

**APPLICATION BY SUFFOLK COUNTY COUNCIL FOR AN ORDER GRANTING
DEVELOPMENT CONSENT FOR THE LAKE LOTHING THIRD CROSSING**



PFK LING LIMITED

**WRITTEN REPRESENTATION IN RESPONSE TO THE WRITTEN SUMMARY OF ORAL
EVIDENCE GIVEN AT THE CAH HEARING AND RESPONSE TO PROPOSED NON-
MATERIAL CHANGE**

PINS REFERENCE: TR010023

Birketts

Birketts LLP: Offices in Cambridge | Chelmsford | Ipswich | Norwich
www.birketts.co.uk

PFK Ling Limited (CG/322701.0002)

INTRODUCTION

1. This is the Written Representation of PFK Ling Limited (“Lings”) on the second draft of the draft development consent order in relation to the application for a development consent order by Suffolk County Council (“SCC”) under the Planning Act 2008 (“PA 2008”).

RESPONSE TO WRITTEN SUMMARY OF ORAL EVIDENCE

2. Compulsory Acquisition Hearing
 - 2.1 No oral evidence was given at the hearing in relation to the negotiations. Lings have concerns over the future operation of the Site and negotiations with the Council have been ongoing. Delays in negotiations around an agreement that will help enable Lings remain in situ have been slow due to a lack of response from the Applicant. The CPO should not be confirmed until an agreement is in place that secures the future of Lings at the Site.
 - 2.2 Plot 3-32, 5-10 - We are pleased the Applicant has confirmed Private Means of Access (PMA) does not relate to another party other than the Acquiring Authority or Statutory Undertakers. We note that in its description the Applicant sets out that a PMA is required to link PMA 14 to PMA 11. We note that plot 5-31 does not include the PMA desired to create this link calling into question the requirement for the PMA.
 - 2.3 Plot 5-14 – No details have been provided as to the requirement of the quay head. We are not satisfied that the ‘eastern spur’ is required for services as it does not appear to link into anywhere. This plot is critical to Lings and should be removed as there appears to be no requirement or justification for acquiring rights over this plot.
3. Funding
 - 3.1 At Appendix 1 of the Applicant's "Written summaries of oral submission at Compulsory Acquisition Hearing 1", the Applicant provides a note on the Scheme funding arrangements. The Applicant's table under the heading "Funding decision timeline" is incorrect. The Total Costs should be stated as £91.73m (£99.73m).
 - 3.2 “Table 10: Growth, Highways and Infrastructure Programme” which forms part of the "Capital Programme 2019-2022 - Appendix F” to the 29 January 2019 Cabinet report “Revenue Budget 2019-20 and Capital Programme 2019-22” , states that the Total Scheme value is £91.011m which consists of capital grant, revenue funding and borrowing (Appendix A).

- 3.3 The total Scheme value for the Scheme stands at a potential £99.73m and this potential total amount has not been accounted for in the capital programme.
- 3.4 The Applicant claims at its Appendix 1 (referred to above) that in May 2016 "SCC Cabinet agreed to underwrite local contribution (£18.34m) and released part funding (£10m)" but that "The Applicant has not included the £8.34 in its capital future funding programme".
- 3.5 Lings do not consider that the May 2016 resolution agreed to underwrite a local contribution of £18.34m but consider instead that the Cabinet approved expenditure of £20 million for both the Ipswich Wet Dock Crossing and the Lake Lothing Third Crossing. Lings has reached this position due to the conclusion at paragraph 46 of the May 2016 Cabinet report which concluded:

*"46. Cabinet is being asked to **approve the expenditure of significant sums of money to take forward these projects** in Lowestoft and Ipswich and **there will be a need for further local funding in future years to support construction**. The proposed investment demonstrates the commitment of the Council to the delivery of key infrastructure to support growth across Suffolk." (emphasis added)*

- 3.6 The Cabinet was informed it only needed to approve the local contribution required to fund the development of each project and that funding for the local contribution for construction would need to be secured in the future. This is confirmed in the Cabinet decision:

*"Decision: The Cabinet agreed to include the Ipswich Wet Dock Crossing and Lake Lothing Third Crossing in the Council's capital programme and **to approve the expenditure of up to £10 million revenue funding and up to £10 million in capital funding** over the financial years 2016/17, 2017/18 and 2018/19 **to develop each project** to a point where a final business case could be submitted to Government." (emphasis added)*

- 3.7 Contrary to Lings' view, if the Applicant considers that this decision authorises the underwriting of the entire local £18.34m local contribution (project development and construction) then the Cabinet decision was to include the entire scheme cost in the Council's capital programme. This could account for the total scheme costs in the capital programme being approximately £91m but results in an absence to account for the £8m land acquisition pressure cost.
- 3.8 There is no evidence that the £8m land acquisition pressure cost has been included in the capital programme and there is no Cabinet approval of this expenditure. If the

£91m in the capital programme does exclude the £8.34m local contribution and include the £8m land acquisition cost then the land acquisition costs have been included without proper Cabinet approval. Consequently Cabinet approval for the £8.34m could not exist otherwise this must form part of the capital programme as all committed expenditure is included.

3.9 Lings do not consider that the Council's scheme of delegation authorises the s151 officer to commit expenditure of £8.34m without Cabinet approval and/or notification of a "key decision" in an appropriately publicised Forward Plan (see Section 25 of Rules of Procedure Part 2 of Suffolk County Council's Constitution; Appendix B). As previously advised, the S151 Officer's letter confirms at its highest that the Council is prepared to underwrite any shortfall. However, such a preparedness is below the threshold of certainty required by the Secretary of State to justify authorisation of a CPO under the Planning Act 2008.

3.10 The statements at paragraphs F to H of the Applicant's Appendix 1 conflict with the confirmed minute of the June 2018 Cabinet report which state:

"The Cabinet Member for Ipswich, Communities and Waste asked about the possible additional uplift in land value. Officers advised that this was £3.7m initially, plus another £7.6m. The Cabinet Member for Finance and Assets added that one of the properties needing to be obtained was a second-hand car dealership and that case law existed for selling and compulsory purchasing car dealerships which had decided you had to buy the whole thing and the value was being enhanced because of this. Originally it was thought that the Council could have the alignment without buying this land but, in order to take maximum advantage the alignment of the bridge now had to include some of this land and that was one of the reasons why the land was costing more."

3.11 Lings do not consider that Appendix 1 provides evidence that Suffolk County Council has properly committed to fund the potential scheme deficit of £16.34 million. The Applicant is required to, but has failed to, establish the relevant certainty of funding today.

4. Land Acquisition Budget

4.1 It is noted that the Applicant states that the land acquisition budget is sufficient to meet all compensation claims. As per Lings submission we are still not confident that this is the case and in particular have concerns over the level of finance. Of particular concern is the position of the Association of British Ports (ABP) and Nexen.

- 4.2 In relation to ABP, the Applicant has stated that compensation will be minimal, and the costs are associated with mitigation works for ABP. It was clear at the Examination that ABP still have a number of concerns outstanding and the potential for a substantial claim from ABP, which requires the majority of the additional £8m budget, is still relevant.
- 4.3 In relation to Nexen, it was clear at the Examination that concerns over access remain for both the existing industrial site and the development site. As we understand it both matters remain unresolved and the compensation claim could be significant.
- 4.4 Combining these two major land owners with Lings own claim calls into question the viability of the land acquisition based upon the current, yet to be authorised, budget. The CPO should not be confirmed until agreements with these parties are reached to ensure appropriate funding will be made available.

NON-MATERIAL CHANGES TO SCHEME

5. The Applicant's non-material change to Lings' access
- 5.1 Lings do not object to the proposed non-material change although it creates operational concerns (detailed below).
- 5.2 The non-material change requires the use of land to the east of Lings' showroom as the access route into the Site for all vehicles. SCC has advised Lings and the ExA (see document TR010023-000825 by Rapleys) that the quay wall within the Site requires maintenance/works which it has valued at £200,000.
- 5.3 Lings does not consider this work necessary as the Site currently operates and has no intention to undertake such works. Despite requests being made to the Applicant for its evidence base to support the case for the work, this has not been provided.
- 5.4 However, the use of the eastern access, as proposed by the non-material change, creates additional traffic along the quay wall. If it is demonstrated that the new vehicular access proposed by the Scheme would require works to the quay wall, rights for the Applicant to undertake such works are absent from the DCO. No approach has been made by the Applicant to Lings to seek to secure rights to undertake these quay walls works by agreement.
- 5.5 At present, Lings is concerned that in the absence of rights in the DCO to secure the works to the quay wall which the Applicant consider necessary and no approach having been made to secure these works by agreement, the new access proposed by the non-material change is not currently deliverable.
6. Response to Nexen Group's Representations

- 6.1 Throughout the DCO process the Nexen Group has repeatedly sought to obtain access over Lings' Site to its development plot. As this has not formed part of the DCO application and it is therefore outside of the ExA's considerations, Lings have not previously felt the need to respond to the Nexen Group's proposals.
- 6.2 However, Lings note the extensive submissions made in Nexen Group's response to the non-statutory consultation on proposed non-material changes to the Scheme including a civil engineering report and consider it now appropriate to respond.
- 6.3 Lings did not object to the non-material change to its access arrangements because, although this access arrangement creates operational challenges, Lings consider that they can manage these challenges (subject to the resolution of the quay wall issue) and the new access arrangement provides the only mechanism for Lings to continue operating from their Site.
- 6.4 As detailed at paragraphs 38 and 39 of Paul Barkshire's statement submitted with Lings written representations, the land to the east of the Main Building and the quay are narrow. The east of the building provides access into Lings' plant room, valet bay, motorcycle workshop, Mitsubishi showroom and coffee shop entrance. Staff and vehicles need to access and egress through these access points and this is likely to create conflict with staff, customers and delivery vehicles using the new access.
- 6.5 This conflict is considered manageable where only vehicles associated with Lings' operations are using the new access. The unquantified (and potentially large) increase in vehicle movements associated with any future use of the access by the Nexen Group will increase the potential for conflict within the Site and will have a significantly detrimentally impact on Lings' operations.
- 6.6 Lings therefore supports the Applicant's decision not to seek to provide an access over Lings' Site for the Nexen Group.

APPENDIX A

Capital Programme 2019-2022

This appendix includes the Capital Strategy which sets the context for how the Capital Programme for 2019-22 has been developed. There is a programme for each directorate and information on the schemes included in this programme. The Minimum Revenue provision policy explains how the Council will repay the debt it incurs to fund the capital programme. The Treasury Management Strategy outlines how the Treasury management function will operate for the coming financial year. The Investment Strategy is a new requirement for this year and looks at the Council's non-treasury investment explaining the purpose of these and governance around these investments.

The capital strategy, Treasury Management Strategy and the Investment Strategy are all compiled in line with the requirements of the 2017 CIPFA Prudential code and 2017 Treasury Management Code.

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Table 10: Growth, Highways and Infrastructure programme

	Up to 2018-19	2019-20 (incl forecast 2018-19 c/f)	2020-21	2021-22	2022-23 Onwards	Total Scheme Budget
	£'000	£'000	£'000	£'000	£'000	£'000
Previously Approved Schemes						
Lake Lothing 3rd Crossing, Lowestoft	8,447	15,296	38,390	13,000	15,878	91,011
Upper Orwell Crossing	2,393	TBC	TBC	TBC	TBC	2,393
The Hold	4,636	13,043	231	-	-	17,910
Eye Airfield	1,129	4,085	150	-	-	5,364
Ipswich Radial Corridors	4,292	1,750	-	-	-	6,042
Bury St Edmunds Waste Transfer	9,915	2,726	-	-	-	12,641
Ipswich Waste Transfer	1,665	4,297	500	-	-	6,462
Foxhall Recycling Centre	100	2,400	500	-	-	3,000
Haverhill Recycling Centre	-	750	250	-	-	1,000
Ipswich Recycling Centre Land Purchase	-	1,000	-	-	-	1,000
Stowmarket Recycling Centre Land Purchase	-	1,000	-	-	-	1,000
Schemes For Approval						
HIF Bury St Edmunds	-	3,021	3,021	3,021	3,021	12,084
HIF East Ipswich	-	3,761	3,761	3,761	3,761	15,044
Ipswich Recycling Centre Build	-	-	5,000	-	-	5,000
Stowmarket Recycling Centre Build	-	-	3,500	-	-	3,500
Local Transport Schemes	-	1,996	2,596	2,746	-	7,338
Local Highways Budgets	-	500	500	500	-	1,500
Highways Maintenance - Carriageways	4,629	23,500	17,500	13,800	-	59,429
Highways Maintenance - Footways	-	1,370	1,000	970	-	3,340
Highways Maintenance - Drainage	-	2,055	1,425	1,275	-	4,755
Highways Maintenance - Structures	-	2,280	2,015	1,820	-	6,115
Highways Maintenance - Street Lighting	-	1,825	1,780	1,820	-	5,425
Highways Maintenance - ITS	-	400	400	300	-	1,100
Highways Maintenance - Public Rights of Way	-	450	355	360	-	1,165
Highways Maintenance - Signs & Barrier Maintenance (in	-	135	120	120	-	375
Highways Maintenance - Road Markings	-	244	243	73	-	560
Highways Maintenance - Professional Services	-	950	800	700	-	2,450
Total Capital Programme	37,206	88,834	84,037	44,266	22,660	277,003
Financed By						
Ring-Fenced Capital Grants	3,648	55,747	69,656	44,266	11,486	
Other External Contributions	5,252	2,550	150	-	6,621	
Non-Ringfenced Capital Grants	-	-	-	-	-	
Capital Receipts	300	-	-	-	-	
Revenue Budgets or Reserves	3,365	-	-	-	-	
Borrowing	24,641	30,537	14,231	-	4,553	
	37,206	88,834	84,037	44,266	22,660	

Table 11 – Borrowing for Growth, Highways and Infrastructure by Scheme

	Up to 2018-19	2019-20 (incl forecast 2018-19 c/f)	2020-21	2021-22	2022-23 Onwards	Total Scheme Budget
	£'000	£'000	£'000	£'000	£'000	£'000
Highways Maintenance - Carriageways	4,629	11,971	4,400	-	-	21,000
Lake Lothing 3rd Crossing, Lowestoft	8,447	-	-	-	4,553	13,000
Upper Orwell Crossing	2,393	TBC	TBC	TBC	TBC	2,393
The Hold	898	5,393	81	-	-	6,372
Ipswich Radial Corridors	-	1,000	-	-	-	1,000
Bury St Edmunds Waste Transfer	8,174	2,726	-	-	-	10,900
Ipswich Waste Transfer	-	4,297	500	-	-	4,797
Foxhall Recycling Centre Expansion	100	2,400	500	-	-	3,000
Haverhill Recycling Centre Expansion	-	750	250	-	-	1,000
Ipswich Recycling Centre Land Purchase	-	1,000	-	-	-	1,000
Stowmarket Recycling Centre Land Purchase	-	1,000	-	-	-	1,000
Ipswich Recycling Centre Build	-	-	5,000	-	-	5,000
Stowmarket Recycling Centre Build	-	-	3,500	-	-	3,500
Total Capital Programme	24,641	30,537	14,231	-	4,553	73,962

- **Details of Growth, Highways and Infrastructure Schemes**

- Lake Lothing 3rd Crossing, Lowestoft

To provide a new third crossing over Lake Lothing in Lowestoft. Lowestoft has suffered from traffic congestion over many years and this project will help to improve connectivity and provide additional road network capacity to accommodate and stimulate future growth. This is being partly funded by a Department for Transport (DfT) grant of £71.4m.

APPENDIX B

PART 2

Rules of Procedure

RULES OF PROCEDURE

Part 2

MEETINGS OF THE COUNCIL

1. Meetings

- 1.1 The Council shall hold an annual meeting in the year of ordinary election of councillors within 15 working days of the date of retirement of councillors and in each other year on a date in May to be fixed by the Council.

Calling extraordinary meetings

- 1.2 Those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings.
- 1.2.1 the Council by resolution, or
 - 1.2.2 the Chairman of the Council, or
 - 1.2.3 the Monitoring Officer, or
 - 1.2.4 any five members of the Council if they have signed a requisition presented to the Chairman of the Council and he has refused to call a meeting or failed to call a meeting within five working days of the presentation of the requisition.

2. Agenda

- 2.1 The Council may agree a programme of issues for debate throughout the year and may vary it from time to time.
- 2.2 Following consultation with the Monitoring Officer, the order of the agenda will be agreed by the Chairman.
- 2.3 When considering the strategic and budgetary framework at its February meeting, no other business will be considered by Council other than the budget and related proposals.

3. Motions and Amendments

- 3.1 Any two or more members of the Council may, by notice received by the Monitoring Officer no later than 10.00 am eight working days before the Council meeting, require the Council to consider a motion about a matter relating to which the Council has powers or duties or which affects the County.
- 3.2 Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the councillors giving notice state, in writing, that they propose to move it to a later meeting or withdraw it.
- 3.3 Subject to Rule 3.4, notice of an amendment to a recommendation or motion on the agenda for a Council meeting may be given by two councillors to the Monitoring Officer by 10.00 am two working days before the day of the meeting but amendments arising from the debate at the Council meeting on a motion or recommendation will always be considered.
- 3.4 No amendment shall be considered with regard to the recommendation of the Cabinet for the setting of the Council's budget unless notice of the amendment has been given by two councillors to the Monitoring Officer by 10.00 am four working days before the day of the meeting.

4. Quorum

- 4.1 The quorum of a meeting of the Council will be 20.
- 4.2 If during any meeting of the Council the Chairman counts the numbers of councillors present and declares that there is not a quorum present then the meeting will adjourn. Remaining business shall be adjourned to the next ordinary meeting of the Council or to such other time and date as may be fixed by the Chairman.

5. Signing the Minutes

- 5.1 The Chairman will sign the minutes of the proceedings at the next suitable meeting.
- 5.2 The Chairman will move that the minutes of the previous meeting be signed as a correct record.
- 5.3 The only part of the minutes that can be discussed is their accuracy and any question as to their accuracy shall be raised by motion.
- 5.4 Where in relation to any meetings the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 of 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.

6. Executive Statement

The Annual meeting of Council may receive:

- i) an address from the Leader of the Council for up to 20 minutes maximum
- ii) a response from each of the leaders of the other political groups for up to 7 minutes maximum per speaker.

7. Cabinet Member Reports and Questions

7.1 A brief written report by each Cabinet Member covering their area of responsibility will be circulated with the agenda for each Council meeting (other than when the Council is considering the budget or at the first meeting following a full election).

7.2 Subject to Rule 7.5, any councillor (except Cabinet Members) may ask a named member of the Cabinet a question on

(a) any matter included in a Cabinet Member's written report; or

(b) any matter in relation to which the Council has powers or duties or which affects the County and which falls within the area of responsibility of the Cabinet Member.

7.3 A period of 60 minutes will be allowed for questions at Council: 30 minutes for questions received subject to Rule 7.5, and up to a further 30 minutes for questions from the Chamber in the order decided by the Chairman.

7.4 The questioner should have a time limit of 1 minute in which to ask their initial question and, if present, a further 1 minute to ask a supplementary question arising from the response given. The Cabinet Member responding to the initial question and also to the supplementary question should have a time limit of 2 minutes in which to respond to each question. Subject to Rule 7.8, a councillor will be allowed to ask only one question during the period allowed for questions.

7.5 A councillor may only ask a question under Rule 7.2 during the first period specified within Rule 7.3 if notice in writing of the question has been received by the Monitoring Officer no later than 10.00 am two working days before the day of the Council meeting. Questions will be dealt with in the order in which notice was received.

7.6 During the second period specified within Rule 7.3, questions and answers should still comply with Rules 7.2, 7.4, 7.7 and 7.8.

- 7.7 An answer may take the form of:
- (a) a direct oral answer; or
 - (b) a reference to a publication, where the information is in a publication of the Council or other published work; or
 - (c) where the reply cannot conveniently be given orally, a written answer circulated later to all councillors.
- 7.8 Each questioner is entitled to one supplementary question arising directly out of the original question or reply.
- 7.9 If the councillor who has given written notice of the question is not present when the question is to be put that question may, with the consent of the Chairman, be asked by any other councillor present. In this case, the questioner will not be entitled to ask a supplementary question.
- 7.10 If the councillor who has given written notice of the question is not present when the question is to be put, and that question is not put in accordance with Rule 7.7, then a written answer will be provided subsequently to all councillors and placed with the minutes.
- 7.11 If written notice of a question has been given in accordance with these Rules and the Cabinet member is not present when the question is to be put, then either:
- (a) a written answer will be provided subsequently to all councillors and placed with the minutes; or
 - (b) that question may, with the consent of the questioner, be answered by another Cabinet member.

8. Rules of Debate

8.1 Motions without notice

The following motions may be moved without notice:

- (1) to appoint a Chairman of the meeting at which the motion is moved;
- (2) in relation to the accuracy of the minutes;
- (3) to change the order of business in the agenda;
- (4) to refer something to an appropriate body or individual;
- (5) to appoint a committee or member arising from an item on the summons for the meeting;
- (6) to withdraw a motion;
- (7) to amend a motion (subject to Rule 3.4);

- (8) that the question be now put;
- (9) to adjourn a debate;
- (10) to adjourn a meeting;
- (11) to suspend a particular Council procedure rule (subject to Article 20.3);
- (12) to exclude the public and press in accordance with the Access to Information Rules;
- (13) to not hear further a councillor named under Rule 8.4.1 (improper or offensive behaviour) or to exclude them from the meeting under Rule 8.4.2 (continuing improper behaviour);
- (14) to give the consent of the Council where its consent is required by this Constitution.

8.2 Amendment **without notice**

Council will always consider an amendment even though notice of the amendment has not been given in accordance with Rule 3.3, except when considering the recommendations of the Cabinet for the setting of the Council's budget. Notice of amendments with regard to recommendations of the Cabinet for the setting of the Council's budget must be given in accordance with Rule 3.4.

8.3 Rules of Debate

8.3.1 No speeches until the motion has been seconded

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

8.3.2 Chairman's right to require motion in writing

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.

8.3.3 Seconder's speech

When seconding a motion or amendment, a councillor may reserve their speech until later in the debate.

8.3.4 Content and length of speeches

- (a) The mover of a motion may speak for up to 5 minutes when proposing a motion and also when exercising the right of reply.

- (b) The seconder may speak for up to 5 minutes. No speech by any other councillor may exceed 3 minutes.
- (c) The main opposer may speak once during the debate for up to 5 minutes, at any time after the motion has been proposed and seconded and prior to the mover's right of reply at the close of the debate.
- (d) Speeches must be directed to the question under discussion or to a personal explanation or point of order.

When Council is considering its strategic and budgetary framework

- (e) the mover of the motion may speak for up to 20 minutes and for up to 7 minutes when exercising the right of reply;
- (f) the seconder may speak for up to 7 minutes;
- (g) the main opposer may speak, initially, for up to 15 minutes and for up to 7 minutes prior to the mover's right of reply at the close of the debate;
- (h) the leader of any other political group may speak for up to 5 minutes after the main opposer's initial speech;
- (i) no speech by any other councillor may exceed 3 minutes.

8.3.5 When a councillor may speak again

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

8.3.6 Amendments to motions

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

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

- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If the proposer and seconder of a motion accept an amendment then the motion will be debated as amended.
- (d) If an amendment is not carried, other amendments to the original motion may be moved.
- (e) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (f) After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments, and, if there are none, put it to the vote.

8.3.7 Alteration of motion

- (a) A councillor 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.
- (b) A councillor 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.
- (c) Only alterations which could be made as an amendment may be made.

8.3.8 Withdrawal of motion

A councillor 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 councillor may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

8.3.9 Right of reply

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

8.3.10 Motions which may be moved during debate

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

- (a) to withdraw a motion;
- (b) to amend a motion (subject to Rule 3.4);
- (c) that the question be now put;
- (d) to adjourn a debate;
- (e) to adjourn a meeting;
- (f) to exclude the public and press in accordance with the Access to Information Rules; and
- (g) not to hear further a councillor named under Rule 8.4.1 or to exclude them from the meeting under Rule 8.4.2.

8.3.11 Closure motions

- (a) A councillor may move, without comment, the following motions at the end of a speech of another councillor:
 - (i) that the question be now put;
 - (ii) to adjourn a debate; or
 - (iii) to adjourn a meeting.

- (b) If a motion that the question be now put is seconded and the Chairman thinks the item has been sufficiently discussed, the Chairman will put the procedural motion to the vote. If it is passed the Chairman shall give a right to speak to the seconder if he/she has not already spoken, and to the main opposer, and will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- (c) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, the Chairman will put the procedural motion to the vote.

8.3.12 Management of Business

- (a) A member who is unclear about the process of the management of the business in a meeting or who wants to challenge the way a matter is proceeding shall put a question to the Chairman about the business management and the Chairman, upon advice from the Monitoring Officer, shall determine the appropriate response. The Chairman's ruling shall be final.
- (b) If the Chairman is of the view that the whole of the business of a meeting cannot be accomplished satisfactorily in the time available, he/she may propose to the Council that certain items be held over to the next meeting.

8.3.13 Point of order

A councillor 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 councillor 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.

8.3.14 Personal explanation

A councillor may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the councillor 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.

8.3.15 Motion to rescind a previous decision made within past six months

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 20 Councillors.

8.3.16 Motion similar to one previously rejected within the past six months

A motion or amendment in similar terms to one that has been rejected at a meeting of the Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 20 Councillors. Once the notice or amendment is dealt with, no one can propose a similar motion or amendment for six months.

8.4 Members' Conduct

8.4.1 Member not to be heard further

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

8.4.2 Member to leave the meeting

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

8.4.3 General disturbance

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

8.5 Disturbance by Public

8.5.1 Removal of member of the public

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.

8.5.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared.

9. Approval of Draft Plans and Budgetary Framework

- 9.1 If Council has any objection to a draft plan or the budgetary framework recommended by the Cabinet such objection must be referred to the Leader and considered by the Cabinet within such period as may be specified by Council.
- 9.2 The report or budgetary framework must be submitted to Council either in revised form setting out reasons for the amendments at the Cabinet or if it disagrees with Council must set out reasons for such disagreement.
- 9.3 Council must take into account the report from the Cabinet in approving the plan or budgetary framework.

10. Voting

- 10.1 Any matter will be decided by a simple majority of those councillors present in the room and voting at the time the question was put.
- 10.2 All votes at Council are recorded via the electronic vote recording system which will show on a printout how each councillor has voted [to be placed with the minute book].
- 10.3 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 casting vote.
- 10.4 At the request of a member of a committee, provided it is seconded, the Chairman has an obligation to conduct a vote by a show of hands or, if there is no dissent, by affirmation of the meeting. A show of hands will be the normal method of voting at Committees and Sub-Committees.
- 10.5 Where any councillor 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.

11. Scrutiny Committee – Rules of Procedure

11.1 Arrangements for the Scrutiny Committee

The Council will appoint a Scrutiny Committee to have responsibility for the discharge the Council's scrutiny functions under the Local Government Act 2000 with the exception of health matters.

11.2 Composition of the Scrutiny Committee

11.2.1 All members of Council, except a member of the Cabinet, may be appointed to the Scrutiny Committee or a task and finish group.

11.2.2 The Council will appoint the Chairman of the Scrutiny Committee and the other 11 members in accordance with the requirements as to political proportionality in the membership of committees as set out in Section 15 of the Local Government and Housing Act 1989.

11.2.3 The Vice Chairman will be appointed by the Scrutiny Committee.

11.2.4 Each member of the Scrutiny Committee will have a named substitute, appointed by the relevant political group, who may attend in their place. Named substitutes are expected to keep up to date with the activities of the Scrutiny Committee and any particular responsibilities of the member that they act as substitute for.

11.2.5 No member may participate in the scrutiny of a decision in which he has been directly involved unless he attends a meeting for the purpose of making representations, answering questions or giving evidence.

11.3 Composition of Task and Finish Groups

11.3.1 The Scrutiny Committee may appoint such task and finish groups as they consider necessary to undertake specific tasks on their behalf.

11.3.2 The Scrutiny Committee will determine the size and membership of a task and finish group, terms of reference, the date for completion of the task and, where appropriate, appoint a chairman from the membership of the Scrutiny Committee.

11.3.3 Task and finish group members can be drawn from across the Council but Cabinet members cannot be members of the group.

11.3.4 The principles of political balance as set out in Section 15 of the Local Government and Housing Act 1989 do not apply to task and finish groups because they are not committees of the Council. However, they should be as broadly politically proportional as possible.

11.3.5 All the operational procedures and the ability to call witnesses, etc apply to a task and finish group in the same manner as they apply to the Scrutiny Committee including, where appropriate, meetings of task and finish groups being open to the public.

11.4 Co-option- Statutory co-optees (Scrutiny Committee)

11.4.1 There are four statutory co-optees with regard to the Scrutiny Committee's scrutiny of education functions as follows:

- (a) A Church of England Diocesan representative.
- (b) A Roman Catholic Diocesan representative.
- (c) At least two parent governor representatives.

11.4.2 The statutory co-optees may attend for the scrutiny of education functions and will be able to take part and vote on such functions.

11.4.3 The statutory co-opted members

- (a) Cannot be substituted.
- (b) May promote items for scrutiny relating to the Council's education functions.

11.4.4 Where the Committee deals with other matters a statutory co-optee shall not vote on any such matter but may remain in the meeting and may speak on the matter with the consent of the Chairman.

11.5 Co-option – Non-voting co-optees

11.5.1 The Scrutiny Committee shall be able to appoint persons to be non-voting co-optees, who will be able to participate fully in the work of the Committee subject to any conflict of interests.

11.5.2 Such co-options may relate either to a specific function which is being considered or to a specific period of time.

11.6 Meetings of the Scrutiny Committee

11.6.1 There shall be at least six ordinary meetings of the Scrutiny Committee in each municipal year, with

extraordinary meetings called when appropriate (for example to deal with a call-in).

11.6.2 The general rules of debate (Rule 8.3) shall not generally apply.

11.7 Work Programme

The Scrutiny Committee will agree a work programme which meets the general role of the Scrutiny outlined at Article 10.2. The work programme will have particular regard to the development of local or place based scrutiny.

11.8 Consultation and attendance at Scrutiny Committee or Task and Finish Group meetings

11.8.1 The Scrutiny Committee, or a Task and Finish Group, may invite any person to attend a meeting to address the Committee or Task and Finish Group, raise issues of local concern and/or answer questions.

11.8.2 The Committee or Task and Finish Group may consult and involve the local community and other local public, private and voluntary bodies and organisations.

11.8.3 The Committee or Task and Finish Group may hear from councillors, residents, stakeholders, officers, people with specific knowledge or experience, and such other persons as is considered appropriate.

11.9 Power of the Scrutiny Committee to questions Councillors and Officers

11.9.1 The Scrutiny Committee, or a Task and Finish Group, may require any member of the Cabinet, and officers of the Council, to attend before it to answer questions.

11.9.2 It is the duty of the member or officer to comply with any requirement to attend and answer questions. Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Committee shall, in consultation with the member or officer, arrange an alternative date for attendance.

11.9.3 Where arrangements have been made for the discharge of any function by a councillor in relation to the division for which the councillor has been elected (Section 236 of the Local Government and Public Involvement in Health Act 2007), then that councillor can be required to attend before the Scrutiny Committee, or a Task and Finish Group, to answer questions.

- 11.9.4 A member or an officer is not obliged to answer any question which he would be entitled to refuse to answer in, or for the purposes of, proceedings in a court in England and Wales.
- 11.9.5 The Scrutiny Committee shall consider exempt information only if and when the Monitoring Officer advises it is appropriate to do so and, in such cases, the outcome should be open to the public through the published minutes of the meeting.

11.10 Agenda Items

- 11.10.1 Any councillor or member of the Scrutiny Committee is entitled to refer to the Committee any matter which is relevant to its functions.
- 11.10.2 Any councillor who is not a member of the Scrutiny Committee is entitled to refer to the Committee any local government matter which is relevant to the functions of the committee.

For these purposes “local government matter” means a matter which: –

- (a) relates to the discharge of any function of the Council; or
- (b) affects all or part of the electoral area for which the councillor is elected or any person who lives or works in that area; and
- (c) is not an excluded matter.

An “excluded matter” means any matter which is a local crime and disorder matter within the meaning of section 19 of the Police and Justice Act 2006 or a matter of any description specified in an order made by the Secretary of State.

“Excluded matters” are

- licensing decisions;
- planning decisions;
- a matter relating to an individual or entity where there is already a statutory right or a review or appeal (other than the right to

complain to the Local Government Ombudsman);

- a matter which is vexatious, discriminatory or not reasonable to be included on the agenda or discussed at the Scrutiny Committee meeting.

11.10.3 A councillor, in considering whether to exercise the power which he has by virtue of Rule 11.10.2, must have regard to any guidance for the time being issued by the Secretary of State.

11.10.4 For the purposes of Rule 11.10.1 and Rule 11.10.2 a councillor or member shall give notice to the Monitoring Officer and the Monitoring Officer shall ensure that the matter is included on the agenda for the next available meeting of the Committee.

11.10.5 In considering whether or not to exercise any of its powers in relation to any matter referred to it under Rule 11.10.2, the Committee may have regard to any representations made by the councillor as to why it would be appropriate for the Committee to exercise any of its powers.

11.10.6 If the Committee decides not to exercise any of its powers in relation to a matter referred to it under Rule 11.10.2, it must notify the councillor of its decision, and the reasons for it.

11.10.7 If the Committee decides to exercise its powers in relation to a matter referred to it under Rule 11.10.2 then the Committee must provide the councillor with a copy of any report or recommendations which it makes to the Council or the Cabinet in relation to the matter.

11.11 Duty of Council or Cabinet to respond to the Scrutiny Committee

Where the Scrutiny Committee makes a report or recommendations to the Council or Cabinet the Scrutiny Committee must, by notice in writing, require the Council or Cabinet

- (a) to consider the report or recommendations,
- (b) to respond to the Scrutiny Committee indicating what (if any) action the Council or the Cabinet proposes to take,
- (c) to publish the response (if the Scrutiny Committee has published the report or recommendations)

- (d) to provide the relevant councillor with a copy of the response (if the Scrutiny Committee provided a copy of its report or recommendations to a councillor under Rule 11.10.7)

and to do so within two months beginning with the date on which the Council or Cabinet received the report or recommendations or (if later) the notice.

11.12 Attendance at Cabinet meetings

In circumstances where a report or recommendation has been referred to the Cabinet the Chairman of the Scrutiny Committee (or nominee from that Committee) will be able, in accordance with Rule 22.1, to attend the Cabinet meeting to present the report or recommendation and may speak but not vote on the matter.

12. Health Scrutiny Committee – Rules of Procedure

Arrangements for the Health Scrutiny Committee

- 12.1 The Council will appoint a Health Scrutiny Committee to review and scrutinise, in accordance with the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, matters relating to the health service in Suffolk and to make reports and recommendations on such matters in accordance with the regulations.

Composition of the Health Scrutiny Committee

- 12.2 The membership of the Health Scrutiny Committee will be:
 - (a) 5 Suffolk County Councillors on a politically proportionate basis, and
 - (b) 7 non executive members; one from each of the district and borough council's in Suffolk.
- 12.3 Each authority is allowed to substitute for the committee members.
- 12.4 In carrying out the review and scrutiny of a particular matter the Committee shall have regard to any guidance issued by the Secretary of State; invite interested parties to comment on the matter; and take account of relevant information available to it.
- 12.5 The Health Scrutiny Committee shall make reports and recommendations to the Cabinet and local NHS or other bodies on any matter reviewed or scrutinised by it, as appropriate.
- 12.6 Where the Health Scrutiny Committee makes such reports and recommendations it shall include:

- (a) an explanation of the matter reviewed or scrutinised;
- (b) a summary of the evidence considered;
- (c) a list of the participants involved in the review or scrutiny;
and
- (d) an explanation of any recommendations on the matter reviewed or scrutinised.

12.7 In addition, where the Health Scrutiny Committee is minded to refer a matter to the Secretary of State, the Health Scrutiny Committee shall provide evidence of what action has already been taken locally to resolve the issue.

12.8 The Health Scrutiny Committee may establish joint arrangements for the scrutiny of health matters, including the appointment of a joint committee, with one or more local authorities, to exercise the functions relevant to the Health Scrutiny Committee.

Meetings of the Health Scrutiny Committee

12.9 The Health Scrutiny Committee will normally meet four times a year.

12.10 If the Health Scrutiny Committee considers it to be necessary to carry out its business, it may hold additional meetings, or create task and finish groups with such membership as it sees fit.

13. Call-in

13.1 Any decision made by the Cabinet, or a Committee or Sub-Committee of the Cabinet, by an individual Cabinet Member, or a key decision made by an officer with delegated authority is subject to call-in.

A decision may only be called-in once.

A decision will not come into force, and may not be implemented, until after 4.00 pm on the second working day after the decision was made

An executive decision, having been called-in, is suspended and may not be implemented.

13.2 Call in by any five or more councillors

13.2.1 When a decision referred to in Rule 13.1 has been made, any 5 or more councillors may submit a call-in notice, in writing, by no later than 4.00 pm on the second working day after the decision was made, to the Monitoring Officer.

- 13.2.2 The call-in notice must, in accordance with Rule 13.8, set out the grounds on which the decision is being called in. Where the notice is valid, the decision cannot be implemented until the procedures for call-in have been followed.
 - 13.2.3 Where a valid notice is received by the Monitoring Officer the decision shall normally be considered at the next scheduled meeting of the Scrutiny Committee.
 - 13.2.4 If, in exceptional circumstances, it is not possible to consider the decision at that scheduled meeting, then with the agreement of the Chairman of the Scrutiny Committee and the proposer and seconder of the call-in, an alternative date for a meeting should be arranged as soon as practicable. If a date cannot be arranged at which the proposer, seconder and a quorum of the Scrutiny Committee are able to be present within three weeks of the decision being taken, then the call-in will be cancelled.
 - 13.2.5 The underpinning assumption is that the call-in procedure will be used in exceptional circumstances only and its use is limited to no more than ten occasions in any municipal year.
 - 13.2.6 A submitted call-in notice can only be withdrawn with the written consent of all of its signatories.
 - 13.2.7 Unless agreed by the Chairman prior to the meeting, the Proposer and Secunder listed on the call-in notice should attend the meeting.
 - 13.2.8 In the case of Cabinet decisions, the Cabinet Member is expected to attend the Scrutiny Committee considering the call-in. If a decision is made by an individual under delegated authority, that person is expected to attend the Scrutiny Committee.
- 13.3 The Scrutiny Committee meeting at which the call-in is considered may, subject to the provisions set out below, resolve to deal with the call-in in one of the following ways:
- 13.3.1 Reject the call-in and endorse the decision.
 - 13.3.2 Refer the matter to the decision maker for reconsideration.
 - 13.3.3 Subject to Rule 13.5.3 below, refer the matter to Council.

13.4 In reaching the decision referred to in Rule 13.3 above, while the focus of the Scrutiny Committee is whether the decision maker had all of the information available in order to meet the principles set out in Rule 13.8, the Committee can invite such persons to attend as it considers necessary. The procedures within Rules 11.8 and 11.9 will still apply in these circumstances

13.5 Call-in - referral by a Scrutiny Committee

13.5.1 If the Scrutiny Committee decides to endorse the decision then the decision can be implemented immediately.

13.5.2 If the Scrutiny Committee decides to refer the decision back to the person or body which took the decision it shall set out in writing its reasons for so doing. The person or body concerned shall, as soon as practicable, reconsider the decision and may amend or confirm the original decision which shall be final and take immediate effect.

13.5.3 The Scrutiny Committee can only refer a decision to full Council if it considers that the decision is contrary to the policy framework or contrary to, or not wholly in accordance with, the budget set by the Council.

13.6 Call-in and urgent decisions

The call-in procedure outlined above shall not apply where the decision being taken is urgent. A decision is urgent where delay would seriously prejudice the Council's or the public's interests. The decision-maker will state at the time that the decision is made that the decision is urgent, setting out reasons.

13.7 In cases where the Chairman or three councillors on the Scrutiny Committee disagree that the matter is urgent by giving notice to the Monitoring Officer by 10.00 am on the second working day after the statement is made, the Chairman of Council and the Monitoring Officer must agree that it is reasonable in all the circumstances that the decision be treated as a matter of urgency.

13.8 Call-in - grounds for call-in to be stated

The reason(s) for a call-in must include one or more of the following grounds:

That the decision was not taken in accordance with one or more of the following principles:

(a) proportionality (ie the action was not proportionate to the desired outcome);

- (b) due consultation and the taking of professional advice from officers;
- (c) respect for human rights and for the Equality Duty (have these been considered);
- (d) a presumption in favour of openness;
- (e) clarity of aims and desired outcomes;
- (f) explaining the options considered and giving the reasons for the decision; or
- (g) for any other reason (to be stated).

13.9 Declaration of party whip

Any councillor on the Scrutiny Committee who is subject to a party Whip must declare to the Scrutiny Committee the existence of the Whip and the nature of it before the Committee considers any matter. The details shall be recorded in the minutes of the meeting.

13.10 General Exception

If a matter which is likely to be a key decision has not been included in the Forward Plan, then subject to Rule 13.10 (special urgency), the decision may still be taken if:

- (a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next Forward Plan;
- (b) the Chairman of the Scrutiny Committee has been informed, or if there is no such person, each member of that Committee in writing, by notice, of the matter to which the decision is to be made;
- (c) copies of that notice have been made available to the public at the offices of the Council; and
- (d) at least 5 clear days have elapsed since compliance with (b) and (c).

13.11 Special Urgency

13.11.1 If by virtue of the date by which a decision must be taken Rule 13.9 (general exception) cannot be followed, then the decision can only be taken if the agreement of the Chairman of the Scrutiny Committee is obtained, that the taking of the decision cannot be reasonably deferred and the decision is urgent.

13.11.2 If there is no Chairman of the Scrutiny Committee, or if the Chairman of the Scrutiny Committee is unable to act, then the agreement of the Chairman of the

Council, or in his absence the Deputy Chairman, will suffice.

13.12 Access to Documents – Additional Statutory Rights

13.12.1 Subject to the limits below, a member of the Scrutiny Committee (including Task and Finish Groups) will be entitled to copies of any document which is in the possession or control of the Cabinet or its Committees and contains material relating to

- (a) any business that has been transacted at a public or private meeting of the Cabinet or a committee of the Cabinet; or
- (b) an executive decision made by an individual member of the Cabinet in accordance with executive arrangements; or
- (c) a key decision made by an officer in accordance with executive arrangements.

13.12.2 Scrutiny members will not be entitled to:

- (a) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise;
- (b) the advice of a political adviser or assistant.

14. **Meeting of Committees and Subcommittees**

14.1 Election of a Chairman

Except where Council has appointed a Chairman, every body shall elect a Chairman (and if it wishes a Vice-Chairman) at the first meeting after the Council's annual meeting and consider how best its business should be conducted and recorded. In the case of the Cabinet the Leader shall take the chair. In the absence of the Chairman and Vice-Chairman from a meeting a Chairman for the meeting may be elected for that meeting. The election of the Chairman shall be conducted by the clerk to the meeting.

14.2 Where there are more than two persons nominated for any position and there is not a majority in favour of one person, the person having the least number of votes shall be struck off the list and a fresh vote taken, and so on until an overall majority of votes is given.

14.3 The Chairman or Vice Chairman of a committee or subcommittee shall hold office until the next annual meeting

unless they resign by giving notice in writing to the Monitoring Officer or cease to be a member of the committee or subcommittee, or the Council.

15. Openness

All meetings shall be in public unless the business requires confidentiality and shall take place at a venue accessible to the public.

16. Size

	<u>Size</u>	<u>Quorum</u>
Council	75	20
Cabinet	10 ⁽¹⁾	3
Audit Committee	7	2
Development and Regulation Committee	12	3
Dismissal Appeals Committee	5 ⁽²⁾	2
Education Transport Appeals Committee	3	2
Individual Cases Committee	3	2
Pension Fund Committee ⁽³⁾	7	2
Scrutiny Committee ⁽⁴⁾	12	3
Staff Appointments Committee	5 ⁽⁵⁾	2
Health Scrutiny Committee	12	3 ⁽⁶⁾
Police and Crime Panel	13	6
Suffolk Pension Board	6 ⁽⁷⁾⁽⁸⁾	2 ⁽⁹⁾
Firefighters' Pension Scheme Board	4 ⁽¹⁰⁾	2 ⁽¹¹⁾
Health and Wellbeing Board	* ⁽¹²⁾	*

NOTES

- (1) Maximum.
- (2) Dismissal Appeals Committee must include at least one Cabinet member. When the Committee is considering and determining any allegation or issue of misconduct, incapability or breakdown in trust against the Chief Executive, Chief Finance Officer (s151 officer), Monitoring Officer or a Deputy Monitoring Officer, two Independent Persons appointed under s28(7) of the Localism Act 2011 will attend the Committee.
- (3) In addition there will be two representatives from the district and borough councils, and one from UNISON.
- (4) In addition there will be 4 co-opted members, of whom two will be parent governors, one will represent the Church of England and one will represent the Roman Catholic Church.
- (5) Staff Appointments Committee must include at least one Cabinet member.
- (6) Two of whom should be county councillors.
- (7) Three Pension Fund employer representatives, and three Pension Fund member representatives.
- (8) No Board member may also be a member of the Pension Fund Committee.
- (9) Comprising at least one of each category specified in (7).
- (10) Two county councillors as employer representatives, and two member representatives.
- (11) Comprising at least one of each category specified in (10).
- (12) See paragraph 10.5 of Part 1 (Articles of the Constitution) for details of membership

17. Quorum

All meetings (with the exception of Council) shall be quorate if at least one quarter of the members are present and at least half of those present are members of the Council, provided that in no case shall the quorum be fewer than two members of the Council, and, if the meeting is not quorate the meeting will adjourn. The remaining business will be adjourned to the next regular or arranged meeting.

18. Venue

Meetings will be held in appropriate locations for the business as decided by the relevant body.

19. Time

Meetings will start at 10.00 am or 2.00 pm unless either the relevant body exceptionally decides otherwise or these Rules provide otherwise. Cabinet meetings will start at 2.00 pm and Council will start at 2.00 pm.

20. Appointments and Substitutes

20.1 The Monitoring Officer on the nomination of Group Leaders, or in their absence Deputy Group Leaders, appoints and removes members of committees and subcommittees, with the exception of the Cabinet.

20.2 Where a Councillor cannot attend a meeting, he or she (or their Research Assistant) will contact the Democratic Services Team by 5.00pm on the day before the meeting to let them know this and to confirm who will be coming in their place. (This will enable the Clerk to ensure that there is, or is not, a quorum and advise all Councillors at this time should the latter apply.) Substitutes are not permitted at Cabinet.

20.3 The names of substitutes shall be announced at the start of the meeting by the Chairman and the substitution shall cease at the end of the meeting.

20.4 Substitutes for Regulatory Committees must be drawn from members who have received training in quasi-judicial decision making. If a casual vacancy occurs on a Regulatory Committee it will not be filled until the nominated member has been trained.

20.5 All councillors are entitled to attend the training provided for members of Regulatory Committees.

21. Proportionality

With the exception of the Cabinet, membership of committees and subcommittees will reflect proportionality. The Monitoring Officer shall

be responsible for calculating the entitlement of each political group to places on committees and subcommittees and shall notify Group Leaders.

22. Rights to attend and speak

22.1 Subject to Rule 22.2 any member may attend any body to which these Rules of Procedure apply and, at the discretion of the Chairman and by prior notification to him/her, may speak for no longer than five minutes on any item on the agenda (it being the normal expectation that a councillor should be permitted to speak on a matter primarily affecting that councillor's division).

22.2 Only members of the Dismissals Appeals Committee and the Staff Appointments Committee will be able to attend its meetings, unless they are held in public as a result of consultation with the employee(s) or candidates concerned.

23. Co-option

23.1 Generally a Committee, or a subcommittee (but not the Cabinet or a Regulatory Committee) may co-opt a person or persons onto the body. Any person so co-opted may speak but not vote.

23.2 Church and Parent Governor representatives

In the case of representatives of the Church of England and Roman Catholic Church and representatives of parent governors, there will be an entitlement to speak and to vote on matters involving education as required by Section 499 of the Education Act 1996 and the Parent Governor Representative (England) Regulations 2001 respectively.

23.3 Pension Fund Committee

In the case of the Pension Fund Committee, the two co-opted district or borough councillors are entitled to speak and vote. These members will be nominated annually by the Suffolk Public Sector Leaders. The co-opted employee representative member, who will be nominated by UNISON, is also entitled to speak and vote.

23.4 Firefighters' Pension Scheme Board

In the case of the Firefighters' Pension Scheme Board, the employer and member representatives are entitled to speak and vote. These members will be appointed in accordance with the rules of procedure of the Pension Board.

24. Interpretation of Rules of Procedure and Notices

Except where otherwise provided, the Monitoring Officer will consult with Chairmen, Group Spokespersons and chief officers over matters of interpretation and is responsible for making a determination if necessary. Notices to the Monitoring Officer shall be in writing and may be delivered by hand, email, fax or post.

25. Key Decisions

- 25.1 A Forward Plan of key decisions over the next four-month period will be publicised regularly as required by Regulation 9 of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.
- 25.2 Key decisions will be recorded as required by Regulation 12 of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.
- 25.3 The County Council has agreed a threshold of £500,000 for key decisions; Key decisions are also defined as those that, even if within the threshold, involve significant expenditure or savings, or have a significant effect on communities whether in one or more electoral divisions.

26. Outside Bodies

- 26.1 Any person appointed to serve on an outside body shall be appointed until they resign, are dismissed or their successor is appointed. Councillors shall cease to hold appointments (except as School Governors) on the fourth day after the ordinary day of election of County Councillors unless they are re-elected as County Councillors at the Election.
- 26.2 The Chief Executive will:
 - a) in consultation with the appropriate Group Leaders, revise as necessary appointments to outside bodies arising as a result of a vacancy or otherwise;
 - b) in consultation with the Leader of the Council and the appropriate Cabinet Members, agree the allocation of appointments to any new outside bodies or organisations.

27. Presentation of Petitions to County Council, Cabinet or Scrutiny Committee meetings

- 27.1 The Council welcomes petitions and recognises that petitions are one way in which people can let the Council know their concerns. All petitions sent or presented to the Council will be recorded. It should be clear from the petition who has organised it, and that will be the person contacted by Democratic Services