

PART 4

RULES OF PROCEDURE

COUNCIL PROCEDURE RULES

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1 ANNUAL MEETING OF THE COUNCIL

1.1 Timing and Business

In a year when there is an ordinary election of councillors, the Annual Meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in March, April or May.

The Annual Meeting will:

- (i) elect a person to preside if the Chairman of Council is not present;
- (ii) elect the Chairman of Council;
- (iii) appoint the Vice Chairman of Council
- (iv) receive any announcements from the Chairman and/or Head of the Paid Service; such announcements shall be of a factual and civic nature only;
- (v) elect the Leader in an ordinary election year;
- (vi) receive notification of Executive Portfolio Holders and opposition “Shadow” Portfolio Holders;
- (vii) appoint Committees responsible for the discharge of the overview and scrutiny functions , 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, Table 1 of this Constitution)];
- (viii) agree the scheme of delegation or such part of it as the Constitution determines it is for the Council to agree as set out in Part 3, of this Constitution;
- (ix) consider any business set out in the notice convening the meeting.

1.2 Selection of Councillors on Committees and Outside Bodies

At the Annual Meeting, the Council meeting will:

- (i) decide which Committees to establish for the municipal year;
- (ii) decide the size and terms of reference for those Committees;
- (iii) decide the allocation of seats to political groups in accordance with the political balance rules;
- (iv) receive nominations of Councillors to serve on each Committee and outside body; and
- (v) appoint to those Committees and outside bodies except where appointment to any outside bodies has been delegated by the Council or is exercisable only by the Executive.

2 ORDINARY MEETINGS

Ordinary meetings of the Council will take place in accordance with the annual programme of meetings. Ordinary meetings will:

- (i) elect a person to preside if the Chairman and Vice Chairman are not present;
- (ii) approve the minutes of the last meeting;
- (iii) receive any apologies for absence;
- (iv) receive any declarations of interest from members;
- (v) receive any announcements from the Chairman, Leader, Members of the Executive or the Head of Paid Service; such announcements shall be of a factual and civic nature only;
- (vi) receive questions from, and provide answers to, the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting;
- (vii) deal with any business from the last Council meeting;
- (viii) receive written reports from Executive Portfolio Holders on activities within their remit since the last Ordinary meeting of the Council to enable Members to ask any question thereon (Executive Question Time)
- (ix) receive written reports from the Chairmen of the Council's committees at every other ordinary Council meeting (bi-monthly in the case of Development Control) and receive questions and answers on any of those reports;
- (x) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (xi) consider motions; and
- (xii) consider any other business specified in the summons to the meeting, including consideration of proposals from the Executive in relation to the Council's budget and policy framework;
- (xiii) consider reports of the Committees discharging Overview and Scrutiny functions for debate.
- (xiv) receive and respond to questions from Members on any issue affecting the District (Members Question Time), in accordance with Rules 10.2-10.5.

3 EXTRAORDINARY MEETINGS

3.1 Calling extraordinary meetings

Those listed below may request the proper officer to call Council meetings in addition to ordinary meetings:

- (i) the Council by resolution;
- (ii) the Chairman of the Council;

- (iii) the monitoring officer; and
- (iv) any five members of the Council 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.

4 TIME AND PLACE OF MEETINGS

The time and place of meetings will be determined by the proper officer and notified in the summons.

5 NOTICE OF AND SUMMONS TO MEETINGS

The proper officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear working days before a meeting, the proper officer will send a summons signed by him or her by post to every member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

6 CHAIR OF MEETING

- 6.1 The person presiding at the meeting may exercise any power or duty of the chairman. Where these rules apply to committee and sub-committee meetings, references to the chairman also include the Chairman of committees and sub-committees.

7 QUORUM

- 7.1 The quorum of a meeting will be one quarter of the whole number of members. During any meeting if there is not a quorum present within thirty minutes from the time appointed for the meeting, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

8 DURATION OF MEETING

- 8.1 Unless the majority of members present vote for the meeting to continue, any meeting that has lasted for 2 ½ hours will adjourn immediately. Remaining business will be considered at a time and date fixed by the chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

9 QUESTIONS AND STATEMENTS BY THE PUBLIC

9.1 General

Members of the public may ask questions of members of the Executive and any chairman of a regulatory committee at ordinary meetings of the Council. Statements may also be made on any item on the agenda of the Council Meeting. This period for public participation will last no longer than 15 minutes speaking time unless the Chairman agrees to a reasonable extension. Speakers will be time limited to 3 minutes each.

9.2 Order of questions or statements

Questions will be asked or statements made in the order notice of them was received, except that the chairman may group together similar questions or statements.

9.3 Notice of questions or statements

A question may only be asked or statement made if notice has been given by delivering it in writing or by electronic mail to the Democratic Services Manager no later than midday 2 working days before the day of the meeting. Each question must give the name and address of the questioner and must name the member of the Council to whom it is to be put.

9.4 Number of questions or statements

At any one meeting no person may submit more than one question or statement and no more than one such question or statement may be asked on behalf of one organisation.

9.5 Scope of questions or statements

The Group Manager (Legal and Democratic Services) may reject a question or statement if it:

- is not about a matter for which the local authority has a responsibility or which affects the District
- is defamatory, frivolous or offensive;
- is substantially the same as a question or statement which has been put at a meeting of the Council in the past six months; or
- requires the disclosure of confidential or exempt information

9.6 Record of questions or statements

The Democratic Services Manager will enter each question or statement in a book open to public inspection and will immediately send a copy of the question to the member to whom it is to be put. Rejected questions or statements will include reasons for rejection.

Copies of all questions or statements will be circulated to all members and will be made available to the public attending the meeting.

9.7 Asking the question or making the statement at the meeting

The chairman will invite the questioner to put the question to the member named in the notice or invite presentation of the statement to the Council. If a questioner who has submitted a written question is unable to be present, they may ask the chairman to put the question on their behalf. The chairman 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.

9.8 Written answers

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the member to whom it was to be put, will be dealt with by a written answer.

9.9 Reference of question to the Executive or a committee

No discussion will take place on any question, but any member may move that a matter raised by a question be referred to the Executive or the appropriate committee. Once seconded, such a motion will be voted on without discussion.

10 QUESTIONS BY MEMBERS

10.1 On reports of the Executive or committees

A member of the Council may ask the leader, a portfolio holder or the chairman of a committee any question without notice upon an item of the report of the Executive or a committee when that item is being received or under consideration by the Council.

10.2 Questions on notice at full Council

Subject to Rule 10.4, a member of the Council

may ask: the Chairman;
a member of the Executive;
the chairman of any committee or sub-committee

a question on any matter in relation to which the Council has powers or duties or which affects the District.

10.3 Questions on notice at committees

Subject to Rule 10.4, a member of a committee may ask the chairman of it a question on any matter in relation to which the Council has powers or duties or which affect the District and which falls within the terms of reference of that committee.

10.4 Notice of questions

A member may only ask a question under Rule 10.2 or 10.3 if either:

- (a) they have given at least 2 working days notice in writing of the question to the proper officer; or
- (b) the question relates to urgent matters, they have the consent of the chairman to whom the question is to be put and the content of the question is given to the proper officer at least three hours before the meeting is due to commence.

10.5 Questions Without Notice

A 30 minute slot will be allocated during Members Question Time at each ordinary Council meeting to enable members of the Council to ask questions of the Chairman, Leader, portfolio holders or chairmen of committees or sub-committees on any matter in relation to which the Council has powers or duties which affect the District. No notice is required. A maximum of five minutes may be spent on any one item.

10.6 Response

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner, or if the Council so requires, a written answer circulated to all Members of Council.

11 EXECUTIVE QUESTION TIME

- 11.1 Every Ordinary Meeting of the Council shall receive a written report from each Executive Portfolio holder in respect of the activities within the ambit of that Portfolio since the last Ordinary Meeting of the Council.
- 11.2 Any member of the Council may, without prior notice, question the Portfolio holder on any matter included or referred to in his/her report.
- 11.3 An answer to any question asked of a Portfolio holder shall take the form of a direct oral answer, unless a reply cannot be given orally, in which case a written answer will be circulated later to the questioner or if the Council so requires, to all Members of the Council.
- 11.4 The maximum aggregate period allowed for questions and answers under this Rule at any Ordinary Council Meeting shall be one hour.

12 MOTIONS ON NOTICE

12.1 Notice

Except for motions which can be moved without notice under Rule 13, written notice of every motion, signed by at least a proposer and seconder, must be delivered to the proper officer not later than ten days before the date of the meeting. These will be entered in a book open to public inspection.

12.2 Motion set out in agenda

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

12.3 Scope

Motions must be about matters for which the Council has a responsibility or which affect the District.

12.4 Automatic Reference to the Executive or a Committee

If the subject matter of any motion of which notice has been duly given comes within the province of the Executive or any committee or committees, it shall, upon being moved and seconded, stand referred, without discussion to the Executive or such committee or committees, as the Council may determine, for consideration and report to the next Meeting of Council.

Provided that the Council may, by a resolution passed on a motion (which need not be in writing) duly moved, seconded and put without discussion, if it considers it convenient and conducive to the despatch of business, allow the motion to be dealt with at the Meeting at which it is brought forward, except where the subject matter of the motion clearly falls with the terms of reference of the Executive.

13 MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- (a) to appoint a chairman of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of The Executive, committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) that the meeting continue beyond 2 ½ hours in duration;
- (n) to suspend a particular council procedure rule;
- (o) to exclude the public and press in accordance with the Access to Information Rules;
- (p) to not hear further a member named under Rule 20.3 or to exclude them from the meeting under Rule 20.4; and
- (q) to give the consent of the Council where its consent is required by this Constitution.

14 RULES OF DEBATE

14.1 No speeches until motion seconded

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

14.2 Right to require motion in writing

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

14.3 Secunder's speech

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

14.4 Content and length of speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed 5 minutes without the consent of the chairman.

14.5 When a member may speak again

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

- (a) 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 first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

14.6 Amendments to motions

- (a) An amendment to a motion must be relevant to the motion and will either be:
 - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others; or
 - (iv) to insert or add words

but such omission, insertion or addition of words shall not have the effect of introducing a new proposal irrelevant to the matter under discussion, or of negating the motion before the Council.

- (b) 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.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) 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.
- (e) After an amendment has been carried, the chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

14.7 Alteration of motion

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

14.8 Withdrawal of motion

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

14.9 Right of reply

- (i) 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.
- (ii) 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.
- (iii) The mover of the amendment has no right of reply to the debate on his or her amendment.

14.10 Motions which may be moved during debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;

- (f) to adjourn a meeting;
- (g) that the meeting continue beyond 2 ½ hours in duration;
- (h) to exclude the public and press in accordance with the Access to Information Rules; and
- (i) to not hear further a member named under Rule 0 or to exclude them from the meeting under Rule 0.

14.11 Closure motions

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

14.12 Point of order

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

14.13 Personal explanation

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

15 PREVIOUS DECISIONS AND MOTIONS

15.1 Motion to rescind a previous decision

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

15.2 Motion similar to one previously rejected

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

16 VOTING

16.1 Majority

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

16.2 Chairman's casting vote

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

16.3 Show of hands

Unless a ballot or recorded vote is demanded under Rules 16.5 and 16.6, the chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

16.4 Ballots

The vote will take place by ballot if a majority of members present at the meeting demand it. The chairman will announce the numerical result of the ballot immediately the result is known.

16.5 Recorded vote

If 8 members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot.

16.6 Right to require individual vote to be recorded

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

16.7 Voting on appointments

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

16.8 Recorded Vote on Budget and Council Tax setting

This is a mandatory standing order under the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014

- a. Immediately after any vote is taken at a budget decision meeting of the authority there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.
- b. Voting in relation to the annual budget setting, including motions and amendments, will be by recorded vote. The vote shall be by roll-call and shall be recorded in the minutes to show how each member present cast their vote of whether they abstained.

17 MINUTES

17.1 Signing the minutes

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

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

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (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.

17.3 Form of minutes

Minutes will contain all motions and amendments in the exact form and order the chairman put them.

18 RECORD OF ATTENDANCE

18.1 All members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

19 EXCLUSION OF PUBLIC

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

20 MEMBERS' CONDUCT

20.1 Standing to speak

When a member speaks at full Council they must stand and address the meeting through the chairman. If more than one member stands, the chairman will ask one to speak and the others must sit. Other members must remain seated whilst a member is speaking unless they wish to make a point of order or a point of personal explanation.

20.2 Chairman standing

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

20.3 Member not to be heard further

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

20.4 Member to leave the meeting

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

20.5 General disturbance

If there is a general disturbance making orderly business impossible, the chairman may adjourn the meeting for as long as he/she thinks necessary.

21 DISTURBANCE BY PUBLIC

21.1 Removal of member of the public

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

21.2 Clearance of part of meeting room

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

22 SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

22.1 Suspension

All of these Council Rules of Procedure except Rule 15.6 and 16.2 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

22.2 Amendment

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.

23 MATTERS AFFECTING PERSONS EMPLOYED BY THE COUNCIL

23.1 If, at a Meeting of the Council, the Executive or of a committee at which the public and press are entitled to be admitted under the provisions of Section 100 of the Local Government Act, 1972, any question arises as to the appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct of any person employed by the Council, such question shall not be the subject of discussion until the Council, the Executive or committee has decided whether or not the power of exclusion of the public and press under the Local Government Act, 1972 shall be exercised.

24 DISCIPLINARY ACTION – STATUTORY OFFICERS

24.1 In paragraph 2, “chief finance officer”, “disciplinary action”, “head of the authority’s paid service” and “monitoring officer”, have the same meanings as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001 and “designated independent person” has the same meaning as in regulation 7 of those Regulations.

24.2 No disciplinary action in respect of the head of the authority’s paid service, its monitoring officer or its chief finance officer, except action described in paragraph 3, may be taken by the authority, or by a committee, a sub-committee, a joint committee on which the authority is represented or any other person acting on behalf of the authority, other than in accordance with a recommendation in a report made by a designated independent person under regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001 (investigation of alleged misconduct).

24.3 The action mentioned in paragraph 2 is suspension of the officer for the purpose of investigating the alleged misconduct occasioning of the action; and any such suspension must be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.”

25 RIGHTS OF NON-EXECUTIVE/COMMITTEE MEMBERS TO ATTEND AND SPEAK AT MEETINGS

25.1 The Group Leaders, the Chairman and Vice Chairman of Council have the right to attend and speak at any meetings of the Council's committees. They may not propose, second or vote on motions unless they are full members of the committee in question.

25.2 The appropriate member(s) of the Executive and their Shadow Portfolio Holder(s) will be entitled to address an Overview & Scrutiny Committee on any matter under consideration which is relevant to their portfolio.

25.3 When a report or recommendation from any Committee discharging Overview or Scrutiny functions is under consideration by the Executive, the Chairman or, in his/her absence, the Deputy Chairman of the appropriate Committee, shall be entitled to address the Executive on that item.

25.4 The relevant nominated Shadow Portfolio Holder (notified at the Annual Meeting of the Council) of the main opposition party shall be entitled to address the Executive or any Overview & Scrutiny Committee on any item of business under consideration by the Executive relating to matters falling within the jurisdiction of that portfolio only.

26 WORKING PARTIES

Any Working Party set up by any Committee can include any member of the Council.

27 APPLICATION TO COMMITTEES AND SUB-COMMITTEES

All of the Council Rules of Procedure apply to meetings of full Council. None of the rules apply to meetings of the Executive. Only Rules 4-8, 13-14, 16, 18-26 (but not Rule 19.1) apply to meetings of committees. Rule 8 does not apply to meetings of the Development Management Committee.