

Article 5 – Chairing the Council

Explanatory Comment

Council meetings will be Chaired by a member known as the Speaker and the civic/ceremonial role carried out by a member known as the Mayor.

~~Council meetings will be chaired by the Mayor~~

5.01 Title of the person chairing Council meetings

The person elected to chair meetings of the Council is referred to as “the ~~Mayor~~Speaker”.

5.02 Role and function of the ~~Mayor~~Speaker

The ~~Speaker~~Mayor and Deputy ~~Mayor~~Speaker will be elected by the Council at the Annual Council Meeting.

The ~~Mayor~~Speaker and in his or her absence, the Deputy ~~Mayor~~Speaker will have the following roles and functions:

1. to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
2. to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
3. to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members are able to hold the Leader and Cabinet Executive to account;
4. to promote public involvement in the Council’s activities;

5.03 Ceremonial Role

A member will be elected as Mayor at the Annual Council meeting.

The Mayor’s role and responsibilities will also include to attend such civic and ceremonial functions that the Council and he/she determines appropriate.

Article 16 – Suspension, Interpretation and Publication of the Constitution

Explanatory Comment

This Article ensures that the articles of the Constitution may not be suspended. This provides certainty and stability to the fundamental aspects of the Council's governance. However, it does provide for rules of procedure to be suspended in certain circumstances.

16.01 **Suspension of the Constitution**

- (a) Limit to suspension. The Articles of this Constitution may not be suspended. The Rules of Procedure relating to meetings of the Council, the Cabinet, Committees and Sub-Committees may be suspended by the Council or the Cabinet to the extent permitted within the Council Procedure Rules and the Cabinet Procedure Rules contained in Part 4 and the law.
- (b) Procedure to suspend. A motion to the full Council to suspend any rules will not be moved without notice unless at least one half of the whole number of Councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the aims of the Constitution set out in Article 1.

16.02 **Interpretation**

The ruling of the ~~Mayor~~ Speaker as to the interpretation or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the aims of this Constitution contained in Article 1.

16.03 **Keeping the Constitution Up To Date**

The Council has delegated power under **Section 37 of the Local Government Act 2000** to prepare and keep up to date the Constitution to the Managing director who shall make appropriate arrangements to ensure the Constitution is kept up to date and is made available in accordance with paragraph 16.04 below.

16.04 **Publication**

<http://www.telford.gov.uk/Council+democracy/Democracy+elections/Council+Constitution.htm>

- (a) The Managing director will provide an electronic link to this Constitution on the Council's website or, on request, a printed copy, to each member of the authority upon delivery to him/her of that individual's declaration of acceptance of office on the member first being elected to the Council.
- (b) The Managing director will ensure that copies are available for inspection at Council offices, libraries and other appropriate locations, and can be purchased on payment of a reasonable fee.
- (c) The Managing director will ensure that the summary Part 1 Chapter 1 of the Constitution is made widely available within the area and is updated as necessary.

CHAPTER 2

Part 4 – Rules of Procedure

Section 1 – Council Procedure Rules

Rule

1. Annual meeting of the Council
2. Ordinary meetings
3. Extraordinary meetings
4. Assembly Session
5. Appointment of Substitute Members of Committees
6. Time and place of meetings
7. Notice of and summons to meetings
8. Chairman of meeting
9. Quorum
10. Questions by members
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15. Voting
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Reports of Cabinet and Chairmen at Council Meeting
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19. Exclusion of public
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22. Declaration of interest of members in contracts and other matters
23. Suspension and amendment of Council Procedure Rules
24. Alteration of Date/Time of Meeting
25. Application of Rules to Committees, Boards and Commissions
26. Interests of Officers in Contracts
27. Advice to Council by Officers

1. ANNUAL MEETING OF THE COUNCIL

1.1 Timing and business

In a year when there is an ordinary election of Councillors, the Annual Meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the Annual Meeting will take place in March, April or May (Local Government Act 1972, Schedule 12 paragraph 1).

The annual meeting will:

- (i) elect a person to preside if the ~~Mayor-Speaker~~ is not present;
- ~~(ii) elect the Speaker~~
- ~~(iii) elect the Deputy Speaker of the Council~~
- (iv) appoint the Leader if the Annual Meeting follows an ordinary election of Councillors;
- (v) appoint a Mayor
- (vi) appoint a Deputy Mayor
- (vii) receive any declarations of interest from members
- (viii) approve the minutes of the last meeting;
- (ix) receive any announcements from the Speaker, Leader, the ~~mayer-Mayor~~ and/or Head of Paid Service;
- (x) appoint such committees and boards as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Cabinet functions (as set out in Part 3, of this Constitution), agree the size and terms of reference of these bodies and to appoint Chairmen, Vice Chairmen, Members and substitute Members for such committees and boards in accordance with political balance rules;
- (xi) agree the scheme of delegation in accordance with the requirements of the Local Authority (Functions & Responsibilities) (England) Regulations 2000 or such part of it as the Constitution determines it is for the Council to agree (as set out in Part 3 of this Constitution);
- (xii) receive a programme of ordinary meetings of the Council for the year; and
- (xiii) consider the Leader's annual statement of policy priorities and the responses of the Leaders of the two largest opposition parties
- (xiv) consider any business set out in the notice convening the meeting

2. ORDINARY MEETINGS

2.1 Ordinary meetings of the Council will take place in accordance with the calendar of meetings. Ordinary meetings will:

- (i) elect a person to preside if the ~~Mayor-Speaker~~ and Deputy ~~Speaker-Mayor~~ are not present;

- (ii) have prayers led by the ~~Mayor~~ Speaker or a nominee
- (iii) receive apologies for absence (if any)
- (iv) deal with any business required by statute to be done before any other business
- (v) approve the minutes of the previous meeting and any outstanding from previous meetings;
- (vi) receive any declarations of interest from members;
- (vii) receive any announcements from the Speaker, the Leader and Cabinet Members, the Mayor, or the Head of Paid Service;
- (viii) deal with any business from the previous Council meeting;
- (ix) receive reports from the Leader and Cabinet Members, and receive questions and answers on any of these reports;
- (x) receive reports from the Council's committees and receive questions and answers on any of these reports. All recommendations to Council for approval contained within such reports to be clearly identified on the agenda for the meeting;
- (xi) receive reports about and receive questions and answers on the business of external organisations;
- (xii) receive statutory reports:
- (xiii) to answer questions received from members under Rule 10 in the order in which they were received
- (xiv) consider motions from members under Rule 11 in the order in which they were received; and
- (xv) consider any other business specified in the Summons to the meeting, including consideration of proposals from the Leader and Cabinet Executive in relation to the Council's budget and policy framework and reports of the Scrutiny Committees and Scrutiny Assembly for debate.

2.2 The order of items (i), (ii), (iii) or (iv) of paragraph 2.1 shall not be varied. The order of other business may be varied:-

- (i) at the discretion of the ~~Mayor~~ Speaker, prior to the meeting following consultation with the Leader or at the meeting
- (ii) by a resolution passed at the meeting on a motion (which need not be in writing) duly moved and seconded, and put without discussion.

3. EXTRAORDINARY MEETINGS

3.1 Calling extraordinary meetings

Those listed below may request the Assistant Director: Law, Democracy & Public Protection to call Council meetings in addition to ordinary meetings:

- (i) the Council by resolution;

- (ii) the ~~Mayer~~Speaker;
- (iii) the Monitoring Officer; and
- (iv) any five members of the Council if they have signed a requisition presented to the ~~Speaker~~Mayer and he/she has refused to call a meeting or has failed to call a meeting within five working days of the receipt of the requisition **Local Government Act 1972, Schedule 12, paragraph 3(2)**.

3.2 Business

Business conducted at an extraordinary meeting shall be restricted to a single item with no consideration of previous minutes or reports from committees.

4. ASSEMBLY SESSION

4.1 Calling of Debate

The Leader, after consultation with the ~~Mayer~~Speaker, may request the Assistant Director: Law, Democracy & Public Protection to call an Assembly Session as and when required.

- 4.2 The Assistant Director: Law, Democracy & Public Protection will, by letter, invite partner organisations through nominated spokespersons, to attend and debate with members of the Council, matters of public policy. The letter of invitation will set out the rules of debate applicable to Assembly Sessions.

4.3 Form of Debate

The Leader will decide the form of the debate with the aim of enabling the widest possible public involvement and publicity. This may include workshops and other events prior to or during the Assembly Sessions.

4.4 Chairing of debate

The debate will be chaired by the ~~Mayer~~Speaker.

4.5 Results of Debate

The results of the debate will be:

- (i) disseminated as widely as possible within the community and to agencies and organisations in the area; and
- (ii) considered by the Leader in proposing budget and policy framework to the Council for the coming year.

5. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES

5.1 Allocation

As well as allocating seats on committees, the Council may allocate seats in the same manner for substitute members, and these will be appointed at the Annual Council meeting. Subject to the requirements of Rule 5.2, substitute members may also be appointed by the relevant political group except that there should be no substitute arrangements in relation to the

following:-Standards Committee, Audit Committee, Personnel Board, and Scrutiny Committees, except in the case of Call-In Meetings. The appropriate Group Leader will be required to notify the Assistant Director: Law, Democracy & Public Protection of the appointment.

5.2 **Number**

For each committee where substitutes are permitted, the Council or relevant political group will appoint no more than the same number of substitutes in respect of each political group as that group holds ordinary seats on that committee.

5.3 **Powers and duties**

Substitute members will have all the powers and duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

5.4 **Substitution**

Substitute members may attend meetings in that capacity only:

- (i) to take the place of the ordinary member for whom they are the designated substitute;
- (ii) where the ordinary member will be absent for the whole of the meeting; and
- (iii) after that member notifying the Assistant Director: Law, Democracy & Public Protection one hour before the start of the meeting of the intended substitution.

6. **TIME AND PLACE OF MEETINGS**

The time and place of meetings will be determined by the Assistant Director: Law, Democracy & Public Protection and notified in the summons.

7. **NOTICE OF AND SUMMONS TO MEETINGS**

The Assistant Director: Law, Democracy & Public Protection will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear working days before a meeting, the Assistant Director: Law, Democracy & Public Protection will send a Summons signed by him or her by post to every member of the Council or leave it at their usual place of residence. The Summons will state the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by reports

8. **CHAIRMAN OF MEETING**

The person presiding at the meeting may exercise any power or duty of the ~~Mayor~~Speaker. Where these rules apply to Committee, Board and Scrutiny Committee meetings, references to the ~~Mayor~~Speaker also include the Chairman of Committees and Boards.

9. **QUORUM**

The quorum of a meeting shall be 14 members. During any meeting if the ~~Mayor~~Speaker counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the ~~Mayor~~Speaker. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

10. **QUESTIONS BY MEMBERS**

10.1 On reports of the Cabinet or Committees

A member of the Council may ask the Leader or the Chairman of a Committee any question without notice upon an item of the report of the Cabinet or a Committee when that item is being received or under consideration by the Council.

10.2 Questions on notice at full Council

Subject to Rule 10.3, a member of the Council may ask:

- the ~~Mayor~~Speaker;
- any member of the Cabinet; or
- the Chairman of any Committee or Board.

At any ordinary meeting of the Council a question on any matter in relation to which the Council has powers or duties or which affects the Borough.

10.3 Question and Answer Process

- (a) There will be a maximum of 30 minutes allowed for questions and answers.
- (b) Questions will be dealt with strictly in accordance with the order in which they are received by the Assistant Director: Law, Democracy & Public Protection.
- (c) A member asking a question will refer to that question as printed and circulated rather than to read out the question.
- (d) Any question not answered within the 30 minute time limit will receive a written reply within 7 working days.
- (e) A member asking a question under Rule 10.2 may respond once without notice to the reply from the member to whom the first question was asked. The questioner's response must arise directly out of the original question or the reply. The member to whom the question was addressed shall then have the right to conclude the debate.

10.4 Notice of questions

A member may only ask a question under Rule 10.2 if either:

- (a) the question has been submitted in writing at least two working days prior to the Council meeting to the Assistant Director: Law, Democracy & Public Protection; or

(N.B. Notices of Questions should be by 5.00pm on the last day of receipt. These may be delivered by e-mail and facsimile)

- (b) the question relates to urgent matters, they have the consent of the ~~Mayor~~Speaker to whom the question is to be put and the content of the question is given to the Assistant Director: Law, Democracy & Public Protection if at all possible no later than 24 hours before the time fixed for the meeting.

10.5 Questions out of Order

The ~~Mayor~~Speaker may, in consultation with the Managing ~~director~~Director or Assistant Director: Law, Democracy & Public Protection, rule out of order questions which in his/her opinion would risk:-

- (a) defamation of any individual;
- (b) not conforming to the provisions of paragraph 10.2.

No invalid questions will be circulated.

10.6 Response

An answer may be given by the member to whom the question was asked or such other member as they may nominate.

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner and to all other Members via the Council's Intranet or e-mail within 7 working days.

10.7 Time allowed for questions

The time allowed in Council meetings for dealing with questions received under this Council's Procedure Rules shall not exceed 30 minutes. If questions remain unanswered, then written answers will be circulated within 5 working days after the meeting to the questioner and to all other Members via the Council's Intranet or e-mail.

11. NOTICE OF MOTION

11.1 Notice

Except for motions which can be moved without notice under Rule 12, written notice of every motion must be delivered to Assistant Director: Law, Democracy & Public Protection not later than 7 clear working days before the date of the meeting.

These will be available for inspection the day after the closing date for receipt.

(NB. Notices of motion should be delivered by 5.00 pm on the last day of receipt. These may be delivered by e-mail and facsimile)

11.2 Motion set out in agenda

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

11.3 Scope

Motions must be about matters for which the Council has a responsibility or which affect Telford & Wrekin.

11.4 Withdrawing a motion

If a motion set out in the summons is not moved either by the member who gave notice or by some other member on that member's behalf it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice

11.5 Motions Out of Order

The ~~Mayor~~ Speaker may in consultation with the Managing ~~director~~ Director or Assistant Director: Law, Democracy & Public Protection, rule out of order motions which, in his/her opinion, would risk:-

- (a) defamation of any individual;
- (b) not conforming to the provisions of paragraph 11.3 or which breach Council Procedure Rules.

Such motions shall not appear on the Council agenda or be otherwise circulated.

11.6 Referring a motion

If the subject matter of any motion of which notice has been duly given comes within the province of the Leader and Cabinet Executive or any committee, board or commission, it shall, upon being moved and seconded, stand referred without discussion to the Leader and Cabinet Executive or such committee or to such other committee as the Council may determine, for discussion and report, provided that the ~~Mayor~~ Speaker may consider it convenient and conducive to the despatch of business to allow the motion to be dealt with at the meeting at which it is brought forward.

12. MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- (a) to appoint a Chairman of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda; (in accordance with Rule 2.2 (ii))
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to extend the time limit for speeches
- (i) to amend a motion;
- (j) to proceed to the next business;
- (k) that the question be now put;
- (l) to adjourn a debate;

- (m) to adjourn a meeting;
- (n) to suspend a particular Council Procedure Rule;
- (o) to exclude the public and press in accordance with the Access to Information Rules;
- (p) to not hear further a member named under Rule 20.3 or to exclude them from the meeting under Rule 20.4; and
- (q) to give the consent of the Council where its consent is required by this Constitution.
- (r) to requisition voting by roll-call in accordance with Rule 15

13. RULES OF DEBATE

13.1 No speeches until motion seconded

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

13.2 Right to require motion in writing

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

13.3 Secunder's speech

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

13.4 Content and length of speeches

- (a) Speeches must be directed to the question under discussion or to a personal explanation or point of order. Except as set out below no speech may exceed three minutes without the consent of the ~~Mayor-Speaker~~ or upon a passing of a motion under Rule 12(h)
- (b) the following persons may be allowed to speak for up to 5 minutes:
 - (i) The Leader or a Cabinet Member or Chairman of a Committee who is presenting a report to the Council or moving the adoption of minutes of that Committee
 - (ii) The mover of a motion.
 - (iii) A Member exercising his/her right of reply to a motion
- (c)
 - (i) At the Annual Council Meeting and at the Council meeting which determines the budget and on the occasion of the State of the Borough Debate the Leader shall be allowed 20 minutes to deliver his/her priorities speech.
 - (ii) The Leaders of the two largest opposition groups shall each be allowed 10 minutes to reply to (c) (i) above
 - (iii) The Leader or a Cabinet Member shall be allowed a further 10 minutes in total to respond to the speeches in (ii) above

13.5 When a member may speak again

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

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

13.6 Amendments to Motions and Recommendations

- (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) Any proposed amendment to a motion or recommendation at Council shall be submitted to the Assistant Director: Law, Democracy & Public Protection by no later than 2.30 p.m. on the day of the meeting. The Assistant Director: Law, Democracy & Public Protection will ensure that Group Leaders are notified by telephone or email of any amendments received as soon as possible prior to the commencement of the Council meeting. If the meeting commences any earlier than 6.30 p.m. then the deadline shall be 4 hours before the start time shown on the summons.
- (c) 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.
- (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 Mayor-Speaker will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

13.7 **Alteration of motion**

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

13.8 **Withdrawal of motion**

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

13.9 **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) The mover of a motion may nominate another member to exercise the Right of Reply in their place.
- (c) 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.
- (d) The mover of the amendment has no right of reply to the debate on his or her amendment.

13.10 **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; (See Rule 13.8)
- (b) to amend a motion; (See Rule 13.6)
- (c) to proceed to the next business; (See Rule 13.11)
- (d) that the question be now put; (See Rule 13.11)
- (e) to adjourn a debate; (See Rule 13.11)
- (f) to adjourn a meeting; (See Rule 13.11)
- (g) to exclude the public and press in accordance with the Access to Information Rules; and
- (h) to not hear further a member named under Rule 20.3 or to exclude them from the meeting under Rule 20.4.

13.11 Closure motions

- (a) A member may move, without comment, the following motions at the end of a speech of another member:
 - (i) to proceed to the next business;
 - (ii) that the question be now put;
 - (iii) to adjourn a debate; or
 - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Mayor-Speaker thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded and the Mayor-Speaker thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor-Speaker thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

13.12 Point of order

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

13.13 Personal explanation

A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the Mayor-Speaker on the admissibility of a personal explanation will be final.

14. PREVIOUS DECISIONS AND MOTIONS

14.1 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 10 members.

14.2 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 10 members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

14.3 Decision of Committee to rescind a previous decision

If a Committee decides that a decision of the Council or a Committee, made within the previous 6 months ought to be rescinded or substantially varied then that Committee, may recommend but may not resolve to the Council that the decision in question be rescinded or varied.

15. VOTING

15.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members present and voting in the room at the time the question was put. (**Local Government Act 1972, Schedule 12, paragraph 39(1)**).

15.2 Mayor's Speaker's casting vote

If there are equal numbers of votes for and against, the Mayor-Speaker will have a second or casting vote. There will be no restriction on how the Mayor-Speaker chooses to exercise a casting vote . (Local Government Act 1972, Schedule 12, paragraph 39(2)).

15.3 Voting

The Mayor-Speaker will take the vote by means of an electronic voting system that will automatically record the vote and this information will be entered into the minutes. In the event of an electronic vote recording system not being used the Mayor-Speaker will take the vote by show of hands or if there is no dissent by affirmation at the meeting.

15.4 Recorded vote

In the event of an electronic voting system not being used the following paragraph will apply:
If 7 members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

15.5 Right to require individual vote to be recorded

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

15.6 Voting on appointments

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

16. MINUTES

16.1 Signing the minutes

The ~~Mayor-Speaker~~ will sign the minutes of the proceedings at the next suitable meeting. The ~~Mayor-Speaker~~ will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy, which shall be raised by motion. If no such question is raised, or if it is raised then as soon as it has been disposed of, the ~~Mayor-Speaker~~ shall sign the minutes.

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

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting which is not an extraordinary meeting will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

16.3 Form of minutes

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

17. MINUTES OF BOARDS AND COMMITTEES AND REPORTS OF CABINET AND CHAIRMEN AT COUNCIL MEETING

17.1 The Minutes of the Scrutiny Committees and other Committees shall be submitted for adoption and information to the Council and shall distinguish between decisions made using delegated powers and those made by the appropriate body using referred powers. Decisions in the former case shall be preceded by the word 'RESOLVED' and in the latter case by the word 'RECOMMENDED'.

17.2 The person presenting the minutes shall submit the minutes of the Scrutiny Committees or Committee/Board as appropriate for approval by the Council, and shall formally move their adoption.

17.3 Reports from the Leader and Cabinet Executive containing recommendations shall be submitted for adoption by the Council, and shall formally be moved by the Leader or Cabinet Member .

17.4 Following the seconding of the motion, the number of each minute/report which contains a recommendation or recommendations, will be called out in turn by the ~~Mayor~~~~Speaker~~. When a minute/report containing a recommendation or recommendations is called, a member may indicate that he/she wishes to speak.

17.5 A member may move an amendment, comment, question or make an observation relating to the minute/report. A member wishing to move an amendment must do so at the commencement of his/her speech.

17.6 No comment, observation or question by members on any resolved minutes shall be allowed, except by the discretion of the ~~Mayor~~~~Speaker~~,

17.7 There shall be no amendment to resolved minutes.

17.8 At the conclusion of all questions on and debate on amendments of the Minutes of a Board, Committee or Commission or amendments to reports of the Cabinet, the ~~Mayor~~

Speaker shall put it to the Council Meeting that the Minutes (or the Minutes as amended as the case may be) or reports shall be adopted.

17.9 Members of the Cabinet, the Chairmen of the Scrutiny Committees and other Boards or Committees having given nine working days notice to the Assistant Director: Law, Democracy & Public Protection shall bring to the attention of the Council such matters in respect of which notice has been given after which a debate may follow on matters within that report only. At the conclusion of the debate the Leader, a Cabinet Member or Chairman of the appropriate Committee shall have the right of final response.

17.10 Notwithstanding Rule 14 the Cabinet has the power to request the Council to reverse a decision within five days of that decision being made.

18. RECORD OF ATTENDANCE

All members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting. (Local Government Act 1972, Schedule 12, paragraph (40)).

19. EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 21 (Disturbance by Public).

20. MEMBERS' CONDUCT

20.1 Standing to speak

When a member speaks at full Council they must stand and address the meeting through the Mayor-Speaker, except where the member or members may be physically impaired from so doing. If more than one member stands, the Mayor-Speaker will ask one to speak and the others must sit. Other members must remain seated whilst a member is speaking unless they wish to make a point of order or a point of personal explanation.

20.2 Mayor-Speaker standing

When the Mayor-Speaker indicates by standing or some other means during a debate, any member speaking at the time must stop and sit down. The meeting must be silent.

20.3 Member not to be heard further

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

20.4 Member to leave the meeting

If the member continues to behave improperly after such a Motion is carried, the Mayor-Speaker may move that either the member leaves the meeting or that the meeting is adjourned for a specified period and to a specified place. If seconded, the motion will be voted on without discussion.

20.5 General disturbance by individual member or groups of members

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

21. DISTURBANCE BY PUBLIC

21.1 Removal of member of the public

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

21.2 Clearance of part of meeting room

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

22. DECLARATIONS OF INTEREST OF MEMBERS

If a member of the Council has a personal interest as referred to in Part 2 of the Council's Code of Conduct for Members in any matter under consideration, then the member shall declare his or her interest and if it is considered prejudicial withdraw from the meeting until discussion of the relevant matter is concluded unless that member has obtained a dispensation from the Council's Standards Committee.

23. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

23.1 Suspension

All of these Council Rules of Procedure except Rules 15.5, 16.2 and 18-24 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

23.2 Amendment

Unless it is on the recommendation of the Council Constitution Committee and five working days prior notice in writing is given to each Member of the Council of any addition, variation or revocation of those Rules of Procedure, any motion to add to, vary or revoke these Council Procedure Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

24. ALTERATION OF DATE/TIME OF MEETING

The Mayor-Speaker or Deputy Mayor-Speaker may in any case when he/she considers it necessary following consultation with the Leader, and provided due notice can be given, alter the date or time of the meeting of the Council.

25. APPLICATION OF RULES TO COMMITTEES AND BOARDS

All of the Council Rules of Procedure apply to meetings of full Council. None of the rules apply to meetings of the Cabinet. Only Rules 5-9, 10-13, 14-16, 19-25 (but not Rule 20.1) apply to meetings of Committees and Boards.

26. INTEREST OF OFFICERS IN CONTRACTS

The Assistant Director: Law, Democracy & Public Protection shall record in a book to be kept for the purpose particulars of any notice given by an officer of the Council under **Section 117 of the Local Government Act 1972**.

27. ADVICE TO COUNCIL BY OFFICERS

| The ~~Mayor~~ Speaker may permit Officers to give advice to the Council as and when appropriate.

Part 4 – Rules of Procedure

Section 2 – Access to Information Procedure Rules

The requirements for access to information in respect of decision-taking by the Council are very largely set out in statute and regulations. This section provides a summary of those statutory provisions together with a more detailed statement where the Council has decided to grant rights of access over and above the statutory provision.

1. Council Functions

All decisions in respect of Council functions are regulated by **Sections 100A to 100K of the Local Government Act 1972**.

The Council has made no supplemental provisions for access to information in respect of Council functions.

2. Cabinet Functions

All decisions in respect of Cabinet functions are regulated by the **Local Authorities (Executive Arrangements) (Access to Information)(England) Regulations 2000**, as amended as follows:

a) Advance notice of forthcoming decisions

- i) The requirement for advance notice of forthcoming Leader and Cabinet Executive decisions apply to “Key Decisions”, which are defined by Regulation 8 to comprise any executive decision which is likely to:
 - result in significant expenditure or significant savings, or
 - be significant in terms of its effects on two or more wards or electoral divisions within the authority’s area.
- ii) The Leader is required, at least 10 working days before the start of each calendar month, to prepare a Forward Plan which sets out details (as set out in Regulation 14) of any matters which he/she considers are likely to be the subject of a Key Decision within the next 4 calendar months.
- iii) The Leader shall instruct that the authority shall advertise annually the existence and availability of the Forward Plan
- iv) Where a Key Decision is required to be taken which has not been publicised in the Forward Plan, the decision-taker must give at least 5 working days notice of the proposed decision and a copy of any report to the Chairman of the appropriate Scrutiny Committee. Where the urgency of the decision is such that even that notice cannot be given, the decision-taker must obtain the agreement of the Chairman of the Scrutiny Committee (or in their absence the ~~Mayor-Speaker~~ or Deputy ~~Mayor-Speaker~~ of the Council) that the decision does need to be taken as a matter of such urgency.

b) The decision-making process

- i) Where a decision is to be made by the Cabinet (as a body):

- the agenda for the meeting and every public, and non-exempt report shall be available for inspection as soon as they are made available to members of the decision-making body, unless it discloses confidential or exempt information. At least 5 working days notice shall be given unless the meeting is convened at shorter notice or where an item is added to the agenda at shorter notice in cases of urgency in accordance with the provisions of the **Local Government Act 1972**.
 - the meeting must be a public meeting, although the press and public may be excluded during consideration of any matter which would involve the disclosure of confidential or exempt information.
- ii) Where an individual member of the Cabinet or an officer proposes to take a Key Decision, a Decision Notice shall first be published within four working days and sent to all Members of the Council via email.
- c) **Recording the Decision**
- (i) Within four working days after a Cabinet decision has been made by the Cabinet as a whole or by an individual member, or a Key Decision made by an officer, the proper officer shall make a written record of that decision. All Decision Notices with the exception of those referred to in (d) below shall be published by being made available in the Main Reception of Civic Offices and sent via email to all Members of the Council.
 - (ii) Records of Cabinet decisions shall be available for public inspection within four working days after the decision has been taken, together with a copy of any report considered and any background papers.
- d) **Exceptions for Exempt and Confidential Information**

In respect of (b)(i) and (ii) above the rules do not apply where the publication of a report, a Decision Notice thereon or background paper or attendance at a meeting would be likely to disclose exempt or confidential information, as defined in the **Local Government Act 1972, Schedule 12A (as amended)**. Such reports, Decision Notices or background papers shall only be sent to Members of the Council.

Extract from Section 7 – Contract Procedure Rules

In situations where this will result in disruption and further delay, formal approval to award directly to a supplier or contractor may be obtained from the relevant Assistant Director or another Assistant Director in their absence. This authority may not be delegated.

Works, supplies or services with an estimated value which **exceeds EU limits (£156,442 for Supplies/Services or £3,927,260 for Works)** – must follow the procedures for ‘Urgent decisions outside the budget or policy framework’ contained at Appendix 5.

Note that EU Rules will still apply – but an Accelerated Procedure with compressed timescales may be justified. In these instances, please contact the Corporate Procurement Unit for guidance.

All procedures relating to the placing of orders and subsequent payment of works will be in accordance with standard procedures.

All other works requiring formal tenders are to be carried out in accordance with Contracts Procedure Rules and Financial Procedure Rules and in accordance with standard procedures.

1. Procedure for Urgent Decisions under Paragraph 4 of the Budget and Policy Framework Procedure Rules

This procedure covers decisions contrary to the policy framework and contrary to or not wholly in accordance with the budget.

Urgent decisions outside the budget or policy framework

The Leader and Cabinet Executive, and any Officers, committees of the Council, area committees or joint arrangements discharging Leader and Cabinet Executive functions may take a decision which is contrary to the Council’s policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:

- if it is not practical to convene a quorate meeting of the full Council and
- if the Chairman of the appropriate Scrutiny Committee agrees that the decision needs to be taken as a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of full Council and the Chairman of the appropriate Scrutiny Committee consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chairman of the appropriate Scrutiny Committee the consent of the **Mayer-Speaker**, and in the absence of both, the Deputy **Mayer-Speaker** will be sufficient.

Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

2. External Funding

When letting a contract which is wholly funded by an external provider the contract award method of the fund provider shall take precedence over these Contract Procedure Rules, except where EU regulations shall apply. The usual requirement to retain documentation in these circumstances will be for 6 years after the contract or scheme ends, but may be more if specified by the fund provider.

3. Leasing Arrangements

Section 10 – Committee Procedure Rules

CONDUCT OF BUSINESS

1. GENERAL

Any reference to a Committee in these Committee Procedure Rules shall include Commissions and Boards.

2. APPOINTMENT OF COMMITTEES

- (1) The Council shall at the Annual Meeting appoint such Committees as it is required to appoint by or under any statute or under Council Procedure Rule 1.1(xi) and 1.2 and may at any time appoint such other Committees as are necessary to carry out the work of the Council but, subject to any statutory provision in that behalf:
 - (i) shall not appoint any member of a Committee so as to hold office later than the next Annual Meeting of the Council;
 - (ii) may at any time dissolve a Committee or alter its membership.
- (2)
 - (i) Members of the Council may notify the Managing director of their intention to form a Political Group in accordance with the Local Government (Committees and Political Groups) Regulations 1990 (as amended), and who the Leader (and Deputy Leader if any) of the Group shall be.
 - (ii) The Managing director shall calculate the number of seats on each Committee to be allocated to each of the Political Groups of which he/she has received notice and the number of seats to be allocated to Members who do not form a Political Group (if any) (non-aligned Members) and shall notify the Leader(s) of each of the Political Groups of his/her decision.
 - (iii) If the Managing director does not receive any notice relating to the formation of Political Groups then the allocation of seats on Committees and the appointment of Chairmen and Vice-Chairmen of the Committees shall be decided at the Annual Meeting of the Council.
- (3) Following the procedures mentioned in (2) above each Political Group shall nominate members of the Council to serve on Committees. Details of the nominations shall be contained in a report to be sent to each member not less than three working days before the Annual Meeting.
- (4) The Leader of any of the Political Groups or a member nominated to the Chair before the beginning of the meeting may submit a written amendment comprising a list with alternative names subject to their being before the Chair prior to the commencement of the meeting.

3. CONSTITUTION OF COMMITTEES

- (1) The Council may appoint such Committees, Boards etc. as it considers appropriate. Currently, these are:

Scrutiny Committees
Scrutiny Management Board
Standards Committee
Audit Committee
Licensing Committee

Plans Board
Appeals Committee
Personnel Board
Council Constitution Committee

- (2) The number of members specified for each Committee shall be determined at the Annual Meeting of the Council.
- (3) No member of the Council shall be Chairman of more than one Committee unless the Council shall otherwise determine.
- (4) The Mayor shall not sit on any Board or Committee of the Council during his/her year of office. The Mayor will have the right to attend any meeting and, after prior consultation with the Chairman, to speak at any meeting.

(5) The Speaker shall be invited to attend all Committee meetings in that capacity, save in that capacity the Speaker shall have no vote.

4. ELECTION OF CHAIRMEN AND VICE-CHAIRMEN OF COMMITTEES

The Council shall at its Annual Meeting elect Members of the Council to be Chairmen and Vice-Chairmen of all Committees.

5. VACANCY IN POSITION OF CHAIRMAN/VICE-CHAIRMAN OF COMMITTEE

In the event of a vacancy arising in the office of Chairman or Vice-Chairman of any Committee during the municipal year the Committee shall at its first meeting following the occurrence of the vacancy appoint a new Chairman or Vice-Chairman as the case may be.

6. VICE-CHAIRMAN OF COMMITTEE

In these Committee Procedure Rules in the absence of the Chairman the Vice-Chairman of the Committee shall preside, where reference is made to the Chairman of a Committee the Vice-Chairman of the Committee shall deputise for him/her in the carrying out of any of his/her functions if not available,

7.- SPECIAL MEETINGS OF COMMITTEES

- (1) The Chairman of a Committee or the Speaker may call a special meeting of a Committee at any time. A special meeting shall also be called on the requisition of a quarter of the whole number of the Committee delivered in writing to the Assistant Director: Law, Democracy & Public Protection. The Summons to the special meeting shall set out the business to be considered and no business other than set out in the Summons shall be considered at that meeting.
- (2) Unless especially called together at the request of the Mayor-Speaker or the Deputy Mayor-Speaker, for the purpose of considering urgent business or for nominating members to Committees and to represent the Council on outside bodies, no Committee, ~~(other than the Licensing Committee)~~ shall hold any unscheduled meetings in the month of August with the exception of Licensing Committee and the Plans Board or in a year when Council Elections are held, between the date of the Election of Councillors and the date of the Annual Meeting of the Council.

8. ALTERATION OF DATE/TIME OF MEETINGS

The Chairman of a Committee, or the ~~Mayor-Speaker~~ or Deputy ~~Mayor-Speaker~~ may in any case when he/she considers it necessary, and provided due notice can be given, alter the date or time of the meeting of the Committee

9. ESTABLISHING TASK FORCES

Every Committee appointed by the Council may appoint or disband Task Forces for purposes specified by the Committee.

10. RESIGNATION FROM COMMITTEE

- (1) Any member of a Committee may resign his/her membership of that Committee by notice in writing signed by him/her and sent to the Managing director and the resignation shall be effective immediately such notice is received by the Managing director.
- (2) Upon receipt of such notice the Managing director shall notify the leader of the appropriate Political Group that a vacancy exists whereupon the appropriate political group, if applicable, may nominate the replacement member of the Committee by giving written notice to the Managing director. Upon receipt of the written notice the Managing director shall approve the appointment of the replacement member of the Committee.
- (3) The Managing director shall also be authorised to approve the appointment of members to newly constituted Committees in accordance with the written instructions of the appropriate political group.

11. QUORUM OF COMMITTEES

- (1) Except where authorised by statute or ordered by the Council, business shall not be transacted at a meeting of any Committee unless at least one quarter of the whole number of the Committee is present with the exception of the Standards Committee where the quorum shall be three which must include one of the independent members.
- (2) For the purposes of (1) above, the following tables show the quorums required for meetings of Committees, depending on the size:-

No. of Seats on Committee Required	Quorum
20	5
18	5
17	5
16	4
15	4
14	4
13	4
12	3
11	3
10	3
9	3
8	3
7	3

12. VOTING IN COMMITTEES

Voting at meetings of a Committee shall be by show of hands. If there is a requisition of any two members of the Committee made before the vote is taken, the voting on any question shall be by roll call and shall be recorded so as to show how each member present and voting gave his/her vote. The name of any member present and not voting shall also be recorded.

Voting on appointments shall be by an exhaustive vote method.

13. RECORDING OF VOTES

(1) Where immediately after a vote is taken at a meeting of a relevant body any member of that body so requires, there shall be recorded in the minutes of the proceedings of that meeting whether that person cast his/her vote for the question or against the question or whether he/she abstained from voting.

14. COUNCIL PROCEDURE RULES TO APPLY TO COMMITTEES

The Council Procedure Rule 13 headed "Rules of Debate" for Council meetings (except those parts which relate to standing and to speaking more than once) and Council Procedure Rule 22 headed "Declarations of Interest of Members in Contracts and Other Matters" shall, with any necessary modifications, apply to Committee meetings.

15. MEMBER ATTENDING MEETINGS OF A COMMITTEE OF WHICH HE/SHE IS NOT A MEMBER

Subject to Committee Procedure Rule 17, a member of the Council attending a meeting of a Committee other than as a member of the Committee has no right to speak, other than subject to the scheme for Public Speaking at Plans Board, but subject to Council Procedure Rule 22 may remain after the Board or Committee has resolved to exclude the public under Section 100A (2) or (4) of the Local Government Act 1972.

16. MOVER OF MOTION MAY ATTEND COMMITTEE

A member of the Council who has moved a motion which has been referred to any Committee shall have notice of the meeting of the Committee at which it is proposed to consider the motion. He/she shall have the right to attend the meeting and if he/she attends shall have an opportunity of explaining the motion.

17. EXEMPT PROCEEDINGS IN COMMITTEES

All agendas, reports, minutes and supporting documents of Committees shall be available for public inspection five working days before the date of the meeting except those considered in private session after a resolution has been passed under Section 100A(2) or (4) of the Local Government Act 1972.

18. PRESENTATION OF PETITIONS

(1) A petition may be presented to a meeting of the relevant Committee by a member of the Council or a member of the public subject to four clear working days prior written notice being given to the Assistant Director: Law, Democracy & Public Protection.

- (2) There shall be no right of a petitioner to address members.
- (3) Consideration of a petition may take place at the meeting of the Committee at which the petition is presented when the subject of the petition relates to an item which is already on the agenda for that meeting, or the petition shall be received without discussion referred to the relevant Officer for report to a future meeting.

Part 7 – Definitions

Access to Information Rules – those Rules setting out the terms on which members of the public may attend Council Meetings and obtain copies of documents as detailed in Part 2, Article 3 of this Constitution

Area – the geographical area which is the administrative responsibility of the Council

Area Working – a means of engaging with the community and monitoring the local delivery of services

Authority – the local authority known as Borough of Telford and Wrekin

Cabinet Decisions – decisions of the Cabinet in accordance with the Cabinet Procedure Rules

Cabinet Member – a Councillor who is appointed by the Leader to be a member of the Cabinet

Chairman – any individual appointed to chair any Committee

Managing director – Managing director (Head of Paid Service) for the time being of the authority

Chief Finance Officer – the Officer appointed by the Authority to be Chief Finance Officer and have responsibility for those duties designated under Section 151 of the 1972 Act, Section 73 of the 1985 Act and Section 112 of the 1988 Act

Committee – any committee, sub-committee, board, sub-board or commission of the Council

Deputy Speaker – the Councillor elected by the Council to deputise for the Speaker if the Speaker is not able for whatever reason to fulfil his or her duties

Directors – such Directors as are for the time being appointed

Council – the collective term for all of the elected members of the Council

Councillor/Member – an elected member of the Council

Deputy Leader – person appointed by the Leader to deputise for the Leader

Audit Commission's Annual Audit and Inspection Letter – The Audit Commission's comments on the Council's progress and Comprehensive Area Assessment rating together with the requirements of the statutory annual audit (Code of Audit Practice 2005)

Ethical Standards Officers – officer of the Standards Board for England

Extraordinary Meeting – a Council Meeting called in accordance with the Council Procedure Rule 3. See Chapter 2, Part 4, Section 1

Head of Paid Service – the Officer appointed by the Council to undertake all duties designated under Section 4 of the 1989 Act. The Managing director is the Head of Paid Service.

Leader – the Councillor elected by the Council to be the Leader of the Council

Leader and Cabinet Executive – the Leader and the Cabinet Members together

LMS Scheme – the Local Management of Schools Scheme Monitoring Officer – the Officer appointed by the Authority to undertake all duties designated under Section 5 of the 1989 Act.

Monitoring Officer – the Assistant Director: Law, Democracy & Public Protection is the Monitoring Officer.

Officer – an employee of the Authority

Ombudsman – the Local Government Ombudsman

Proper Officer – the Officer with specific statutory responsibilities

Public Assembly Session – a meeting called by the Leader at which parties other than Councillors may participate in debate

Scrutiny Committees– scrutinise the work of the Council and relevant partner organisations

Speaker – the Councillor elected by the Council to Chair meetings of the Council

Standards Hearing - a hearing of the Standards Committee

Statutory Officers – the Head of Paid Service, Monitoring Officer, Chief Finance Officer

The 1972 Act – the Local Government Act 1972

The 1985 Act – the Local Government Act 1985

The 1988 Act – the Local Government Finance Act 1988

The 1989 Act – the Local Government and Housing Act 1989

The 2000 Act – the Local Government Act 2000