

## Part 3 – Section 1 – Council Procedure Rules

### 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 on a date between 1<sup>st</sup> March and 31<sup>st</sup> May.
- 1.2 The Annual Meeting will:
- 1.2.1 elect the Chair;
  - 1.2.2 elect the deputy Chair;
  - 1.2.3 approve the minutes of the last meeting;
  - 1.2.4 receive any announcements from the Chair and/or Chief Executive;
  - 1.2.5 elect the Leader upon expiry of their term of office;
  - 1.2.6 note the decision of the Leader on the number of Councillors to be appointed to the Executive and those Councillors appointed by the Leader to the Executive and note any amendments to the arrangements for the delegation of executive functions made by them;
  - 1.2.7 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);
  - 1.2.8 agree amendments (if any) to the **scheme of delegation** (as set out in **Part 2** of this Constitution) in respect of Council functions;
  - 1.2.9 approve a programme of ordinary meetings of the Council for the year;  
and
  - 1.2.10 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:
- 1.3.1 decide which committees to establish for the municipal year;
  - 1.3.2 decide the size and terms of reference of those committees;
  - 1.3.3 decide the allocation of seats to **political groups** in accordance with the political balance rules;

- 1.3.4 receive nominations of Councillors to serve on each committee and any outside body to which the Council is required to appoint;
- 1.3.5 receive nominations of Members to serve as substitute members on each committee provided that substitute members may attend meetings in that capacity only:
  - (a) to take the place of the ordinary member for whom they are the designated substitute;
  - (b) where the ordinary member will be absent for the whole of the meeting; and
  - (c) after notifying the Monitoring Officer by 4.00pm the day before the meeting of the intended substitution;
- 1.3.6 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 Executive; and
- 1.3.7 appoint the Chairs and Vice Chairs of Council Committees, other than those which the Council has decided should be appointed by the Committee itself.

## **2 CHAIR OF MEETING**

- 2.1 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 also include the Chair of committees and sub-committees.

## **3 ORDINARY MEETINGS**

- 3.1 Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's Annual Meeting. The order of business at Ordinary meetings will be as set out below. At the meeting of Council where there is consideration of the annual budget and setting of the Council Tax, agenda items 3.1.8, 3.1.9, 3.1.10, 3.1.11, 3.1.12 and 3.1.14 will not be included on the agenda, unless in relation to agenda item 3.1.14 there are exceptional

circumstances and have the approval of both the Chair of Council and Monitoring Officer:

- 3.1.1 elect a person to preside if the Chair and deputy Chair are not present;
- 3.1.2 receive apologies;
- 3.1.3 approve the minutes of the last meeting;
- 3.1.4 receive any declarations of interest from Councillors;
- 3.1.5 receive any announcements from the Chair, Leader, Councillors of the Executive or the Chief Executive;
- 3.1.6 deal with any business which is required by law to be done before any other business;
- 3.1.7 deal with any business from the last Council meeting;
- 3.1.8 receive petitions, debate those required to be debated by Council, and receive reports on action taken on petitions received from members of the public under Rule 9.1;
- 3.1.9 receive, and provide answers to, questions asked by members of the public under Rule 10;
- 3.1.10 receive, and provide answers to, questions asked by Councillors under Rule 11;
- 3.1.11 receive, and receive questions and answers on, reports from the Leader and Executive Councillors;
- 3.1.12 receive reports and recommendations from the Executive and the Council's Committees and receive questions and answers on any of those reports;
- 3.1.13 consider the business which is specified in the summons to the meeting ("the Agenda"), including consideration of proposals from the Executive in relation to the Council's Budget and Policy Framework, reports of the Overview and Scrutiny committees for debate and reports from officers; and
- 3.1.14 consider Motions received under Rule 12.

## **4 EXTRAORDINARY MEETINGS**

### **Calling Extraordinary Meetings**

- 4.1 Those listed below may ask 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 Councillors 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 at Extraordinary Meetings**

- 4.2 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, no questions and no motions 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.

## **5 TIME AND PLACE OF MEETINGS**

- 5.1 The time and place of meetings will be determined by the Monitoring Officer and notified in the summons.

## **6 NOTICE OF THE SUMMONS TO MEETINGS**

- 6.1 The Monitoring Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information 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 to every member of the Council. The summons will normally be sent via electronic means. The summons will give the date, time and place of each meeting and specify the business to be transacted at the meeting (the **Agenda**) together with accompanying reports.

## **7 QUORUM**

- 7.1 The quorum of an Ordinary Meeting or an Extraordinary Council Meeting will be one quarter of the whole number of Councillors. During any meeting if the Chair counts the number of Councillors 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 Any meeting of full Council that has lasted for one and a half hours shall, at a convenient time, be adjourned by the chair for a period of thirty minutes.

- 8.2 When three hours has elapsed after the commencement of a meeting of full Council, unless it is so moved and the majority of members present vote for the meeting to continue, the meeting will adjourn immediately upon the completion of any speech being made at that time.
- 8.3 Any other Committee meeting that has lasted for one and a half hours shall, at a convenient time, be adjourned by the Chair for a period of ten minutes.
- 8.4 When three hours has elapsed after the commencement of a Committee meeting (other than full Council) then, unless it is so moved and the majority of members present vote for the meeting to continue, the meeting will adjourn immediately upon the completion of any speech being made at that time.
- 8.5 With regard to meetings which are adjourned pursuant to rule 8.2 or 8.4, 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 a time and date fixed by the Chair.
- 8.6 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 DEPUTATIONS AND PETITIONS**

### **Deputations**

- 9.1 Deputations may be received at ordinary meetings of Council and at meetings of its executive, committees, sub-committees, panels and working groups immediately following questions from the public. The nature and object of the deputation and the names of members shall be delivered in writing to the Monitoring Officer no later than noon on the ninth working day before the meeting. The issue raised by the deputation must relate to a matter which falls within the powers and duties of the Council or the relevant body as determined by the Monitoring Officer. The Chair may, at their discretion, limit the number of speakers and the time each speaker may speak for. No speech should exceed three minutes. Each member of the public may only speak once. Public speaking on any one item shall not exceed [10] minutes, subject to the Chair's discretion to extend the time if they consider it appropriate.

### **Petitions**

- 9.2 Petitions may be presented at ordinary meetings of Council and at meetings of its executive, committees, sub-committees, panels and working groups 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 five minutes to outline the aims of the petition.
- 9.3 Petitions will otherwise be dealt with in accordance with the Council's approved Scheme for Submissions of Petitions.

- 9.4 Except where the matter raised by a deputation or 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 deputation or petition, but a Councillor may move that the matter be referred to the next meeting of the Executive or the appropriate Committee, Sub Committee, Panel or Working Group and this motion shall be immediately put to the vote.

## **10 QUESTIONS BY MEMBERS OF THE PUBLIC**

- 10.1 Questions from members of the public, who live, work or study in the Council's area, may be received at ordinary meetings of Council and at meetings of executive, committees, sub-committees, panels and working groups (not Health and Wellbeing Board, Community Panels or Regulatory Committees) to be asked of the Leader of the Council or an Executive Councillor or a Chair of a Committee of the Council and for the relevant Councillor to respond.
- 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 ninth working day before the meeting. Each question must give the full name and address of the questioner and must identify the Councillor to whom it is to be put. Notice must be provided at this time of any accompanying preamble to be given when putting the question to Council.
- 10.3 If the Monitoring Officer considers that the number of questions received is such that they cannot all be answered within a reasonable time, 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 Councillor of whom the question was asked.
- 10.4 The Chair will determine the order in which questions under this section will be put and may group together similar questions.
- 10.5 A question may be rejected if it:
- 10.5.1 is not relevant to a matter for which the Council has a responsibility or which affects the Council's area;
  - 10.5.2 is illegal, improper, irregular, frivolous or offensive;
  - 10.5.3 is substantially the same as a question which has been put at a meeting of the Council in the previous six months;
  - 10.5.4 will, if answered, disclose confidential or exempt information;
  - 10.5.5 relates to a development control or licensing application;
  - 10.5.6 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;

10.5.7 relates to a matter or issue of a purely personal concern to the individual asking the question or their family members;

10.5.8 is lengthy or a speech; or

10.5.9 is an unintelligible question.

10.6 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, his or her reasons will be notified to the questioner in writing in advance of the meeting.

10.7 No person may submit more than one question to any one meeting and no more than one question may be asked 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**

10.8 The Chair will invite the questioner to put the question to the Councillor 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.

10.9 A questioner who has put a question in person may also put one supplementary question without notice to the member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Chair may reject a supplementary question on any of the grounds in Rule 10.5 above. Two minutes are allowed for putting the supplementary question.

### **Record of questions**

10.10 Questions that have been accepted will be published on the Council's website.

### **Answers**

10.11 Every question shall be put and answered without discussion. An answer may take the form of:

10.11.1 a direct oral answer, for which two minutes are allowed for answering a question and two minutes are allowed for answering a supplementary question;

10.12.2 where the information requested is contained in a publication of the Council, a reference to that publication; or

- 10.12.3 a written answer to be provided later to the questioner, where the reply cannot conveniently be given orally, in which circumstance the councillor questioned will arrange for the written response to be provided to the questioner and circulated to all Councillors within 10 working days thereafter.

### **Reference of question to a Committee**

- 10.12 Any Councillor may move that a matter raised by a question be referred to the appropriate committee or sub-committee. Once seconded, such a motion will be voted on without discussion.

### **Public Participation Timing**

- 10.13 The public participation section of an agenda will have a maximum time limit of 30 minutes (not including debate on reports for deputations or petitions)

### **Application to other Committees**

- 10.14 Separate arrangements are in place for the public to make representations at meetings of the Planning, Licensing and Regulatory Committees and Community Panels, which are set out in specific schemes applicable to the proceedings of those meetings.
- 10.15 The public right to make representations as set out in this constitution does not apply to the Health and Wellbeing Board.

## **11 QUESTIONS BY COUNCILLORS**

### **Questions on reports of the Leader, Executive Councillor, Executive or Committees**

- 11.1 A Councillor may ask the Leader, the relevant Executive Councillor or the Chair of a Committee, a Sub Committee or Working Group any question without notice upon an item of the report of the Leader, Executive Councillor, Executive or a Committee when that item is being received or under consideration by the Council, with the following exceptions:
- 11.1.1 Only Councillors who are not Executive Councillors shall be allowed to ask Executive Councillors questions on the **Leader's, Executive Councillors' or** Executive report, to enable Council to hold the Executive to account.
- 11.1.2 Executive Councillors may only question the Leader on any matters which have not previously been considered at Executive.
- 11.2 The Chair shall have discretion to ensure that the questions asked under Rule 11.1 are representative of the views of Councillors, and where, in the Chair's belief, the questions that have already been put shall have represented the views of the Councillors, the Chair shall intervene to limit further questions in order not to impede proper attention to further business. This may include the Chair setting a maximum time for questions at their discretion. To this end, Councillors will be asked at the start of the item to indicate if they have any



questions for the Leader, Executive Councillor or the Chair of the Committee or Sub-Committee or Working Group.

### **Questions on notice at Council**

11.3 Subject to Rule 11.4, a Councillor may ask:

- (a) the Leader;
- (b) a Councillor of the Executive;
- (c) the Chair of any committee; or
- (d) the Councillor nominated to respond on behalf of the Police, Crime and Fire Panel or any other joint authority, committee or panel.

a question on any matter in relation to which the Council has powers or duties or which affects the Council's area or a question on the discharge of the functions of the relevant joint authority, committee or panel.

### **Number of questions**

11.4 A Councillor may give notice of not more than two questions for consideration at any meeting of the Council.

### **Notice of Questions**

11.5 A Councillor may only ask a question under Rule 11.3 provided:

- (a) that notice in writing of the question has been given to the Monitoring Officer by noon on the ninth working day before the meeting or with the consent of the Chair 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 09:30 on the day of the meeting; and
- (b) the Chair, upon the advice of the Monitoring Officer, does not reject the 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;
  - ( ) is potentially defamatory, vexatious, frivolous or offensive;
  - (i) refers to applications for or objections to planning permission or any licence, notice or order issued, served or made by the Council;
  - (ii) is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
  - (iii) relates to individual staffing matters or the personal information of Councillors or officers.

### **Response**

11.6 An answer may take the form of:

- (c) a direct oral answer;
- (d) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (e) where the reply cannot conveniently be given orally or is technical or detailed, a written answer circulated later to the questioner and all Council in writing.

### **Supplementary Question**

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

### **Order of Questions**

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

11.9 The questions will be taken as set out on the agenda and will not be read out at the meeting.

### **Written Answers**

11.10 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 Councillor of whom the question was asked.

11.11 Where the Councillor submitting the question is not available to attend the Meeting then the question will be taken as read and a written answer sent within ten working days of the Council meeting by the Councillor of whom the question was asked.

## **12 MOTIONS ON NOTICE**

### **Notice**

12.1 Except for motions which can be moved without notice under Rule 13, written notice of every motion 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. The Monitoring Officer will date the notice, number it in the order in which it is received and will enter it in a book (which may be in electronic format) open to public inspection. A copy will be sent to the Leader of each political group on the Council.

### **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:

12.3.1 an impact on the Council's Policy Framework; and/or

12.3.2 a significant impact on the Council's budgets;

upon being formally moved, seconded and debated, that motion shall be referred without discussion or amendment to the appropriate Director who shall prepare a report setting out the feasibility and impact of the proposals, the outcome of which shall be reported to a future meeting of the Executive. Upon receiving such report, the Executive will consider proposals in accordance with the Budget and Policy Framework Procedure Rules.

12.4 The Chair, upon advice from the Monitoring Officer, may reject a motion on the following grounds, that it:

12.4.1 is not about a matter for which the Council has a responsibility or which affects the Council's area;

12.4.2 is potentially defamatory, vexatious, frivolous or offensive;

12.4.3 refers to applications for or objections to planning permission or any licence, notice or order issued, served or made by the Council;

12.4.4 is substantially the same as a motion which has been put at a meeting of the Council in the past six months

12.4.5 relates to individual staffing matters or the personal information of Councillors or Officers; or

12.4.6 is in some other respect considered to be out of order, illegal, irregular or improper

12.5 The Monitoring Officer may refer a Motion to the relevant Council or Executive Committee without it first being considered by Council if they consider it appropriate to do so but will first discuss with the Councillor bringing the motion and will have regard to the Councillor's views on such referral.

#### **Motion set out in agenda**

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

12.7 Any motion which cannot be dealt with because of lack of time will fall and will not be automatically carried forward to the next meeting.

12.8 Where the Councillor submitting the motion is not available to attend the Meeting then they may nominate another Councillor to propose the motion, otherwise the motion will fall and will not be automatically carried forward to the next meeting.

### **Number of Motions**

- 12.9 Any Political Group (or individual if not in a Group) may give notice of not more than one motion for consideration at any meeting of the Council.

### **13 MOTIONS WITHOUT NOTICE**

- 13.1 The following motions may be moved without notice:

- 13.1.1 to appoint a chair of the meeting at which the motion is moved;
- 13.1.2 in relation to the accuracy of the minutes;
- 13.1.3 to change the order of business in the agenda;
- 13.1.4 to refer something to an appropriate body or individual;
- 13.1.5 to appoint a committee or Councillor arising from an item on the summons for the meeting;
- 13.1.6 to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- 13.1.7 to withdraw a motion;
- 13.1.8 to amend a motion;
- 13.1.9 to extend the time limit for speeches;
- 13.1.10 to proceed to the next business;
- 13.1.11 that the question be now put;
- 13.1.12 to adjourn a debate;
- 13.1.13 to adjourn a meeting;
- 13.1.14 to suspend a particular Council procedure rule;
- 13.1.15 to exclude the public and press in accordance with the Access to Information Rules;
- 13.1.16 to not hear further a Councillor named under Rule 21.3 or to exclude them from the meeting under Rule 21.4; and
- 13.1.17 to give the consent of the Council where its consent is required by this Constitution.

### **14 RULES OF DEBATE**

- 14.1 If the Councillor proposing the Motion is not available to attend the Meeting then, with agreement of both the Monitoring Officer and the Chair (which agreement will only be provided in exceptional circumstances and where the

motion cannot reasonably be delayed to the next Council meeting) they may authorise another Councillor to move the motion 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 them before it is discussed.

#### **Secunder's speech**

- 14.4 When seconding a motion or amendment, a Councillor 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, such consent not to be unreasonably refused.

#### **When a Councillor may speak again**

- 14.6 A Councillor who has spoken on a motion may not speak again whilst it is the subject of debate, except:
- 14.6.1 to speak once on an amendment moved by another Councillor;
  - 14.6.2 to move a further amendment;
  - 14.6.3 if their first speech was on an amendment moved by another Councillor, to speak on the main issue (whether or not the amendment on which they spoke was carried);
  - 14.6.4 in exercise of a right of reply;
  - 14.6.5 on a point of order; and
  - 14.6.6 by way of personal explanation.

#### **Amendments to motions**

- 14.7 An amendment to a motion must be relevant to the motion and will be:
- 14.7.1 to refer the matter to an appropriate body or individual for consideration or reconsideration;
  - 14.7.2 to leave out words;
  - 14.7.3 to leave out words and insert or add others; or

14.7.4 to insert or add words

as long as the effect of Rules 14.7.2 to 14.7.4 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 Councillor wishes to exercise the right to speak, put it to the vote.
- 14.12 (a) No amendments to a motion or recommendation that relates to the Policy Framework may be moved unless written notice which sets out the amendment or amendments proposed has been given by the Councillor(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 Councillors 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.

5 No amendments to a motion or recommendation that relates to the Budget may be moved unless written notice which sets out the amendment or amendments proposed has been given by the Councillor(s) proposing the amendment(s) and has been delivered to the Section 151 Officer not later than noon on the fifth working day following the publication of the Executive decision to recommend the Budget to Council. Following receipt of such notice, the section 151 Officer will provide their view as to the robustness of the assumptions and estimates and the impact on the budget as a whole. If the Councillor(s) still wish to proceed with the amendment a copy of the notice shall be provided to the Monitoring Officer no later than noon on the fifth working day before the Council meeting and will be circulated to all Councillors at the meeting. 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 this requirement.

- 14.13 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 Executive Councillor 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 Councillor 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. When all amendments have been disposed of, the vote will be taken on the substantive motion.

### **Alteration of motion**

- 14.14 A Councillor 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 A Councillor 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 Only alterations which could be made as an amendment may be made.

### **Withdrawal of motion**

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

### **Right of reply**

- 14.18 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 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 The mover of the amendment has no right of reply to the debate on his or her amendment.
- 14.21 In exercising a right of reply, the mover may not introduce any new matter.

### **Motions which may be moved during debate**

- 14.22 When a motion is under debate, no other motion may be moved except the following procedural motions:
  - 14.22.1 to withdraw a motion;
  - 14.22.2 to amend a motion;
  - 14.22.3 to proceed to the next business;
  - 14.22.4 that the question be now put;
  - 14.22.5 to adjourn a debate;
  - 14.22.6 to adjourn a meeting;

14.22.7 to exclude the public and press in accordance with the Access to Information Rules; and

14.22.8 to not hear further a Councillor named under Rule 21.3 or to exclude them from the meeting under Rule 21.4.

### **Closure motions**

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

14.23.1 to proceed to the next business;

14.23.2 that the question be now put;

14.23.3 to adjourn a debate; or

14.23.4 to adjourn a meeting.

14.24 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 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 If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chair thinks the 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.

### **Duties of the Chair or Person Presiding**

14.27 Where, in the Chair's belief, any debate shall already have represented the views of Councillors, 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 A Councillor 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 Councillor 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 A Councillor may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Councillor which may appear to have been misunderstood in the present debate. The ruling of the Chair on the admissibility of a personal explanation will be final.

## **Motions or amendments affecting persons employed by the Council**

- 14.30 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 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 twelve Councillors.

### **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 twelve Councillors. 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 Executive or a committee.

## **16 VOTING**

### **Majority**

- 16.1 Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Councillors 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:
- 16.3.1 show of hands;
  - 16.3.2 electronic equipment installed in the Council Chamber or the venue in which the Meeting is taking place;
  - 16.3.3 an electronic voting application or software on personal or mobile devices; or
  - 16.3.4 such other means as the Chair considers appropriate.
- 16.4 If there is no dissent, agreement may be signalled by acclamation.
- 16.5 If there is dissent, but it is clear to the Chair that a majority of Councillors are in agreement, the consent of the Meeting may be signalled by acclamation.
- 16.6 Rules 16.4 and 16.5 are without prejudice to a Councillor's right to have their individual vote recorded in accordance with Rule 16.9.

#### **Voting in relation to setting the Budget**

- 16.7 At a Budget decision meeting of the Council:-
- 16.7.1 Immediately after any vote is taken there must be recorded in the minutes of the proceedings of that meeting the names of the Councillors who cast a vote for or against the decision or who abstained from voting.
  - 16.7.2 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.
  - 16.7.3 Reference to a "vote" for the purposes of this Rule are references to a vote on any decision related to the meeting or the calculation as the case may be including a vote on any amendment to a proposal.

#### **Voting at Other Meetings**

- 16.8 Unless a recorded vote is demanded under Rules 16.10 or 16.11 the Chair will take the vote using any of the means set out in paragraph 16.3 or, if there is no dissent, by the affirmation of the meeting.

#### **Recorded vote**

- 16.9 If one quarter of the Councillors eligible to vote and 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. A demand for a recorded vote will override a demand for a ballot.

### **Right to require individual vote to be recorded**

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

### **Voting on appointments**

- 16.11 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.
- 17.3 There is no requirement to sign minutes of the previous meeting at an 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 (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 RECORD OF ATTENDANCE**

The attendance of Councillors at meetings of the Council shall be recorded by a roll call.

## **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 3** of this Constitution or Rule 21 (Disturbance by Public).

## **20 COUNCILLORS' CONDUCT**

### **Standing to speak**

- 20.1 When a Councillor speaks at Council they must stand and address the meeting through the Chair. If more than one Councillor stands, the Chair will ask one to speak and the others must sit. Other Councillors must remain seated whilst a Councillor 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**

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

### **Councillor not to be heard further**

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

### **Councillor to leave the meeting**

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

### **General disturbance**

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

## **21 DISTURBANCE BY PUBLIC**

### **Removal of member of the public**

- 21.1 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.

### **Clearance of part of meeting room**

- 21.2 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.

## **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 Councillors 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 Councillor must withdraw from the meeting room (including from the public gallery) during the whole of the consideration of any item of business in which they have a Disclosable Pecuniary Interest or other personal interest, except where permitted to remain either as a result of a dispensation or, in quasi-judicial meetings, they may attend but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the Meeting for the same purpose, whether under a statutory right or otherwise. Once any such representations etc have been made, the Councillor should leave the room whilst any discussion or vote takes place.

## **24 APPLICATION TO EXECUTIVE COMMITTEES AND SUB-COMMITTEES**

- 24.1 None of the Rules apply to meetings of the Executive.
- 24.2 Rules 4, 6 and 7, 16 – 24 (except Rule 16.3 – 16.6 and Rule 20.1) apply to meetings of committees and sub-committees.