

## Part 4.1 - Council Procedure Rules

### 1. Definition

In these Rules, the following terms shall have the meanings assigned to them –

“Committee” - a committee authorised to exercise non-executive decision making powers under Section 101 of the Local Government Act 1972 or an overview and scrutiny committee established under Section 21 of the Local Government Act 2000.

"Political group" - a political group as defined in the Local Government (Committee and Political Groups) Regulations 1990 (as amended). For clarification a political group will need to comprise of two or more members.

"Sub-committee" - a sub-committee of a committee however it may be named e.g. working party, panel or group.

### 2. Suspension

- (1) With the exceptions listed in (2) below, any of the following Rules may be suspended by a motion approved by at least one half of the members present and voting. A motion to suspend any Rules will not be moved without notice unless at least one half of the whole number of Members are present.
- (2) The following Rules may not be suspended
  2. (Suspension of Procedure Rules)
  3. (Variation and revocation)
  18. (Recording of votes)
  20. (Exclusion of the public)
  24. (Reference-up of decisions)
  26. (Ruling of person presiding)
  32. (Recording of votes)
- (3) Suspension can only be for the duration of the meeting.

### 3. Variation and Revocation

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

### 4. Meetings of Full Council

This section sets out, in order, the format of the three types of Council meetings, the annual meeting, ordinary meetings and extraordinary meetings.

(1) Annual Meeting of the Council

1.1 Timing and Business

1.1.1 The Annual General Meeting of the Council will be held:

- a) In a year when there is an ordinary election of Councillors to the Council on such a day within the 21 days immediately following the day of retirement of the outgoing councillors as the council may fix;
- b) In any other year, on such a day in the month of March, April or May as the council may fix; and
- c) At such hour as the council may fix.

1.1.2 At the Annual Meeting, the Council will:

- a) Elect a person to preside if the retiring Mayor and Deputy Mayor are not present;
- b) Elect the Mayor and Chairman of Council for the ensuing year;
- c) Appoint the Deputy Mayor and Vice Chairman of Council for the ensuing year;
- d) Elect (or confirm, as appropriate) the Leader at the post-election annual meeting;
- e) Be told by the Leader about the composition and constitution of the Executive for the ensuing year, and the names of Members chosen to be Executive Members
- f) Determine the Council's committee structure and Chairmen/membership;
- g) Review and update the Constitution if necessary;
- h) Appoint at least one scrutiny committee, a committee to carry out the functions of a Standards Committee and such other 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 3 of this Constitution);
- i) If appropriate, agree the scheme of delegation;
- j) If appropriate, approve a programme of ordinary meetings of the Council for the year; and

- k) Present any certificate, or bestow and honour on Councillor or ex-Councillor as appropriate.

## 1.2 Selection of Members on Committee and, in appropriate, Outside Bodies

At the annual meeting, the Council meeting will:

- a) Decide which committees to establish for the civic year;
- b) Decide the size and note terms of reference for those committees;
- c) Decide the allocation of seats and substitutes to Political groups in accordance with the political balance Rules;
- d) Receive, or arrange the delegation of, nominations of Members to serve on each committee and (if appropriate) any outside body for which a new appointment or re-appointment is necessary

## (2) Ordinary Meetings

### Order of Business

Except where the Council on the ground of urgency vary the order of business in accordance with paragraph (2) of this Procedure Rule, the order of business at every ordinary meeting of the Council shall be:

- a) To choose a person to preside if the Mayor and Deputy Mayor be absent.
- b) To deal with any business required by statute or subordinate legislation to be done before any other business.
- c) To approve as a correct record and sign the minutes of the last meeting of the Council except that meetings of the annual or extraordinary meeting will be submitted for confirmation for the next ordinary meeting of the Council.
- d) To receive any declarations of interest from members.
- e) To deal with business expressly required by statute to be done.
- f) To receive such communications as the Mayor, Leader or Chief Executive may desire to lay before the Council.

- g) To answer questions asked pursuant to Procedure Rule 14.
- h) To receive petitions in accordance with the Council's Petition Scheme, under Procedure Rule 15.
- i) To dispose of business (if any) remaining from the last meeting.
- j) To receive and consider reports of the Leader, Cabinet and of Committees and referred minutes which require determination by Council. In addition to receive reports on the business of joint arrangements and external organisations as appropriate.
- k) To consider notices of motion in the order in which they have been received.
- l) To consider any urgent items under Procedure Rule 13.
- m) To consider the making or termination of appointments to bodies set up by the Council

The order of business may be varied by a resolution passed on a motion duly moved and seconded, which shall be put without discussion, provided that business falling under items (a), (b) or (c) of paragraph (1) shall not be displaced.

### (3) Extraordinary Meetings of the Council

Those listed below may request the Chief Executive to call a council meeting in addition to ordinary meetings:

- i) The Council by resolution
- ii) The Mayor – whether as a result of a requisition signed by any five members of the Council
- iii) The statutory officers: the Head of Paid Service, the Monitoring Officer and the Section 151 Officer
- iv) Any five members of the Council (in accordance with Paragraph 3 of Schedule 12 of the Local Government Act 1972 (as amended), if they have signed a requisition presented to the Chairman of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition

The business to be conducted at an extraordinary meeting shall be limited to the issue which has caused the meeting to be convened. Other matters shall await the next ordinary meeting of the Council.

## 5. Appointment of Deputy Members

A Deputy Member shall only serve as a Member of the relevant body at any meeting at which another Member of the same political group is absent for the entire meeting. No substitutions of membership may be made during the course of the meeting.

Deputy 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 deputising for.

Deputy Members may be appointed to Committees and Sub-Committees on the following basis:

- a) When appointments are made to any Committee or Sub-Committee, each political group of the Council shall be entitled when nominating its representatives, if it so wishes, to nominate. The appointments will be subject to political balance requirements;
- b) The number of deputies in respect of each committee will be in line with the following arrangements.
- c) Development Management Committee: up to three further members as Deputy Members.
- d) Overview and Scrutiny Committees: up to two Deputy Members in respect of each Overview and Scrutiny Committees.
- e) Housing Appeals Committee/Licensing and Regulation Committee/Audit and Governance Committee.

There shall be one Deputy Member in respect of each of the above Committees.

- f) The Cabinet: there shall be no Deputy or substitute members.
- g) The Head of Legal Services shall change the standing membership of Committees and joint Committees in accordance with the wishes of the political groups to whom seats on these Committees have been allocated.

## **6. Notice Of and Summons to Full Council**

The Chief Executive will give notice to the public of the time and place of any Full Council meeting in accordance with the Access to Information Rules at least five clear working days before a meeting.

A signed summons will be sent to every member of the Council. The summons will give the date, time and place of each meeting and specify the business to be transacted.

## **7. Chairman of Meeting**

Any power or duty assigned to the Mayor in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

## **8. Quorum**

For full Council and committees, the Quorum of a meeting will be one third of the whole number of members. During any meeting, if the Chairman counts the number of members presents and declares that there is not a Quorum present, the meeting will adjourn immediately.

The consideration of any business not transacted shall be adjourned to a time fixed by the Mayor at the time the meeting is adjourned, or, if he/she does not fix a time, to the next ordinary meeting of the Council.

## **9. Minutes**

The Mayor shall put the question that the minutes of the meeting of the Council held on the relevant date be approved as a correct record.

No discussion shall take place upon the minutes, except upon their accuracy and any question of their accuracy 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 shall sign the minutes.

Where in relation to any meeting of the Council the next such meeting is a meeting called under paragraph 4 (extraordinary meetings) of Schedule 12 to the Local Government Act 1972, the next following meeting of the Council (being a meeting called otherwise than under that paragraph) shall be treated as a suitable meeting for the purpose of paragraph 41 (1) and (2) (the signing of minutes) of that Schedule.

## **10. Notices of Motion**

Except as provided by Procedure Rule 10, notice of every motion shall be in writing, signed by the member or members of the Council giving the notice and delivered to the Democratic Services Manager by 10am 10 working days before the meeting of Full Council.

The Chief Executive shall set out in the summons for every meeting of the Council all motions of which notice has been duly given in the order in which they have been received, unless the member giving such a notice has, when giving it, intimated in writing that he/she proposed to move it at some later meeting or has withdrawn it in writing.

If a motion thus set out in the summons be not moved it shall, unless postponed by consent of the Council, be treated as abandoned and shall not be moved without fresh notice.

A motion shall only be moved by a member by whom notice has been given. or by a member authorised by such a member.

A period of up to 20 minutes shall be allowed for the Council to have an initial discussion about the motion, such period to be in addition to any introductory speech by the mover (which may be up to eight minutes). A summary of that discussion will be included in the minutes of the meeting.

Motions must be about matters for which the Council has powers or duties or which affect the District

#### **11. Motions which may be moved without Notice**

The following motions may be moved without notice:-

- 1) Appointment of a Chairman of the meeting at which the motion is made.
- 2) Motions relating to the accuracy of the minutes, closure, adjournment, order of business, next business, or reference to the Leader or Cabinet or a Committee.
- 3) Appointment Committees or members thereof, so far as arising from an item mentioned in the summons to the meeting.
- 4) Adoption of reports and recommendations of the Leader, Cabinet, Committees or officers and any consequent resolutions.
- 5) That leave be given to withdraw a motion.
- 6) Amendments to motions.
- 7) Authorising the sealing of documents.
- 8) To change the order of business in the agenda
- 9) Suspending a Council Procedure Rule
- 10) To exclude the public and press in accordance with the Access to Information Rules

- 11) That a member named under Procedure Rule 21 be not further heard or do leave the meeting.
- 12) Giving consent of the Council where the consent of the Council is required by this Constitution.
- 13) To refer something to an appropriate body or individual
- 14) To proceed to the next business
- 15) That the question now be put
- 16) To adjourn the debate
- 17) To adjourn a meeting

## **12. Rescinding Resolutions**

- 1) At any meeting of the Council, no motion to rescind any resolution which has been passed within the preceding six months and no motion to the same effect as any motion which has been moved within the previous six months shall be in order.
- 2) This Procedure Rule shall not apply to motions in pursuance of the report or recommendations of the Leader, Cabinet or of a Committee.

## **13. Presentation of Minutes**

- 1) The Chief Executive shall be authorised to determine the order in which the referred minutes shall be debated, having regard to the relative importance of each matter, and shall arrange the agenda accordingly.
- 2) The relevant Committee Chairman will be deemed to have moved that the minutes of the Cabinet or of his/her Committee be adopted, unless he/she indicates to the contrary at the meeting.
- 3) The heading of each minute will be called in order whereupon:
  - a) The Chairman or Portfolio Holder will make no introduction unless the minute is of special importance;
  - b) If no member rises to speak that minute will be deemed to be confirmed and the next minute will be called;
  - c) If discussion of a minute commences the Mayor will permit questions and then debate (and appropriate votes) on that minute but members may question matters of fact arising during the debate.



- 4) Where the Council has before it referred minutes of more than one body on the same subject the following procedure shall apply (unless the Council resolves otherwise in any particular case):-
- a) All such minutes shall be taken together when the minute of the earliest meeting is presented;
  - (b) Any introductions by the Chairmen of the appropriate body or Portfolio Holder shall be made in the same order as the dates of the relevant meetings, unless in the opinion of the Mayor it would assist the decision making process to take the minutes in another order;
  - c) If no member rises to speak on any of the minutes they shall all be deemed to be confirmed;
  - d) Motions or amendments may be moved in respect of any of the referred minutes before the Council but any amendments may only relate to one minute;
  - e) Chairmen or Portfolio Holders exercising their right of reply under Procedure Rule 16 (13) shall do so in the same order as the dates of the relevant meetings, notwithstanding (b) above and provided that the Chairman of the Cabinet shall have the final right of reply.

#### **14. Urgent Business**

If, after the despatch of the agenda and summons for any meeting of the Council, any item of business arises which requires the urgent attention of the Council and cannot be dealt with under executive/delegated powers by the Leader or Cabinet or any Committee or any officer, the Chief Executive in consultation with the Chairman (or in his/her absence the Vice-Chairman) of the Cabinet shall:-

- i) Where practicable summon a meeting of the Cabinet and/or the appropriate Committee for a date or time prior to the meeting of the Council to consider the matter and make recommendations to the Council;
- ii) Place the item before the Council together with any recommendation of the Leader, Cabinet or the Committee (which may be reported orally if the presentation of written minutes is impracticable) and, so far as necessary, the suspension of Procedure Rule 10 shall be moved to enable other motions to be moved.

## 15. Questions for Full Council

### On a referred Committee minute

- 1) A member of the Council may ask the Mayor, Chairman of the Cabinet or of a Committee, or Portfolio Holder any question upon any referred minute of the Cabinet or of a Committee when that minute is under consideration by the Council.

### Following due notice

- 2) A member of the Council may ask the Mayor, or the Chairman of the Cabinet or of any Committee, or Portfolio Holder, any question relating to the business of the Council or on any matter in relation to which the Council has powers or duties or which affects the District, which is not capable of being dealt with under paragraph (1) above. If a question is asked of the Mayor or Chairman of the Cabinet, he/she may refer it for answer to another member of the Cabinet who has been allocated a portfolio of responsibility in relation to any function or area of activity to which the subject matter of the question is relevant.

Such questions must be submitted in writing to the Democratic Services Manager by 10am five working days before the meeting date.

### Urgent Business

A member of the Council may, with the permission of the Mayor, put to him or her or to the Chairman of the Cabinet or of any Committee, or a Portfolio Holder, any question relating to urgent business, of which such notice could not have been given; but a copy of such question shall be sent to the Democratic Services Manager not later than 10am on the day of the meeting.

### General

Every question and answer submitted under (2) above shall be produced in electronic form two hours before the meeting and laid in the place of each Member of the Council in the Council Chamber, no later than 15 minutes before commencement of the meeting.

Only the questioner may ask one supplementary question.

The total time occupied by Full Council questions and the answer and supplementaries thereto shall not exceed 30 minutes.

## 16. Presentation of Petitions

The presentation of petitions will be dealt with in accordance with the Council's Petition Scheme as set out in Part 8 of the Constitution.

## 17. Rules of Debate

### Motions and Amendments

Except for a motion deemed to have been moved by a chairman under Procedure Rule 12(2) (that the referred minutes be adopted), every motion or amendment shall, if required by the Mayor, be put in writing and handed to the Mayor before it is put from the Chair. An amendment to a motion can be moved and seconded at any appropriate time; however, motions and amendments shall be moved and seconded before they are discussed.

### Secunder's Speech

A member seconding a motion or amendment has the right to speak upon seconding later in the debate unless, before he/she has spoken, a closure motion has been passed.

### Members to Stand when Speaking

Members of the Council shall stand when speaking (unless disabled from doing so) and shall always address the Mayor. If two or more Members rise, the Mayor shall call on one to speak; the other or others shall then sit. While a member is speaking the other members shall remain seated, unless rising on a point of order or in personal explanation.

### Relevancy and Length of Speech

A Member shall direct his/her speech to the question under discussion or to an explanation or to a question of order. No speech shall exceed eight minutes in the case of a mover of the motion and five minutes in all other cases (including amendments) except at the discretion of the Mayor.

### When a Member may Speak Again

A Member who has spoken on a motion or a minute 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 if the motion has been amended since he/she last spoke;
- c) If his/her 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)
- d) In exercise of a right of reply;

- e) On a point of order;
- f) By way of personal explanation.

#### Points of Order and Personal Explanation

A Member may rise on a point of order or in personal explanation at any time.

The Member who is then speaking shall thereupon resume his/her seat and the member so rising shall be entitled to be heard forthwith.

A point of order shall relate only to an alleged breach of a Procedure Rule or statutory provision. The Member must indicate the rule or law and the way in which he/she considers it has been broken.

A personal explanation shall be confined to some material part of a former speech by him/her at the same meeting which may appear to have been misunderstood in the present debate.

The ruling of the Mayor on a point of order or on the admissibility of a personal explanation shall not be open to question or discussion.

#### Motions which may be moved during debate

When a motion is under debate no other motion shall be moved except the following:

- a) To amend the motion;
- b) To postpone consideration of the motion;
- c) To adjourn the meeting;
- d) To adjourn the debate;
- e) To proceed to the next business;
- f) That the question be now put;
- g) That a Member be not further heard;
- h) That a Member does leave the meeting;
- i) A motion to exclude the press and public in accordance with the Access to Information Rules.

### Amendments to Motions

- 1) Every amendment shall be relevant to the motion on which it is moved and shall be either:
  - a) To leave out words;
  - b) To insert or add words;
  - c) To leave out words and insert or add others;
  - d) To refer back the whole or any part of a recommendation of the Leader, Cabinet or a Committee;
  - e) To convey a direction to the Leader, Cabinet or a Committee or an individual making the decision to consider some particular aspect of their powers and duties;
  - f) To refer the matter under consideration to Leader, Cabinet or the appropriate body.

Provided that the omission, insertion or addition of words under a), b) or c) shall not have the effect of introducing an entirely new proposition, or negating the motion before the Council.

- 1) Whenever an amendment upon an original motion has been moved and seconded, no second or subsequent amendment shall be moved until the first amendment shall have been disposed of.
- 2) If an amendment is not carried, other amendments to the original motion may be moved.
- 3) If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the substantive motion to which any further amendments are moved.
- 4) After an amendment has been carried, the Mayor or a person directed to do so will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

### Alteration to Motion

A member may with the consent of Full Council signified without discussion:

- a) Alter a motion of which he/she has given notice, or
- b) Alter a motion which he/she has moved without notice with the consent of full Council and the seconder

### Withdrawal of Motion

- 5) A motion or amendment may be withdrawn by the mover with the consent of the seconder and of the Council, which shall be signified without discussion and no member may speak upon it after the mover has asked permission for its withdrawal, unless such permission shall have been refused.

### Closure Motions

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

"that the Council proceed to the next business;"  
"that the question be now put;"  
"that the debate be now adjourned", or  
"that the Council do now adjourn"

On the seconding of which the Mayor shall, unless in his/her opinion, the matter before the meeting has been insufficiently discussed, proceed as follows:

- a) On a motion to proceed to the next business:  
he shall put to the vote the motion to proceed to the next business;
- b) On a motion that the question be now put:  
he shall put to the vote the motion that the question be now put, and if it is passed, then give the mover of the original motion his/her right of reply under paragraph 13 of this Procedure Rule before putting his/her motion to the vote;
- c) On a motion to adjourn the debate or the meeting he/she shall put the adjournment motion to the vote without giving the mover of the original motion his/her right to reply on that occasion.

### Right of Reply

- 7) The proposer of a motion (but not the proposer of an amendment) shall have a right to reply at the close of the debate upon such motion, immediately before it is put to the vote. If an amendment is proposed the proposer of the original motion shall be entitled to reply at the close of the debate upon the amendment. A member exercising a right of reply shall not introduce new matter.

After every reply to which this Procedure Rule refers a decision shall be taken without further discussion.

Rights of Chairman or Portfolio Holder During Debate

- 8) A Chairman of the Cabinet or of a Committee or Portfolio Holder, may during the debate on a minute of his/her Committee or area of responsibility, reply to a question or clarify some matter without precluding his/her right to speak subsequently to a motion.

Mayor or Chairman or Portfolio Holder may call on an Officer

- 9) The Mayor may during a debate call on an officer to speak or invite or allow the Chairman of the Cabinet or of a Committee or Portfolio Holder so to do.

**18. Voting**

Majority

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

Mayor's Casting Vote

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

Show of Hands

Voting shall be by a show of hands, or if there is no dissent, by the affirmation of the meeting.

Recorded Vote

If five members present at the meeting demand it the names for or against the motion or amendment or abstaining from voting will be taken down in writing and entered in the minutes. A demand for a recorded vote will override a demand for a ballot.

There will also be a recorded vote when required by law. This includes that a recorded vote will be required at a meeting of the Council on motions, amendments or substantive motions relating to the approval of the budget or the setting of the Council tax, whereby there shall be recorded in the minutes the names of the members who cast a vote for the motion/amendment or against the motion/amendment or who abstain from voting.

As this is a mandatory standing order under the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 it cannot be suspended under the Council Procedure Rules.

#### Right to Require Individual Vote to be Recorded

Where any member requests it immediately after the vote is taken the 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

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.

In the event that the removal of persons jointly having fewest of votes would result in only one candidate remaining (and that candidate does not have a majority), the above provision will not apply and the Chief Executive (or his or her representative) will draw lots to determine which of the candidates with fewest votes will proceed to the next round.

In the event of there being an equality of votes for the final two candidates, lots will be drawn by the Chief Executive (or his or her representative) to decide which person is elected.

### **19. Disturbance by Members of the Public**

If a member of the public interrupts the proceedings at any meeting the person presiding after warning shall order his/her removal from the room where the meeting is being held. In case of general disturbance in any part of the meeting room open to the public the person presiding shall order that part be cleared.

### **20. Exclusion of the 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 Procedure Rule 29 (Disturbance by Members of the Public)

### **21. Disorderly Conduct by Members**

If, at any meeting, a member of the Council, in the opinion of the person presiding, misconducts him/herself by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the meeting, it shall be competent for the person presiding or move that the member



named be not further heard or that the member named shall leave the meeting and the motion if seconded shall be put and determined without discussion.

If after a motion under the foregoing paragraph has been carried the misconduct or obstruction is continued, and in the opinion of the person presiding renders the due and orderly despatch of business impossible, in addition to any other power vested in him/her, the person presiding may adjourn or suspend the sitting for such period as he/she shall consider expedient

## **22. Application to Committees and Sub-Committees**

The following rules will apply to meetings of Committees and Sub-Committees:

On completion of representations concerning the Constitution and the re-pagination of the document the Council Procedure rules that relate to Council committees will be cross-referenced in relation to:

1. Appointment of Deputy Members (Paragraph 5)
2. Meetings: Date/Notice etc. (Paragraph 6)
3. Terms of Office of Chairmanship (Paragraph 7)
4. Quorum (Paragraph 8)
5. Minutes (Paragraph 9)
6. Rules of Debate (Paragraph 17)
7. Voting (Paragraph 18)
8. Any special provisions