

## Part 4.1 – Council Meeting 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.

### 2. Suspension

2.1 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 is present.

2.2 The following Council Meeting Procedure Rules may not be suspended;

- a) Suspension (Rule 2)
- b) Variation and revocation (Rule 3)
- c) Annual General Meeting (Rule 4.1)
- d) Notice and Summons (Rule 7)
- e) Minutes (Rule 10)
- f) Voting (Rule 18)
- g) Exclusion of the public (Rule 20)
- h) Disorderly Conduct by Councillors (Rule 21)

2.3 Any suspension can only be for the duration of the meeting.

### 3. Variation and Revocation

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

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

The following rules will apply to meetings of Committees and Sub Committees with the exception of d) Time of meetings applying to the meeting of Cabinet:

- a) Appointment of Deputy Members (Rule 5)
- b) Notice and Summons (Rule 7)
- c) Chairing the Meeting (Rule 8)
- d) Time of Meetings (Rule 9)
- e) Quorum (Rule 10)
- f) Minutes (Rule 11)
- g) Rules of Debate (Rule 17)
- h) Voting (Rule 18)
- i) Any special provisions

In the application of these rules to meetings other than Full Council meetings, greater informality may be exercised at the discretion of the chairperson of the meeting.

#### **5. Meetings of Full Council**

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

##### **5.1 Annual Meeting**

Timing and Business

5.1.2 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.

5.1.3 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 for the ensuing year;
- c) Appoint the Deputy Mayor of Council for the ensuing year;
- d) Elect (or confirm, as appropriate) the Leader;
- e) Be told by the Leader about the composition and constitution of the Cabinet Members for the ensuing year, and the names of councillors chosen to be Cabinet Members
- f) Determine the Council's Committee structure, the Chairpersons of Council Committees and its membership. In determining the Council's committee structure Full Council must appoint at least one Overview and 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 Full Council nor are executive functions (as set out in Part 3 of this Constitution); and
- g) Present any certificate or bestow any honour on a Councillor/s or ex-Councillor/s, an individual/s, or group/s, as appropriate.

5.1.4 Selection of Councillors within the Council Committee structure and, if appropriate, Outside Bodies

At the annual meeting Full Council will:

- a) decide which committees to establish for the municipal year;
- b) decide the size of those committees;

- c) decide the allocation of seats and deputies to political groups in accordance with the political balance rules;
- d) receive nominations of Councillors to serve on each committee and outside body; and
- e) appoint to those committees and outside bodies except where appointment to those bodies has been delegated by Full Council to or is exercisable only by Cabinet.

## 5.2 Ordinary Meetings

### Order of Business

Except where Full Council on the ground of urgency vary the order of business in accordance with Council Meeting Procedure Rule 2, the order of business at every ordinary meeting of Full 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 Full Council except that meetings of the annual or extraordinary meeting will be submitted for confirmation for the next ordinary meeting of Full Council.
- d) To receive any declarations of interest from Councillors.
- e) To receive such communications as the Mayor, Leader or Chief Executive may desire to lay before the Council.
- f) To receive apologies.
- g) To answer questions from the Public pursuant to Council Meeting Procedural Rule 15.
- h) To receive petitions in accordance with the Council's Petition Scheme, under Council Meeting Procedure Rule 16.
- i) To deal with business expressly required by statute to be done.
- j) To dispose of business (if any) remaining from the last meeting.
- k) To receive and consider reports of the Leader, Cabinet and of Committees and referred minutes which require determination by Full Council. In addition to receive reports on the business of joint arrangements and external organisations as appropriate.

- l) To consider notices of motion in the order in which they have been received.
- m) To consider any urgent items under Council Meeting Procedure Rule 14 of this Constitution.
- n) To consider the making or termination of appointments to bodies and changes to memberships of committees set up by Full Council.
- o) To answer questions from Councillors under Council Meeting Procedure Rule 15 of this Constitution.

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 5.2 above shall not be displaced.

### 5.3 Extraordinary Meetings of the Council

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

- a) The Council by resolution
- b) The Mayor – as a result of a requisition signed by any five councillors of the Council
- c) The statutory officers : the Head of Paid Service, the Monitoring Officer or the Section 151 Officer
- d) Any five councillors 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 Mayor and the Mayor has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition
- e) The Chief Executive on a matter of urgency or emergency in consultation with the Mayor and the Leader.

The business to be conducted at an extraordinary meeting shall only relate to the issue which has caused the meeting to be convened. There will be no public or Councillor questions under **Council Meeting Procedure Rule 15 unless related to the matter of the extraordinary meeting.**

Other matters shall await the next ordinary meeting of Full Council.

## **6. Appointment of Deputy Councillors**

6.1 A Deputy Councillor shall only serve as a Councillor of the relevant body at any meeting at which another Councillor of the same political group is absent for the entire meeting. No substitutions of membership may be made during the course of the meeting **and explicitly in circumstances where a meeting is adjourned and reconvened at a later date.**

6.2 Deputy Councillors will have all the powers and duties of any ordinary Councillor but will not be able to exercise any special powers or duties exercisable by the person they are deputising for.

6.3 There shall be no Deputy Members in Cabinet.

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

When appointments are made to any Committee or Sub-Committee.

The number of deputies in respect of each Committee shall be up to two deputy members per group

6.5 The Democratic Services Team Manager shall amend the standing membership of Committees and joint Committees in accordance with the above and the wishes of the political groups to whom seats on these Committees have been allocated.

## **7. 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 communicated 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.

## **8. Chairing the Meeting**

8.1 The Mayor's ruling on any point of order, interpretation of these Council Procedure Rules, matters arising during the debate or with regard to the admissibility of an explanation, or otherwise, including any logistical arrangements for any meetings, shall be final and not open to discussion nor challenged at the meeting.

8.2 The Mayor may, from time to time, issue guidance as to how they will discharge their responsibility in chairing Full Council.

8.3 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.

8.4 **The Mayor has discretion to:**

a) order the adjournment of any meeting;

b) following consultation with the Leader of the Council, alter the date or time of any meeting; and

c) cancel or postpone a meeting in the event of an emergency or where there is no business requiring Council approval.

## **9. Time of meetings**

9.1 Meetings of Full Council will usually be at 6.30pm or any other such time as the Mayor agrees.

## **10. Quorum (minimum number of members)**

10.1 Subject to any specific statutory requirement, the quorum of a meeting will be one third of the whole number of voting members, or three voting members, whichever is the greater.

10.2 If a quorum is not reached within 15 minutes after the time appointed for the start of the meeting, the meeting will be adjourned without debate.

10.3 During any meeting if the person chairing the meeting counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately.

10.4 Subject to these rules remaining business will be considered at a time and date fixed by the person chairing the meeting. If they do not fix a date, the remaining business will be considered at the next ordinary meeting.

10.5 The meeting will resume immediately if it becomes apparent to the person who was chairing it within 10 minutes of the adjournment under 10.2 that there are sufficient members present to constitute a quorum.

## **11. Minutes**

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

11.2 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 on their accuracy is raised, or if it is raised then as soon and has been disposed of, the Mayor shall sign the minutes.

- 11.3 Where in relation to any meeting of Full Council if 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 Ordinary meeting of Full Council (being a meeting called otherwise than under that paragraph) shall be treated as a suitable meeting for the purpose of signing the minutes in accordance with that Schedule.

## **12. Notices of Motion**

### **12.1 Scope**

Motions must be about matters for which the council has a responsibility, or which affects part or all of the District. The Mayor may, on the advice of the Monitoring Officer, refuse a motion which is illegal, scurrilous, improper, relates to a matter which has been the subject of debate or decision by Full Council in the previous six months, or is otherwise out of order. **The member intending to give notice of the motion should, in good time, consult the Strategic Director(s) with responsibility for the matter, or their nominee, and determine the context and possible consequences for what is proposed prior to submitting the motion.**

### **12.2 Exceptions**

**Where, following publication of the agenda for a meeting of Full Council, an urgent matter for which the council has responsibility and affects part or all of the District arises and it is not practical to defer consideration of the motion to the next ordinary meeting of Full Council a motion signed by two Councillors may be accepted by the Mayor following consultation with the Monitoring Officer.**

### **12.3 Notice**

Except as provided by this Council Procedure Rule 12, notice of every motion shall be in writing, signed by the Councillor or Councillors giving the notice and the seconder and delivered to the Democratic Services Team by 10am, 10 clear days before the day of the Full Council meeting. **This notice of motion will confirm the names of the Councillors proposing and seconding the motion.**

### **12.4 Summons**

The Chief Executive shall set out in the summons for every meeting of Full 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 they propose to move it at some later meeting or has withdrawn it in writing.

#### 12.5 Motions set out in the agenda

- 12.5.1 If a motion thus set out in the summons be not moved it shall, unless postponed by consent of Full Council, be treated as abandoned and shall not be moved without fresh notice in accordance with this procedure rule.
- 12.5.2 A motion shall only be moved by a Councillor by whom notice has been given or by a Councillor authorised by such a Councillor in writing and prior to the commencement of the relevant meeting.
- 12.5.3 A period of up to twenty minutes shall be allowed for Full Council to have a discussion about the motion, such period to be in addition to any introductory speech by the mover (which may be up to eight minutes) and a seconder whether their right to speak is reserved or not (which may be up to five minutes). The mover has a total of five minutes at the end of the discussion to sum up.
- 12.5.4 A summary of that discussion will be included in the minutes of the meeting.

#### 12.6 Motions which may be moved without Notice

The following motions may be moved without notice:-

- a) Appointment of a Chairperson of the meeting at which the motion is made.
- b) 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.
- c) Appointment Committees or councillors thereof, so far as arising from an item mentioned in the summons to the meeting.
- d) Adoption of reports and recommendations of the Leader, Cabinet, Committees or officers and any consequent resolutions.

- e) That leave be given to withdraw a motion.
- f) Amendments to motions.
- g) Suspending a Council Meeting Procedure Rule.
- h) To exclude the public and press in accordance with the Access to Information Rules.
- i) That a Councillor named under Council Meeting Procedure **Rule 21** be not further heard or do leave the meeting.
- j) Giving consent of Full Council where the consent of Full Council is required by this Constitution.
- k) To refer something to an appropriate body or individual.
- l) That the question now be put.
- m) To refer something to an appropriate body or individual.

### **13. Rescinding Resolutions**

At any meeting of Full 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. **The Mayor may, acting on the advice of the Chief Executive, refuse such a motion.** This Council Meeting Procedure Rule shall not apply to motions in pursuance of the report or recommendations of the Leader, Cabinet or of a Committee.

### **14. Presentation of Referred Minutes**

- 14.1 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.
- 14.2 The **Leader or** Chairperson of the relevant Committee, or Cabinet Member will be deemed to have moved that the minutes of the Cabinet or of their Committee be adopted, unless they indicate to the contrary at the meeting.
- 14.3 The heading of each minute will be called in order whereupon:
  - a) The **Leader** or Chairperson of the relevant Committee or Cabinet Member will make no introduction unless the minute is of special importance;
  - b) If no councillor 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 councillors may only question matters of fact arising during the debate.

14.4 Where Full Council has before it referred minutes of more than one body on the same subject the following procedure shall apply (unless Full 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 **Leader** or Chairpersons of the relevant Committee or Cabinet Member 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 Councillor 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 Full Council but any amendments may only relate to one minute;
- e) The **Leader** or Chairpersons of the relevant Committee or Cabinet Member exercising their right of reply under **Council Meeting Procedure Rule 17.13** shall do so in the same order as the dates of the relevant meetings, notwithstanding (b) above and provided that the Leader shall have the final right of reply.

## **15. Urgent Business**

If, after the despatch of the agenda and summons for any meeting of Full 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 Leader (or in their absence the Deputy-Leader) shall:-

Where practicable summon a meeting of the Cabinet and/or the appropriate Committee for a date or time prior to the meeting of Full Council to consider the matter and make recommendations to Full Council;

Place the item before Full 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 Council Meeting **Procedure Rule 10** shall be moved to enable other motions to be moved.

## **16. Questions for Full Council**

### **16.1 Questions on notice**

Appropriate questions may be asked by members of the public who live or work in the Winchester District and by Councillors at Full Council meetings

16.2 A 'question on notice' means that the question must be in writing, including email, and submitted to the council at least 5 working days before the day of the meeting (not including the day of the meeting). A working day is defined for this purpose as Monday through Friday, excluding days designated as bank holidays in England and Wales.

### **16.3 General**

Members of the public may ask one question to either the Leader, a Cabinet Member or Committee Chair at Ordinary Meetings of Full Council. The total time allocated for questions by the public shall normally be limited to 20 minutes.

16.4 Councillors may ask questions to either the Leader, a Cabinet Member or Committee Chair at Ordinary Meetings of Full Council. The total time allocated for questions by Councillors shall normally be limited to 30 minutes.

### **16.5 Order of Questions**

Members of the public and Councillors who are at the meeting will have opportunity to ask their question.

16.6 Questions by Members of the public will be asked in the order in which notice of them was received, **except that the Mayor may group together similar questions which shall be asked in the order they were received unless the Mayor considers business may be better transacted by varying such order and with fairness in mind.**

16.7 **Questions by Councillors for the first question put will be asked in the order in which notice of them was received except that questions will rotate between the political groups and independent Councillors to ensure a fair distribution across all Councillors. At the end of all first questions the same will apply to the second and subsequent questions**

until either all questions have been heard or the time allocated for Councillor questions has expired. The Mayor may group together similar questions where they consider the business may be better transacted by varying such order of questions and with fairness in mind.

#### 16.8 Notice of Questions

A question may only be asked if notice has been given by delivering it in writing, including email, to the Democratic Services Team no later than 10.00am, 5 clear working days before the day of the Council meeting (email to [democracy@winchester.gov.uk](mailto:democracy@winchester.gov.uk)). In addition for members of the public each question must also give the name, address, email address and telephone number of the questioner.

#### 16.9 Scope of Questions

Questions must relate to matters for which the Council has a responsibility or which affect the district. The Chief Executive may reject a question if:

- i. it is within the terms of reference of a Committee; or
- ii. it is or relates to matters of a quasi-judicial nature; or
- iii. it is defamatory, frivolous or offensive; or
- iv. it refers to legal proceedings being taken or being anticipated by or against the Council; or
- v. it is substantially the same as a question which has been put at a meeting of Full Council in the past six months; or
- vi. it requires the disclosure of confidential or exempt information; or
- vii. it relates to the provision of personal services; or
- viii. the questioner has a commercial or financial interest in the issue; or
- viiii. It relates to an identifiable individual or employee of the council; or
- x. it relates to a planning or licensing application.

If rejected, the questioner shall be advised accordingly by the Democratic Services Team.

#### 16.10 Record of Questions

Copies of all questions will be circulated electronically to all Councillors and will be published alongside the agenda as a supplemental item.

#### 16.11 Asking the Question at the Meeting

The Mayor will invite the questioner to put their question as written to the Councillor named in the question. Each questioner has 2 minutes in which to ask their question (the questioner may prefer to simply state to “refer to the order paper”). If a questioner who has submitted a question is unable to be present, the Mayor may ask the question on their behalf, or invite another Councillor to do so, or indicate that a written reply will be given and published on the website following the meeting. or decide, in the absence of the questioner, that the question will not be dealt with.

#### 16.12 Supplementary Question

A questioner who has put a question in person may also put one supplementary question without notice to the Councillor who has replied to their original question. A supplementary question must be a question and not a statement and arise directly out of the original reply. The Mayor may reject a supplementary question for that reason or on any of the grounds set out above.

#### Written Answers

16.13 Every member of the public and Councillor who asks a question within the scope of these Council Procedure Rules is entitled to an answer. The answer may be either a direct oral answer, a referral to an existing publication, or a referral to an officer to respond in writing. Any question which cannot be dealt with during the permitted question time will be dealt with by a written answer.

16.14 For members of the public written answers will be published to questions submitted (but not the supplementary questions) on the website following the meeting and all members of the public who have asked a question will be notified accordingly.

16.15 For Councillors every answer to a question shall be produced in electronic form no later than two hours before the meeting and those answers will be published to questions submitted (but not the supplementary questions) on the website following the meeting.

#### 16.16 Questions on a referred Committee minute

A Councillor may ask the Mayor, the Leader, Chairperson of a Committee, or Cabinet Member within their area of responsibility any

question upon any referred minute of the Cabinet or of a Committee when that minute is under consideration by Full Council.

#### **16.17 Urgent Questions**

A Councillor may, with the permission of the Mayor, put to them or to the Leader, Chairperson of a Committee, or Cabinet Member within their area of responsibility 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 Team Manager (email to [democracy@winchester.gov.uk](mailto:democracy@winchester.gov.uk)) not later than 10am on the day of the meeting.

#### **16.18 When questions cannot be asked at a public meeting**

a) No questions may be asked at the annual meeting of council.

b) No questions may be asked at an extraordinary meeting of council except in relation to reports published with the agenda.

### **17. Rules of Debate**

#### **17.1 Motions and Amendments**

Except for a motion deemed to have been moved by the Leader or a Committee Chairperson, or Cabinet Member under Council Meeting Procedure Rule 13(2) (that the referred minutes be adopted), every motion or amendment shall be put in writing and handed to the Mayor before it is put to Full Council by the Mayor. 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.

#### **17.2 Secunder's Speech**

A Councillor seconding a motion or amendment has the right to speak upon seconding a motion or an amendment or later in the debate where they have reserved their right to speak unless, before they have spoken, a closure motion has been passed.

#### **17.3 Councillors to Stand when Speaking**

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

#### 17.4 Relevancy and Length of Speech

A Councillor shall only direct their 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 only a mover of the motion and five minutes in all other cases (including the mover/seconded of amendments/summing up by mover) except at the discretion of the Mayor.

#### 17.5 When a Councillor may Speak Again

- a) A Councillor who has spoken on a motion or on a minute may not speak again whilst it is the subject of debate, except:
- b) To speak once on an amendment moved and seconded by other Councillors;
- c) To move a further amendment if the motion has been amended since they last spoke;
- d) If their 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);
- e) In exercise of a right of reply;
- f) On a point of order;
- g) By way of personal explanation.

#### 17.6 Point of Order

A Councillor may rise on a point of order at any time. The Councillor who is then speaking shall thereupon resume their 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 Council Meeting Procedure Rule or statutory provision. The Councillor must indicate the Council Meeting Procedure Rule or statutory provision and the way in which they consider it has been broken.

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

#### 17.7 Personal Explanation

A Councillor may rise by way of a personal explanation at any time. The Councillor who is then speaking shall thereupon resume their seat and the member so rising shall be entitled to be heard forthwith.

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

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

#### 17.8 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 Councillor be not further heard;
- h) That a Councillor does leave the meeting;
- i) A motion to exclude the press and public in accordance with the Access to Information Rules.

#### 17.9 Amendments to Motions

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 the Leader, Cabinet or the appropriate body.

17.10 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 Full Council.

- a) 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.
- b) If an amendment is not carried, other amendments to the original motion may be moved.
- c) 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.
- d) 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.

#### 17.11 Alteration to Motions

A Councillor who has proposed a motion may with the consent of the seconder and Full Council and signified without discussion:

- a) Alter a motion of which they have given notice, or
- b) Alter a motion which they have moved without notice with the consent the seconder and of Full Council

#### 17.12 Withdrawal of Motions

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.

#### 17.13 Closure Motions

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

- a) "that the Council proceed to the next business;"
- b) "that the question be now put;"
- c) "that the debate be now adjourned", or
- d) "that the Council do now adjourn"

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

- a) On a motion to proceed to the next business:

The Mayor shall put to the vote the motion to proceed to the next business;

- b) On a motion that the question be now put:

The Mayor 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 their right of reply before putting their motion to the vote;

- c) On a motion to adjourn the debate or the meeting

The Mayor shall put the adjournment motion to the vote without giving the mover of the original motion their right to reply on that occasion.

#### 17.14 Right of Reply

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 a new matter.

After every reply to which this Procedure Rule refers the Mayor will put the motion or amendment to the vote without further discussion.

#### 17.15 Rights of the Leader, Chairperson of a Committee or Cabinet Member during debate

The Leader, a Chairperson of a Committee or Cabinet Member, may during the debate on a minute of their Committee or area of

responsibility, reply to a question or clarify some matter without precluding their right to speak subsequently to a motion.

17.16 Mayor or Leader or Chairperson of a Committee or Cabinet Member Holder may call on an Officer

The Mayor may during a debate call on an officer present in the meeting to speak or invite or allow the Leader, Chairperson of a Committee or Cabinet Member so to do.

**18. Voting**

18.1 Majority

Unless the law or 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 was put.

18.2 On the voices and show of hands

Unless a recorded vote is requested the Mayor will ask the meeting to signify agreement on the voices unless the decision on the voices is unclear in which case the chairperson will take the vote by a show of hands or by any electronic means available to the meeting.

18.3 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 Mayor chooses to exercise a casting vote.

18.4 Recorded Vote

If five Councillor 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. A recorded vote may be facilitated by electronic means where available.

There will also be a recorded vote when required by law. This includes that a recorded vote will be required at a meeting of Full 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 Councillor 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 Meeting Procedure Rules.

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

Where any Councillor requests it immediately after a 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.

#### 18.6 Voting on Appointments

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

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 their 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 their representative) to decide which person is elected.

### 19. **Presentation of Petitions**

- 19.1 Winchester City Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. Details of when and how a petition to the council may be presented is set out in Council's Petition Scheme in the Council's website.

### 20. **Budget Setting**

- 20.1 The budget of the council will be set at an ordinary meeting of Full Council.

#### 20.2 Alternative Budget

- 20.3 An alternative budget is one which contains more than one amendment, omission or addition.

- 20.4 Where an alternative budget is being proposed, the proposing group or Councillor, must have secured confirmation from the Section 151 Officer that the alternative budget meets the statutory requirements

and that the alternative budget proposed is deliverable. This must be confirmed within sufficient time to allow for 6 clear days prior to the budget meeting.

20.5 Proposed alternative budgets for consideration at the Full Council meeting will be published 48 hours (excluding Bank Holidays and weekends) prior to the budget meeting and be taken in the order in which they have been proposed to the Section 151 Officer.

## **21. 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 their 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.

## **22. 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 Council Meeting Procedure Rule 21 (Disturbance by Members of the Public)

## **23. Disorderly Conduct by a Councillor**

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

If, at any meeting, a Councillor, in the opinion of the Mayor, on the ruling of the Mayor, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the meeting, it shall be competent for the Mayor to move that the Councillor shall not further be heard or that the Councillor 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 Mayor renders the due and orderly despatch of business impossible, in addition to any other power vested in them, the Mayor may adjourn or suspend the sitting for such period as they shall consider expedient.

The decision as to whether misconduct is taking place shall rest with the Mayor who will have due regard to the councillor code of conduct.