information on the services for which the Council is responsible here <http://www.medway.gov.uk/>

If your petition is about something that a different council is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other council, but could involve other steps. In any event we will always notify you of the action we have taken.

Full Council debates

If a petition contains at least the number of signatures equating to 5% of Medway's population it will be debated by the Full Council unless it is a petition asking for a senior council officer to give evidence at a public meeting. This means that the issue raised in the petition will be discussed at a meeting which all Councillors can attend. The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by Councillors usually for a maximum of 20 minutes. The Council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. Where the issue is one on which the Cabinet is required to make the final decision, the Council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

Officer evidence

Your petition may ask for a senior council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to Councillors to enable them to make a particular decision.

If your petition contains at least the number of signatures equating to 2% of Medway's population, the relevant senior officer will give evidence at a public meeting of the relevant Overview and Scrutiny Committee. You may ask for the Chief Executive, any Director or Assistant Director to be called to give evidence. The Head of Democratic Services can help you identify the most appropriate officer to call to give evidence in your petition. This must be the Chief Executive, a Director or Assistant Director. You should be aware that the Overview and Scrutiny Committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. The committee may also decide to call the relevant Cabinet Member to attend the meeting. Committee members will ask the questions at this meeting, but you will be able to suggest questions to the chairperson of the committee by contacting the Head of Democratic Services up to three working days before the meeting. The Overview and Scrutiny Committee may also allow you to speak at the meeting.

E-petitions

The Council welcomes e-petitions which are created and submitted through our website. E-petitions must follow the same guidelines as paper petitions. The petition organiser will need to provide us with their name, address, a valid postcode and email address. You will also need to decide how long you would like your petition to be open for signatures. Most petitions run for six months, but you can choose a shorter or longer timeframe, up to a maximum of 12 months.

When you create an e-petition, it may take five working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature.

If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.

When an e-petition has closed for signature, it will automatically be submitted to the Head of Democratic Services. In the same way as a paper petition, you will receive an acknowledgement usually within five working days. If you would like to present your e-petition to a meeting of the Council or ask a Councillor to do so on your behalf, please contact the Head of Democratic Services within 10 working days of receipt of the acknowledgement.

A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. A summary of the response will also be published on this website.

How do I 'sign' an e-petition?

You will be able to see all the e-petitions currently available for signature on the Council's website (from 15 December 2010).

When you sign an e-petition you will be asked to provide your name, and a valid postcode, postal address and email address. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete your 'signature' will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible.

What can I do if I feel my petition has not been dealt with properly?

If you feel that we have not dealt with your petition properly the petition organiser has the right to request that one of the Council's Overview and Scrutiny Committee's review the steps that the Council has taken or is proposing to take in response to your petition. It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the Council's final response is not considered to be adequate. You should notify the Head of Democratic Services within 10 working days of receiving a final response if you wish to request a review with reasons.

The relevant Overview and Scrutiny Committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the Cabinet and arranging for the matter to be considered at a meeting of the Full Council.

Once the review has been completed the petition organiser will be informed of the results usually within five working days. The results of the review will also be published on our website.

(Note: Where petitioners call for a review of action taken/proposed following discussion of a petition or an officer being called to give evidence at an Overview and Scrutiny Committee, this will be undertaken by the Business Support Overview and Scrutiny Committee. Where that committee has dealt with the petition in the first instance it may decide to refer the review to Full Council if there is scope for a conflict of interest).