

Part 3 – Section 1 – Council Procedure Rules

Procedure Rules for the Meetings of Council

1 ANNUAL MEETING OF THE COUNCIL

Timing and Business

1.1 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 May, or such other day in ~~the month of~~ March or April ~~that year~~ as the Council may fix.

1.2 The Annual Meeting will:

(a) elect a person to preside if the Council Chair is not present;

(b) elect the Chair of the Council;

(c) elect the Deputy Chair of the Council;

~~(d)~~ receive any declarations of interest from Members;

~~(d)~~(e) approve the minutes of the last meeting;

~~(e)~~(f) receive any announcements from the Chair and/ Chief Executive;

~~(f)~~(g) elect the Leader ~~[upon expiry of their term of office];~~

~~(g)~~(h) note the decision of the Leader on the number of Members to be appointed to the Cabinet and those Members appointed by the Leader to the Cabinet and note any amendments to the arrangements for the delegation of executive functions made by ~~him/her~~ them;

~~(h)~~(i) appoint such committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in **Part 2 of** this Constitution);

~~(i)~~(j) agree amendments (if any) to the **Scheme of Delegation** (as set out in **Part 2** of this Constitution) in respect of Council functions;

~~(j)~~(k) approve a programme of ordinary meetings of the Council for the year; and

~~(k)~~(l) consider any business set out in the notice convening the meeting.

Selection of Councillors on Committees and Outside Bodies

1.3 At the Annual Meeting, the Council will:

(a) decide which committees to establish for the municipal year;

- (b) decide the size and terms of reference for those committees;
- (c) decide the allocation of seats to political groups in accordance with the political balance rules;
- (d) receive nominations of Councillors to serve on each committee and outside body;
- (e) receive nominations of Councillors -to serve as substitute members on each committee provided that 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 notifying the Monitoring Officer by noon on the day of the meeting of the intended substitution or no later than one hour before the meeting if the time of the meeting is before 1pm;
- (f) appoint to those committees and outside bodies, except where appointment to those bodies has been delegated by the Council or is exercisable only by the Cabinet; and
- (g) appoint the Chairs and Vice-Chairs of Council committees, other than those which the Council has decided should be appointed by the committee itself.

~~[In respect of 1.3(d) and (e) above, the Monitoring Officer is will be authorised as proper officer to appoint replacement members to serve on committees or outside bodies or to serve as substitute members on committees in accordance with carry out the wishes of the Group Leaders leaders of political groups within their approved allocation as agreed by Council from time to time. -in allocating Members to membership and substitute membership of the committees or other authorities, and to appoint those members with effect from the date at which the proper officer is advised of the names of such Members.]~~

2 ORDINARY MEETINGS

2.1 Except as otherwise provided by 2.2 below, the order of business at every Ordinary Meeting of the Council shall be to:

- (a) elect a person to preside if the Chair and deputy Chair are not present;
- (b) receive apologies;
- ~~(c) approve as a correct record and sign the the minutes of the last meeting;~~
- ~~(d)~~(c) receive any declarations of interest from Members Councillors

(d) consider whether the press and public should be excluded from the meeting during consideration on any item on the agenda;

(e) approve as a correct record and sign the minutes of the last meeting;

~~(e)(a) receive any announcements from the Chair, Leader, Members of the Cabinet or the Chief Executive;~~

(f) deal with any business required by statute to be done before any other business.

(g) deal with any business adjourned from the last Council meeting;

(h) receive petitions from ~~Members or~~ the public under Rule 9;

(i) receive statements and questions from, and provide answers to, the public under Rule 10;

(j) receive any announcements from the Chair, Leader, Members of the Cabinet or the Chief Executive;

(k) receive reports and recommendations from the Cabinet and the Council's committees and receive questions and answers on any of those reports;

(j)(l) receive questions from, and provide answers to, ~~the Members of the Council on notice~~ under Rule 11;

~~(k)(a) receive reports and recommendations from the Cabinet and the Council's committees and receive questions and answers on any of those reports;~~

(j)(m) consider other business specified in the summons to the meeting (the Agenda), including consideration of proposals from the Cabinet in relation to the Council's **Budget and Policy Framework** and reports of the Overview and Scrutiny committees for debate; and

(m)(n) consider Motions on Notice under Rule 12;

2.2 Business falling under items (a) to (g), ~~(e) and (f)~~ of 2.1 above shall not be displaced, but the foregoing order of business may otherwise be varied by:

2.2.1 the Chair at their discretion; or

2.2.2 a resolution passed on a motion (which need not be in writing) duly moved and seconded, which shall be moved and put without discussion.

3 EXTRAORDINARY MEETINGS

Calling Extraordinary Meetings

3.1 Those listed below may request the proper officer to call Extraordinary Council Meetings in addition to Ordinary Meetings:

- (a) the Council by resolution;
- (b) the Chair of Council;
- (c) the Monitoring Officer; or
- (d) any five Members ~~of the Council~~ if they have signed a requisition presented to the Chair and, within seven days of the presentation of the requisition, the Chair has refused to call a meeting or has failed to call a meeting.

Business

3.2 The business to be conducted at an Extraordinary Council Meeting shall be restricted to the item of business contained in the request for the Extraordinary Council Meeting and there shall be no consideration of previous minutes or reports from Committees ~~etc.~~ except that the Chair may at their absolute discretion permit other items of business to be conducted for the efficient discharge of the Council's business.

4 TIME AND PLACE OF MEETINGS

4.1 Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's Annual Meeting. The Chair may decide in consultation with the Chief Executive, or in the absence of the Chief Executive the Monitoring Officer, to hold a meeting at a different time or place.

4.2 Notice of the time and place of the intended meeting shall be published and included in the summons to the meeting by the proper officer.

~~4.3 The Chair may decide in consultation with the Chief Executive to hold a meeting at a different time or place.~~

5 NOTICE OF THE SUMMONS TO MEETINGS

5.1 The Monitoring Officer will give notice to the public of the time and place of any meeting in accordance with the **Access to Information Procedure Rules** in **Part 3** of this Constitution. At least five clear days before a meeting, the proper officer will send a summons signed by ~~him or her them~~ to every ~~Member~~ member of the Council. The summons will normally be sent via electronic means.

5.2 The summons will give the date, time and place of ~~the~~ each meeting and specify the business to be transacted at the meeting (the Agenda) together with accompanying reports.

Urgent business

- 5.3 No business shall be transacted at a meeting of the Council other than that specified in the summons relating thereto unless the Chair has agreed in consultation with the Head of Paid Service and Monitoring Officer that it is urgent and cannot wait until the next scheduled meeting. The Chair must give the reasons for urgency, which must be recorded in the minutes of the meeting.

6 CHAIR OF MEETING

- 6.1 The person presiding at the meeting may exercise any power or duty of the Chair under the procedure rules. Where these Rules apply to committee and sub-committee meetings, references to the Chair ~~mean also include~~ the Chair of the relevant committees ~~and~~ sub-committees.

7 QUORUM

- 7.1 The quorum ~~of of an Ordinary Meeting or an Extraordinary a~~ Council Meeting will be one third of the whole number of Members. During any meeting if the Chair 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 Chair. If they do not fix a date, the remaining business will be considered at the next ordinary meeting.

8 DURATION OF MEETINGS

- 8.1 Unless the majority of Members present vote for the Meeting to continue, any Meeting that has lasted for three] hours (excluding adjournments) will adjourn immediately upon the completion of any speech being made at that time.
- 8.2 Any business under consideration at that time shall stand adjourned and shall (together with any remaining business) be considered at a reconvened Meeting to take place at a time and date fixed by the Chair.
- 8.3 If the Chair does not fix a date for the reconvened Meeting to take place, any adjourned item and the remaining business will be dealt with at the next Ordinary Meeting of Council.

9 RECEIPT OF PETITIONS

- 9.1 Petitions may be presented to the Council if submitted in accordance with the Public Participation Scheme approved by the Council and not rejected under that Scheme. provided to the Monitoring Officer no later than noon on the ninth working day before the meeting, at the discretion of the Chair. The person presenting the petition will be allowed to address the meeting for up to 5 minutes to outline the aims of the petition.
- 9.2 Petitions will ~~otherwise~~ be dealt with in accordance with ~~any scheme which the Council has approved for the Submissions of Petitions~~ the Public Participation Scheme.
- 9.3 If a petition has a minimum of 1,000 signatures it will be scheduled for debate at the Council meeting. Except where the matter raised by a petition appears

as a separate item on the agenda of the relevant meeting, there shall be no discussion at the meeting on any matter raised by a petition with less than 1,000 signatures, but a Member may move that the matter be referred to the next meeting of the Cabinet or the appropriate Committee, Sub Committee, Panel or Working Group and this motion shall be immediately put to the vote.;

10 **QUESTIONS OR STATEMENTS BY MEMBERS OF THE PUBLIC**

10.1 At each Ordinary Meeting of the Council (other than the Annual Meeting and Budget Council Meeting) a period of up to **320 minutes** shall be available to allow petitions submitted under Rule 9, statements and questions that have been submitted by members of the public who live, work or study in the Council's area in accordance with the Public Participation Scheme. ~~to be asked of the Leader of the Council, Cabinet Member or chair of a committee of the Council and for the relevant Member to respond.~~ The Chair may extend the ~~20-minute~~30-minute period at their discretion.

~~10.2 Any person who wishes to ask a question shall give written notice of the question to the Monitoring Officer by noon on the fourth working day prior to the meeting. Each question must give the name and address of the questioner and must name the member of the Council to whom it is to be put.~~

~~10.3~~10.2 If the Monitoring Officer considers that the number of petitions, questions and statements received is such that they cannot all be ~~answered~~dealt with within 320 minutes they will, after consulting with the Chair, select those which are to be put to the Council meeting. Any question which cannot be dealt with at the meeting because of lack of time will be dealt with by a written answer to be sent within ten working days of the Council meeting by the Member of whom the question was asked. Any statement or petition will be dealt with at a subsequent meeting.

10.3 The Chair will determine the order in which questions or statements under this section will be put and may group together similar statements and questions.

10.4 Questions and Statements will be dealt with in accordance with the Public Participation Scheme.

Scope of questions

~~10.4~~ A question may be rejected if it:

- ~~(a) is not relevant to a matter for which the Council has a responsibility or which affects the Council's area;~~
- ~~(b) is illegal, improper, irregular, frivolous or offensive;~~
- ~~(c) is substantially the same as a question which has been put at a meeting of the Council in the previous six months;~~

- ~~(d) will, if answered, disclose confidential or exempt information;~~
- ~~(e) relates to a development control or licensing application;~~
- ~~(f) relates to a matter or issue in respect of which a response has already been given under the Council's complaints procedure or which is currently being dealt with in accordance with the complaints procedure or other formal process, such as court or tribunal proceedings or which is the subject of threatened court or tribunal proceedings by the person asking the question or a person or group which they represent;~~
- ~~(g) relates to a matter or issue of a purely personal concern to the individual asking the question or their family members;~~
- ~~(h) is lengthy or a speech; or~~
- ~~(i) is an unintelligible question.~~
- ~~(j) If the Monitoring Officer considers that a question submitted may be rejected under these Rules, they will advise the Chair, who will then decide whether to allow the question to be put. If the Chair decides not to allow a question, their reasons will be notified to the questioner in writing.~~

Number of questions

- 10.5 No person may submit more than one question, petition or statement to any one meeting and no more than one question or statement may be asked or made on behalf of an organisation at any one meeting. No question may be sub-divided into more than two related parts.

Asking the question at the meeting

- ~~10.6 The Chair will invite the questioner to put the question to the Member named in the notice. Three minutes are allowed for putting the question. If a questioner who has submitted a written question is unable to be present, they may ask the Chair to put the question on their behalf. The Chair may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.~~

Record of questions

- ~~10.7 Questions that have been accepted will be published on the Council's website.~~

Reference of question to Cabinet or a Committee

- ~~10.6 Unless the Chair decides otherwise, no discussion will take place on any question, but any Member may move that a matter raised by a question be referred to the Cabinet or the appropriate committee or sub-committee. Once seconded, such a motion will be voted on without discussion. Except where the matter raised by a question or statement appears as a separate item on the~~

agenda of the relevant meeting, there shall be no discussion at the meeting on any matter raised by the statement or question but a Member may move that the matter be referred to the next meeting of the Cabinet or the appropriate Committee, Sub Committee, Panel or Working Group and this motion shall be immediately put to the vote.

Regulatory Committees

~~10.8~~10.7 Separate arrangements are in place for the public to ask questions and make representations at meetings of the Planning, Licensing and Regulatory Committees, which are set out in specific schemes applicable to the proceedings of those meetings.

11 QUESTIONS BY MEMBERS OF THE COUNCIL

On reports ~~from~~ of the Cabinet or Committees and minutes of Cabinet

~~11.1~~ 11.1 At each Ordinary Meeting of the Council (other than the Annual Meeting and Budget Council Meeting) A Member of the Council may Members may ask the Leader, the relevant member of the Cabinet or the Chair of a committee, sub-committee, panel or working group any question ~~without notice~~ upon an item of the report of the Cabinet or a committee, sub-committee, panel or working group or the minutes of a Cabinet meeting when that item is being received or under consideration by the Council provided that:

(a) Only Members who are not Cabinet Members shall be allowed to ask Cabinet Members questions on the Cabinet report, to enable Council to hold the Cabinet to account.

(b) Cabinet Members may only question the Leader on any matters which have not previously been considered at Cabinet.

~~11.1~~11.2 Any qQuestions ~~are~~ are limited to two minutes duration, ~~with the following exceptions:~~

(a) ~~Cabinet Members may only question the Leader on any matters which have not previously been considered at Cabinet.~~

~~11.2~~11.3 The Chair shall have discretion ~~to ensure that the questions asked under Rule 11.1 are representative of the views of Members, and to limit further questions~~ where, in the Chair's belief, the questions that have already been put are representative of ~~shall have represented~~ the views of the Members; ~~the Chair shall intervene to limit further questions in order not and allowing further questions would to~~ impede proper attention to further business.

Questions on notice at full Council

~~11.3~~11.4 Subject to Rule 11.~~6~~4, a Member of the Council may ask:

- (a) the Leader;
- (b) a Member of the Cabinet;
- (c) the Chair of any committee

a question on any matter in relation to which the Council has powers or duties or which affects the Council's area; or

11.5 ~~Subject to Rule 11.6, a Member of the Council may ask~~ the Member ~~of the Council~~ nominated to respond on behalf of the Police ~~and~~ Crime and Fire Panel or any other joint authority, joint committee or panel, any question on the discharge of the functions of the relevant joint authority, joint committee or panel.

Notice of Questions

~~11.4~~11.6 A Member may only ask a question under Rule 11.~~4~~ or 11.5 provided:

- (a) that notice in writing of the question has been given to the Monitoring Officer by noon on the fourth working day prior to the meeting provided that or with the consent of the Chair, in consultation with the Monitoring Officer may allow a question to be asked if, given on the grounds that they are of the opinion that the matter is urgent and the content of the question is given to the Monitoring Officer by noon on the day of the meeting and the Chair considers the matter is urgent; and

~~11.5~~11.7 ~~t~~The Monitoring Officer may does not reject anythe question ~~on the following grounds, that it:~~

- (i) is not about a matter for which the Council has a responsibility or which affects the Council's area;
- (ii) is potentially defamatory, vexatious, frivolous or offensive;
- (iii) refers to applications for or objections to planning permission or any licence, notice or order issued, served or made by the Council;
- (iv) is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- (v) relates to individual staffing matters or the personal information of Members or officers.

Response

~~11.6~~11.8 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 ~~sent~~circulated later to the questioner and circulated to all Members.

Supplementary Question

11.711.9 A Member asking a question under Rule 11 may ~~only~~ ask one further supplementary question, without notice, of the Member to whom the first question was asked. The supplemental question must arise directly out of the original question and the reply and will be restricted to two minutes duration.

Order of Questions

11.811.10 The Chair will determine the order in which questions under this section are put.

Duration of Question Time

11.911.11 The length of time for questions by Members under this Rule 11, including the giving of answers, shall be limited to **30 minutes** in total unless the Council agrees to an extension.

11.1011.12 Following all questions having been asked and answered and where time allows further questions may be asked without notice at the absolute discretion of the Chair.

Written Answers

11.13 Any question which cannot be dealt with because of lack of time will be dealt with by a written answer to be sent within ten working days of the Council meeting by the Member of whom the question was asked and appended to the minutes for ~~M~~members information (unless containing information provided in confidence or confidential or exempt information as defined in the Access to Information Procedure Rules)

12 MOTIONS ON NOTICE

Notice

- 12.1 Except for motions which can be moved without notice under Rule 13, written notice of every motion, signed by at least 2 Members, must be delivered to the Monitoring Officer not later than noon on the ninth working day before the date

of the next meeting of the Council. A copy will be sent to ~~the Leader of each political group on the Council~~ Group Leaders.

Scope

12.2 Motions must be about matters for which the Council has a responsibility or which affect the Council's area.

12.3 Where in the reasonable opinion of the Monitoring Officer a motion is likely to have:

- (a) an impact on the Council's Policy Framework; and/or
- (b) a significant impact on the Council's budgets;

upon being formally moved and seconded, that motion shall be referred without discussion or amendment to the Chief Executive to investigate the feasibility of the proposals, the outcome of which shall be reported to a future meeting of Council.

12.4 The Monitoring Officer may in consultation with the Chair reject any motion~~may reject the motion in consultation with the Chair on the following grounds, that it~~ that:

- (a) is not about a matter for which the Council has a responsibility or which affects the Council's area;
- (b) is potentially defamatory, vexatious, frivolous or offensive;
- (c) refers to applications for or objections to planning permission or any licence, notice or order issued, served or made by the Council;
- (d) is substantially the same as a motion which has been put at a meeting of the Council in the past six months
- (e) relates to individual staffing matters or the personal information of Members or Officers; or
- (f) is in some other respect considered to be out of order, illegal, irregular or improper

Motion set out in Agenda

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

Number of Motions

12.6 Any Member may give notice of ~~not more than only~~ one motion for consideration at any meeting of the full Council.

13 MOTIONS WITHOUT NOTICE

13.1 The following motions may be moved without notice:

- (a) to appoint a chair 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;
- (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 amend a motion;
- ~~(i) to extend the time limit for speeches;~~
- ~~(j)(i)~~ to proceed to the next business;
- ~~(k)(j)~~ that the question be now put;
- ~~(l)(k)~~ to adjourn a debate;
- ~~(m)(l)~~ to adjourn a meeting;
- ~~(n)(m)~~ to suspend a particular Council procedure rule;
- ~~(o)(n)~~ to exclude the public and press in accordance with the Access to Information Procedure Rules;
- ~~(p)(o)~~ to not hear further a Member named under Rule 19.3 or to exclude them from the meeting under Rule 19.4; and
- ~~(q)(p)~~ to give the consent of the Council where its consent is required by this Constitution.

14 RULES OF DEBATE

14.1 A motion may be moved by a signatory or, in their absence and with the Chair's consent, someone authorised on their behalf.

No speeches until motion seconded

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

Right to require motion in writing

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

Secunder's speech

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

Content and length of speeches

14.5 Speeches must be directed to the question under discussion or to a personal explanation or point of order. The mover of a motion may speak for no longer than five minutes. No speech may exceed five minutes without the consent of the Chair

When a Member may speak again

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

- (a) to speak once on an amendment moved by another Member;
- (b) to move a further amendment;
- (c) if their first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which they spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

Amendments to motions

14.7 An amendment to a motion must be relevant to the motion and will be:

- (a) to refer the matter to an appropriate body or individual for consideration or reconsideration;
- (b) to leave out words;
- (c) to leave out words and insert or add others; or
- (d) to insert or add words

as long as the effect of Rules 14.7(b) to 14.7(d) is not to negate the motion.

- 14.8 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.
- 14.9 When an amendment has been disposed of, other amendments to the original motion may be moved.
- 14.10 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.
- 14.11 After an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments, or if there are none and no other Member wishes to exercise the right to speak, put it to the vote.

14.12 At the meeting(s) of the Council which set(s) the Budget for the following financial year, including the Council Tax base, Council Tax levy and Capital Programme, at the Chair's discretion, each Cabinet Member may be invited to speak on the Budget in relation to their area of responsibility.

~~14.12~~14.13 No amendments to a motion or recommendation that relates to the Budget or Policy Framework may be moved unless written notice which sets out the amendment or amendments proposed has been given by the Member(s) proposing the amendment(s) and has been delivered to the Monitoring Officer not later than noon on the second working day before the date of the meeting. Following receipt of such notice, a copy of the notice will be circulated to all Members as soon as reasonably practicable. ~~If the proposed amendment is carried, this Rule will not apply to any further amendment(s).~~ If the Chair is satisfied that for reasons of urgency or for other good reason that it is not practicable for notice to be given in accordance with this Rule, they may waive the requirement.

~~14.13~~14.14 ~~At the meeting(s) of the Council which set(s) the Budget for the following financial year, including the Council Tax base, Council Tax levy and Capital Programme, at the Chair's discretion, each Cabinet Member may be invited to speak on the Budget in relation to their area of responsibility.~~ Each amendment shall be moved, seconded and debated in turn in the order determined by the Chair. The Leader (or other Member moving the substantive item relating to the Budget) shall have a right of reply at the end of the debate on each amendment. At the conclusion of the debate on an amendment, the amendment shall be voted on. If any proposed amendment is carried, Rule 14.13 will not apply to any further amendments. When all amendments have been disposed of, the vote will be taken on the substantive motion.

Alteration of motion

~~14.14~~14.15 A Member may alter a motion of which they have given notice with the consent of the meeting. The meeting's consent will be signified without discussion.

~~14.15~~14.16 A Member may alter a motion which they have moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

~~14.16~~14.17 Only alterations which could be made as an amendment may be made.

Withdrawal of motion

~~14.17~~14.18 A Member may withdraw a motion which they have 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.

Right of reply

~~14.18~~14.19 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.

~~14.19~~14.20 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.

~~14.20~~14.21 The mover of the amendment has no right of reply to the debate on ~~their~~ ~~his~~ ~~or~~ ~~her~~ amendment.

~~14.21~~14.22 In exercising a right of reply, the mover may not introduce any new matter.

Motions which may be moved during debate

~~14.22~~14.23 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;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) to exclude the public and press in accordance with the **Access to Information Procedure Rules**; and
- (h) to not hear further a Member named under Rule 19.3 ~~or~~ to exclude them from the meeting under Rule 19.4

Closure motions

~~14.23~~14.24 A Member may move, without comment, the following motions at the end of a speech of another Member:

- (a) to proceed to the next business;
- (b) that the question be now put;
- (c) to adjourn a debate; or
- (d) to adjourn a meeting.

~~14.24~~14.25 If a motion to proceed to the next business is seconded and the Chair thinks the item has been sufficiently discussed, they will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

~~14.25~~14.26 If a motion that the question be now put is seconded and the Chair thinks the item has been sufficiently discussed, they will put the procedural motion to the vote. If it is passed they will give the mover of the original motion a right of reply before putting their motion to the vote.

~~14.26~~14.27 If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chair thinks anythe item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, they will put the procedural motion to the vote without giving the mover of the original motion the right of reply. Any business under consideration at that time together with any remaining business shall be considered at a reconvened Meeting or at the next Ordinary Meeting of the Council.

Duties of the Chair or Person Presiding

~~14.27~~14.28 Where, in the Chair's belief, any debate shall already have represented the views of Members, the Chair shall, notwithstanding that no closure motion has been moved under Rules 14.23 to 14.26, have discretion to intervene to limit any further debate in order not to impede proper attention to further business.

Point of Order

~~14.28~~14.29 A Member may raise a point of order at any time. The Chair will hear them immediately. A point of order may only relate to an alleged breach of these Council Procedure Rules or the law. The Member must indicate the Rule or law and the way in which they consider it has been broken. The ruling of the Chair on the matter will be final.

Personal Explanation

~~14.29~~14.30 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 Chair on the admissibility of a personal explanation will be final.

Motions or amendments affecting persons employed by the Council

~~14.30~~14.31 If any question arises at a meeting of the Council as to the appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct, of any person employed by the Council, that question shall not be discussed until the Council, committee or sub-committee has decided whether or not the power of exclusion of the public under the Access to Information Procedure Rules should be exercised.

15 PREVIOUS DECISIONS AND MOTIONS

Motion to rescind a previous decision

15.1 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.

Motion similar to one previously rejected

15.2 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.

15.3 This Rule does not apply to a motion moved whilst the Council has before it a relevant report or recommendation of the Cabinet or a committee.

16 VOTING

Majority

16.1 Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room at the time the question is put.

Chair's casting vote

16.2 If there are equal numbers of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.

Voting at Council Meetings

16.3 The mode of voting at meetings of the Council shall be at the discretion of the Chair and may include by way of:

- (a) show of hands;
- (b) electronic equipment installed in ~~the Council Chamber or the~~ venue in which the mMeeting is taking place;
- (c) an electronic voting application or software on personal or mobile devices; or
- (d) such other means as the Chair considers appropriate.

Voting in relation to setting the Budget

16.4 At a Budget decision meeting of the Council:-

- (a) Immediately after any vote is taken there must be recorded in the minutes of the proceedings of that meeting the names of the Members who cast a vote for or against the decision or who abstained from voting.
- (b) Reference to a “Budget decision meeting” for the purposes of this Rule means a meeting of the Council at which it makes a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, or 52ZJ of the Local Government Finance Act 1992 and includes a meeting where making the calculation was included as an item of business on the agenda for that meeting.
- (c) Reference to a “vote” for the purposes of this Rule are references to a vote on any decision related to the setting of the budget-meeting or the calculation in accordance with any of sections 31A, 31B, 34 to 36A or 52ZJ of the Local Government Finance Act 1992 as the case may be including a vote on any amendment to a proposal.

Voting at Other Meetings

16.5 Unless a ballot or recorded vote is demanded as set out below the Chair will take the vote by use of the electronic voting system or by show of hands or, if there is no dissent, by the affirmation of the meeting.

Ballots

16.6 The vote will take place by ballot if a majority of the Members present and eligible to vote at the meeting demand it. The Chair will announce the numerical result of the ballot immediately after the result is known.

Recorded vote

16.7 If one third of the Members present and eligible to vote 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. A demand for a recorded vote will override a demand for a ballot.

Right to require individual vote to be recorded

- 16.8 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.

Voting on appointments

- 16.9 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.

17 MINUTES

Signing the minutes

- 17.1 The Chair will sign the minutes of the proceedings at the next suitable meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record.
- 17.2 The only part of the minutes that can be discussed is their accuracy.

No requirement to sign minutes of the previous meeting at an extraordinary meeting

- 17.3 Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

Form of minutes

- 17.4 Minutes will contain all motions and amendments in the exact form and order the Chair put them.

18 EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with **the Access to Information Procedure Rules in Part 3** of this Constitution or Rule 20 (Disturbance by Public).

19 MEMBERS' CONDUCT

Standing to speak

- 19.1 When a Member speaks at full Council they should stand and address the meeting through the Chair, if they are able to do so. If more than one Member stands, the Chair 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. The Chair may waive the requirement to stand if they consider this to be appropriate.

Chair standing

- 19.2 When the Chair stands during a debate, any Member speaking at the time must stop and sit down. The meeting must be silent.

Member not to be heard further

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

Member to leave the meeting

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

General disturbance

- 19.5 If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as they think necessary.

20 DISTURBANCE BY PUBLIC

Removal of member of the public

- 20.1 If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room and will adjourn the meeting while they are removed from the meeting room.

Clearance of part of meeting room

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

21 RECORDING OF MEETINGS

- 21.1 While any meeting is open to the public, any person present is permitted to report the proceedings by:

21.1.1 filming, photographing or making an audio recording of the proceedings at the meeting;

21.1.2 using any other means for enabling persons not present to see or hear proceedings at the meeting as it takes place or later;

21.1.3 reporting or providing commentary on proceedings at the meeting orally (but not whilst present in the meeting) or in writing, so that the report or commentary is available to other persons as the meeting takes place or later; or

21.1.4 using any communication method, including the internet, to publish, post or otherwise share the report.

20.2 The right to report is subject to the Chair's power to deal with disturbance at the meeting. The meeting should not be disrupted by, for example, reporting activities, flash photography or intrusive equipment.

20.3 Any person recording a meeting is requested to focus on recording councillors, officers and the public who are directly involved in the conduct of the meeting. No recording should take place of children, vulnerable persons or other members of the public who actively object to being filmed.

22 SUSPENSION, AMENDMENT AND INTERPRETATION OF COUNCIL PROCEDURE RULES

Suspension

22.1 All of these Council Rules of Procedure except Rule 16.8 and 17.3 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 last for the duration of an item or items of business being dealt with at a meeting or may at most be for the duration of the meeting.

Amendment

22.2 Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

Interpretation

22.3 The ruling of the Chair as to the construction or application of any of these Rules of Procedure, or as to any proceedings of the Council, shall not be challenged at any meeting of the Council.

23 DECLARATIONS OF INTEREST AND WITHDRAWAL FROM MEETINGS

23.1 A Member must withdraw from the meeting room (including from the public gallery) in accordance with the Code of Conduct during the whole of the consideration of any item of business in which they have a Disclosable Pecuniary Interest or other Registerable Interest personal interest or Non-Registerable Interest except where permitted to remain under the Code of Conduct or as a result of a dispensation subject to the right to speak on any matter if members of the public are also allowed to speak on the matter.

~~, except where permitted to remain as a result of a dispensation.~~

24 APPLICATION TO CABINET COMMITTEES AND SUB-COMMITTEES

- 24.1 None of the Rules apply to meetings of the Cabinet. Rules 4, 5, 6, 8 and 7, 1316 – 24-23 (except Rule 16.3 – 16.6 and Rule 19.1) apply to meetings of committees and sub-committees.