

## **SECTION 3 – 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 Mayor is not present;
- (ii) elect the Mayor;
- (iii) appoint the Deputy Mayor;
- (iv) approve the minutes of the last meeting;
- (v) receive any announcements from the Mayor;
- (vi) at the first Annual Meeting after ordinary Elections elect the Leader;
- (vii) receive the report of the Leader on the number of Members to be appointed to the Executive and the Portfolios to be allocated to individual Executive Members;
- (viii) appoint at least one Overview and Scrutiny 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);
- (ix) where one covering the next municipal year is not in place, approve a programme of ordinary meetings of the Council for the year; and
- (x) consider any business set out in the Notice convening the meeting.

### **1.2 Appointment of Councillors to Committees and Outside Bodies**

At the Annual Meeting, the Council will:

- (i) decide which Committees to establish for the Municipal Year;
- (ii) decide the size and Terms of Reference of 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 those 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 a programme decided at the Council's Annual Meeting, or at an earlier meeting of the Council prior to the scheduled Annual Meeting. Ordinary meetings will:

- (i) elect a person to preside if the Mayor and the Deputy Mayor are not present;
- (ii) approve the minutes of the last meeting;
- (iii) receive any declarations of interest from Members;
- (iv) receive any announcements from the Mayor, the Leader, Members of the Executive or the Chief Executive;
- (v) receive, and respond to, any submissions made by members of the public in accordance with the current Scheme for Public Participation at Council Meetings approved by the Council;
- (vi) deal with any business from the last Council meeting;
- (vii) receive reports from the Executive, the Overview and Scrutiny Commission and the Council's Committees and receive questions and answers on any of those reports;
- (viii) receive annual reports from individual Executive Portfolio Holders, provided that no more than two such reports shall be received at any meeting, and receive questions and answers on these reports;
- (ix) receive reports about, and receive questions and answers on, the business of joint arrangements and external organisations;
- (x) consider Motions; and
- (xi) 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 and reports of the Overview and Scrutiny Committees for debate.

## 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 Mayor;
- (iii) the Monitoring Officer; and
- (iv) any five Members of the Council if they have signed a requisition presented to the Mayor and he or she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

Only business specified in the Summons may be transacted at an extraordinary meeting of the Council.

### 3.2 **Special Meetings of Committees and Sub-Committees**

Those listed below may request the Proper Officer to call Committee and Sub-Committee meetings in addition to ordinary meetings:

- (i) the Committee or Sub-Committee by resolution
- (ii) the Chairman
- (iii) the Chief Executive
- (iv) one quarter of the whole number of Members of the Committee or Sub-Committee but in no case fewer than three Members

## 4. **APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES**

### 4.1 **Substitute Members - Committees**

In addition to appointing Members to serve on Committees, the Council may also, in accordance with the procedures set out in Rule 4.3 and Rule 4.4, appoint on the nomination of a political group represented on the Council a number of Councillors up to the maximum as shown in the table below, to act as substitutes for Members of their Group appointed to Committees.

<u>Size of Political Group</u>	<u>Maximum Number of Substitutes</u>
Less than 11	3
11-17	4
18 or more	5

### 4.2 **Substitute Members – Sub-Committees**

In addition to appointing Members to serve on Sub-Committees, Committees may also appoint, on the nomination of any of the political groups represented on the Council, up to three Councillors to act as substitutes for Members of their Group appointed to Sub-Committees, also in accordance with the procedures set out in Rule 4.3 and Rule 4.4.

### 4.3 **Conditions for Substitution**

A substitute Councillor may attend a meeting as substitute for a Member if the following conditions are satisfied:

- (a) the Member asks the eligible Councillor to attend as a substitute and the eligible Councillor agrees;
- (b) at least two hours before the start of the meeting, and during normal office hours, the Member gives notice to the appropriate Democratic Services

Officer, orally, or in writing, that the eligible Councillor (naming him or her) has agreed to attend as substitute Member; and

- (c) the eligible Councillor attends the meeting and confirms to the appropriate Democratic Services Officer that he or she attends as substitute for the Member.

#### **4.4 Status of Substituted Member**

- a) On notifying the Democratic Services Officer that a substitution will be made, the original Member shall immediately, and irrevocably, cease to be a Member of that Committee or Sub-Committee until the conclusion of the meeting and any adjournment of it and the Substitute shall be a full Member for the same period.
- b) Substitute 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 substituting.

- 4.5 The appropriate Democratic Services Officer shall, at the commencement of any meeting, report any Substitution Notice(s) stating the name(s) of Member(s) attending as substitutes, together with the names of the Members they have replaced. These shall be recorded in the minutes of the meeting.

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

The time and place of Council meetings will be determined by the Chief Executive and notified in the Summons.

### **6. NOTICE OF, AND SUMMONS TO, MEETINGS**

#### **6.1 Council Meetings**

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

#### **6.2 Committee and Sub-Committee Meetings**

The arrangements for Notice of, and Summons to Committee and Sub-Committee meetings will be as in Rule 6.1, except that the Proper Officer shall be the Director of Resources.

### **7. CHAIR OF MEETING**

The person presiding at the meeting may exercise any power or duty of the Mayor. Where these rules apply to Committee and Sub-Committee meetings, references to the Mayor also include the Chairman of Committees and Sub-Committees.

## 8. **QUORUM**

- (a) No business shall be conducted at a meeting of the Council unless a quorum of Members is present. The quorum of a meeting will be one quarter of the whole number of Members, provided that the quorum for a Committee or Sub-Committee shall be at least three Members.
- (b) If, at the expiration of fifteen minutes after the time at which any meeting of the Council is appointed to be held, there shall not be present a quorum of the Council, no meeting shall take place and the Mayor shall cause fresh Notices of a meeting to be issued for such day as he or she shall determine. In the event of there not being a quorum present, the names of the Members present shall be recorded in the Minute Book with a statement of the reason for the meeting not being held.
- (c) If during any meeting, the Mayor counts the number of Members present and declares there is not a quorum present then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor. If he or she does not fix a date, the remaining business will be considered at the next ordinary meeting.

## 9. **PUBLIC PARTICIPATION, RECORDING AND FILMING OF MEETINGS AND USE OF SOCIAL MEDIA**

- 9.1 Members of the public may make submissions to meetings of the Council in accordance with the current Schemes for Public Participation adopted by the Council. (Annexed to these Procedure Rules)
- 9.2 The Overview and Scrutiny Commission, the Licensing and Safety Committee, the Planning Committee and the Health and Wellbeing Board may make arrangements for public speaking at their meetings and meetings of their Sub-Committees.
- 9.3 Members of the public may record the proceedings of the Council meeting in accordance with the Protocol for Photography, Audio/Visual Recording and Use of Social Media at Council and Committee Meetings. (Annexed to these Procedure Rules)

## 10. **QUESTIONS BY MEMBERS**

### 10.1 **On reports of the Executive or Committees**

A member of the Council may ask the Leader 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 at the meeting.

### 10.2 **Questions on Notice at Council Meetings**

Subject to Rule 10.4, a Member of the Council may ask:

- the Mayor;
- a Member of the Executive;
- the Leader; or

- 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 Borough.

### 10.3 Questions on Notice at Committees and Sub Committees

Subject to Rule 10.4, a member of a committee or sub-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 Borough and which falls within the terms of reference of that committee or sub-committee.

### 10.4 Notice of Questions

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

- the Member has given, in writing, the question to the Director of Resources, by not later than 10.00am on the 7th working day prior to the date of the meeting; or
- the question relates to urgent matters and they have the consent of the person to whom the question is to be put and the content of the question is given to the Director of Resources before the commencement of the meeting.

### 10.5 Response

An answer may take the form of:

- a direct oral answer;
- where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- where the reply cannot conveniently be given orally, a written answer circulated later to the Questioner.

### 10.6 Supplementary Question

A Member asking a question under Rule 10.2 or 10.3, may ask one supplementary question, without notice of the Member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply.

## 11. MOTIONS ON NOTICE

### 11.1 Notice

Except for Motions which can be moved without notice under Rule 12, written notice of every Motion, from at least two Members, must be delivered to the Chief Executive by not later than 10.00am on the 7th working day prior to the date of the meeting. These will be entered in a book open to public inspection.

### 11.2 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.



### 11.3 **Scope**

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

## 12. **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 for adoption of recommendations of Committees or Officers and any resolutions following from them;
- (g) to withdraw a Motion;
- (h) to give the consent of the Council where its consent is required by this Constitution.

## 13. **RULES OF DEBATE**

### 13.1 **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.

### 13.2 **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 or her before it is discussed.

### 13.3 **Secunder's Speech**

When seconding a Motion or Amendment, a Member may reserve their speech until later in the debate.

### 13.4 **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 five minutes without the consent of the Mayor.

### 13.5 **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 or she last spoke;
- (c) if his or 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 or 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.

### 13.6 **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.

as long as the effect of (ii) to (iv) is not to negate the Motion.

- (b) Only one amendment may be moved and discussed at any one time and no further amendment may be moved until the amendment under discussion has been disposed of, provided that the Mayor may permit two or more amendments to be discussed (but not voted on) together if circumstances suggest that this course would facilitate the proper conduct of the Council's business.
- (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 Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

### 13.7 **Alteration of Motion**

- (a) A Member may alter a Motion of which he or 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 or 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.

### 13.8 **Withdrawal of Motion**

A Member may withdraw a Motion or Amendment which he or 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 or Amendment after the Mover has asked permission to withdraw it unless permission is refused.

### 13.9 **Right of Reply**

- (a) 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.
- (b) 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.
- (c) The Mover of the Amendment has no right of reply to the debate on his or her Amendment.

### 13.10 **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) to exclude the public and press in accordance with the Access to Information Procedural Rules; and
- (h) to not hear further a Member named under Rule 20.3 or to exclude him or her from the meeting under Rule 20.4.

### 13.11 **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 Mayor 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 Mayor thinks the item has been sufficiently discussed, he or she will put the Procedural Motion to the vote. If it is passed, he or she will give the Mover of the original Motion a right of reply before putting his or her Motion to the vote.
  - (d) If a Motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he or she will put the Procedural Motion to the vote without giving the Mover of the original Motion the right of reply.

#### **13.12 Points of Order**

A Member may raise a point of order at any time. The Mayor 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 or she considers it has been broken. The ruling of the Mayor on the matter will be final.

#### **13.13 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 Mayor on the admissibility of a personal explanation will be final.

### **14. PREVIOUS DECISIONS AND MOTIONS**

#### **14.1 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 one quarter of the Members of the Council or, unless subject to the prior approval of the Mayor, information which was not available when the Resolution was passed is placed before the Council.

#### **14.2 Motion Similar to One Previously Rejected**

A Motion or Amendment in similar terms to one that has been rejected at a meeting of the Council in the past six months cannot be moved unless the Notice of Motion or Amendment is signed by at least one quarter of the Members of the Council. Once the Motion or Amendment is dealt with, no one can propose a similar Motion or Amendment for six months.

## 15. VOTING

### 15.1 Majority

Unless this Constitution or the law 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. The Mayor shall ascertain the numbers voting for, and against, any question and the Mayor's declaration of the result shall be conclusive.

### 15.2 Chairman's Casting Vote

If there are equal numbers 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.

### 15.3 Show of Hands

Unless a recorded vote is demanded under Rule 15.4, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

### 15.4 Recorded Vote

- (a) If, before the vote is taken, a Member of the Council present at the meeting demands 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.
- (b) A recorded vote shall not be taken where the Council is voting on appointments.
- (c) At the budget setting meeting of the Council there must be a recorded vote on any decision related to the making of those calculations which result in the setting of the Council Tax for the next financial year.

### 15.5 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.

### 15.6 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.

### 15.7 Recorded Vote at Budget Setting Meeting

At the budget setting meeting of the Council there must be a recorded vote on any decision related to the making of those calculations which result in the setting of the Council Tax for the next financial year.

**16. REFERENCE TO COUNCIL**

16.1 Subject to the provision in Paragraph 16.3 below, immediately following a vote on a decision taken by a Committee or Sub-Committee under delegated powers, one quarter of the Members of the Committee or Sub-Committee present and voting at the meeting may require that the decision be submitted to the Council as a recommendation.

16.2 Where a reference has been made pursuant to the provision in Paragraph 16.1 above, the decision shall not be implemented before consideration of that recommendation by the Council.

16.3 The provisions in Paragraph 16.1 shall not apply to the Licensing and Safety Committee and the Planning Committee, or any Sub-Committee appointed by those Committees.

**17. MINUTES**

**17.1 Signing the Minutes**

The Mayor will sign the minutes of the proceedings at the next suitable meeting. The Mayor will move that the minutes of the previous meeting be signed as a correct record. The only matter in relation to 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 the signing of minutes.

**17.3 Form of Minutes**

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

**18. RECORD OF ATTENDANCE**

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 (PRESS AND) PUBLIC**

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

**20. MEMBERS' CONDUCT**

**20.1 Standing to Speak**

When a Member speaks at a Council meeting, he or she must stand and address the meeting through the Mayor. If more than one Member stands, the Mayor 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 **Mayor Standing**

When the Mayor 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 Mayor by behaving improperly or offensively, or deliberately obstructs business, the Mayor 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 Mayor 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 Mayor may adjourn the meeting for as long as he or she thinks necessary.

## **21. DISTURBANCE BY PUBLIC**

### **21.1 Removal of Member of the Public**

If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor 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 Procedure Rules, except Rule 15.5 and 17.2, 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 may be for the consideration of a particular item of business or for the duration of that meeting.

### **22.2 Amendment**

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

## **23. APPLICATION TO COMMITTEES AND SUB-COMMITTEES**

23.1 All of the Council Procedure Rules apply to meetings of the Council.

23.2 The Council Procedure Rules do not apply to meetings of the Executive or Overview and Scrutiny bodies, which are governed by their own procedure rules.

23.3 Council Procedure Rules 2 (i-iii), 3–8, 10, 12, 13, 15–23 (but not Rule 20.1) apply to meetings of Committees of the Council and their Sub-Committees.



23.4 Council Procedure Rules 13.1 – 13.13 do not apply to meetings of the Licensing and Safety Committee and its Sub-Committees, when a hearing is being conducted.

**24. NOTICES**

24.1 For the purposes of these Council Procedure Rules Notice sent by fax or by e-mail shall be deemed to constitute Notice in Writing.

**25. DISCLOSABLE PECUNIARY INTERESTS**

25.1 Any Member with a Disclosable Pecuniary Interest in any matter to be (or being) considered at a meeting of the Council shall:-

- (a) if the interest is not entered on the Council's register of interests, disclose the interest to the meeting (unless the interest is a Sensitive Interest in which case the Member shall simply advise the meeting that they have a Disclosable Pecuniary Interest),
- (b) if the interest is not entered on the Council's register of interests and is not the subject of a pending notification, notify the Monitoring Officer of the interest within 28 days,
- (c) unless the Member has been granted a dispensation by the Council, not participate in discussion or vote on the matter, and
- (d) unless the Member has been granted a dispensation by the Council, withdraw from the meeting (after disclosing the interest if required by the preceding provisions or disclosing to the Democratic Services Officer in attendance that they are withdrawing from the meeting because of a Disclosable Pecuniary Interest if they are not so required).

"Disclosable Pecuniary Interest" and "Sensitive Interest" shall each have the meaning as set out in the Code of Conduct.