

Article 4 – The Council

4.1 Meanings

Policy Framework

The policy framework means the plans and strategies required statutorily to be adopted by the Council.

- The Corporate Plan
- The Medium Term Financial Strategy
- The Local Plan – currently consisting of the Core Strategy and Development Policy Documents
- The Sustainable Communities Strategy
- The Pay Policy Statement
- The Gambling Statement of Licensing Principles

4.2 Functions of the Council Meeting

Only the Council will exercise the following functions:

- i) adopting and changing the Constitution
- ii) approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of any Housing Land Transfer subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget
- iii) appointing the Leader (the Leader to appoint and select the Cabinet)
- iv) agreeing and/or amending the terms of reference for committees or Policy Development Group's, deciding on their composition and making appointments to them including the appointments of Chairman and Vice-Chairman if not determined by the annual meeting and that no member be appointed in breach of the Constitution.^{04/08}
- v) appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council
- vi) adopting an allowances scheme under Article 2.05
- vii) changing the name of the area, conferring the title of honorary alderman
- viii) confirming the appointment of the Head of Paid Service in accordance with the Officer Employment Rules contained in Part 4 of the Constitution
- ix) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills

- ~~x) all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Cabinet; and all other matters which, by law, must be reserved to Council.~~
- x) The following local choice functions which the Council has decided should be undertaken by itself rather than the Cabinet: and all other matters which, by law, must be reserved to Council.
- Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1. *(There are presently no local acts in force in South Kesteven)*
 - The appointment of any individual:-
 - (a) to any office other than an office in which he is employed by the authority;
 - (b) to any body other than –
 - (i) the authority;
 - (ii) a joint committee of two or more authorities or
 - (c) to any committee or sub-committee or such a body, and the revocation of any such appointment.

4.3 Council Meetings

There are three types of Council meeting:

- (a) the annual meeting
- (b) ordinary meetings
- (c) extraordinary meetings

4.4 Rules of Procedure

4.4.1. Annual Meeting

- (a) 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) elect the Vice-Chairman of Council;
- (iv) approve the minutes of the last meeting;

- (v) receive any announcements from the Chairman and/or Head of the Paid Service;
 - (vi) Elect the Leader as required in accordance with Article 8.2 (c) at Part 2 of the Constitution.^{05/11}
 - (vii) appoint the three Policy Development Groups, the 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
 - (viii) that the Chairmanship and Vice-Chairmanships of all Committees and PDG's are appointed according to their suitability and merit in the opinion of the Leader and that no member be appointed in breach of the Constitution.^{04/08}
 - (ix) agree any amendments to 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).
 - (x) approve a programme of ordinary meetings of the Council for the year; and
 - (xi) consider any business set out in the notice convening the meeting.
- (b) Selection of Councillors on Committees Policy Development Groups and Outside Bodies

At the annual meeting, the Council meeting will;

- (i) decide which committees or Policy Development Groups to establish for the municipal year;
- (ii) decide the size and terms of reference for those committees or Policy Development Groups;
- (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 or Policy Development Group and outside bodies; and
- (v) appoint to those committees or Policy Development Groups and outside bodies except where appointment to those bodies has been delegated by the Council - or is exercisable only by the Cabinet.

4.4.2. Ordinary Meetings

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. 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 declarations of interest from members;
- (iv) at each meeting receive announcements from the Chairman, Leader, members of the Cabinet or the Head of Paid Service;
- (v) receive questions from, and provide answers to, the public in accordance with the scheme set out at Procedure Rule 10.
- (vi) deal with any business from the last Council meeting including the appointment of Chairman and Vice-Chairman of Policy Development Groups and such other committees as the Council considers appropriate where such appointments have not been made or concluded at the Annual Meeting or as a result of any vacancies which have arisen.
- (vii) at each meeting receive reports from the Cabinet, those Council committees not operating under delegated powers, and to receive relevant questions and answers on any of those reports;
- (viii) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (ix) debate motions; and
- (x) consider any other business specified in the summons to the meeting, - including consideration of proposals from the Cabinet in relation to the Council's budget and policy framework and reports of the Policy Development Groups and Scrutiny Committee and any other Committees for debate.
- (xi) to receive reports from the Chief Executive, Section 151 Officer and the Monitoring Officer.

4.4.3. Extraordinary Meetings

- (a) Calling extraordinary meetings.

Those listed below may request the Chief Executive 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.

(b) Business

The business to be conducted at extraordinary meetings will be restricted to a single item, with no consideration of previous minutes or reports from committees unless such a report relates to that agenda item.

4.5 Appointment of Substitute and Replacement Members of Committees and Sub Committees and Policy Development Groups

The Chief Executive is authorised to give effect to the wishes of political groups, as expressed in accordance with paragraph 13 of the Local Government (Committees and Political Groups) Regulations 1990, by making appointments to committees and sub-committees in accordance with Section 16 of the Local Government and Housing Act 1989.

4.5.1. Substitution

Substitute members may attend meetings in that capacity only:

- (i) to take the place of the ordinary member for whom they are the designated substitute;
- (ii) where the ordinary member will be absent for the whole of the meeting; and
- (iii) after the Group leader has notified the Democracy Service Manager or any other person so authorised by the Democracy Service Manager prior to the commencement of the meeting of an appropriate intended substitution.^{10/09}

4.6 Time and Place of Meetings

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

4.6.1. Notice and Summons to Meetings

- (i) The Chief Executive will give notice to the public of the time and place of any meetings in accordance with the Access to Information 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 unless a member chooses to receive those electronically.
- (ii) The order of the agenda at Ordinary Council Meetings to be as follows with the Questions without Discussion and Notices of Motion given under Council Procedure Rule xx to always be the last two items on the agenda:

Apologies for Absence
Declarations of Interest
Minutes of Previous Council Meeting
Communications (including Chairman's Engagements)
Reports for Consideration and Decision by Council
Questions without Discussion
Notices of Motion given under Council Procedure Rule 12

4.6.2. Chairman of Meeting

The person presiding at the meeting may exercise any power or duty of the Chairman. If the Chairman is present he or she must chair the meeting unless he or she has declared an interest and left the room. Where these rules apply to committee and sub-committee or Policy Development Group meetings, references to the chairman also include the Chairman of committees and sub-committees or Policy Development Groups.

4.6.3. Quorum

The quorum of a meeting will be one quarter of the whole number of members. During any meeting if the Chairman 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 Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

4.6.4. Duration of Meeting

Unless the majority of members present vote for the meeting to continue, any meeting that has lasted for 3 hours excluding any temporary adjournment 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 after the minutes of the previous meeting have been dealt with.

4.7 Public Open Forum^{03/09}

4.7.1 General

Residents of the District or any non-domestic ratepayer may ask any question of any member of the Council subject to clause 4.7.5 but may only speak on any item on the agenda of any ordinary meeting of the Council during a period of 30 minutes set aside at the start of the meeting.^{03/11}

4.7.2 Notice of Intention to Speak or Ask Questions^{03/09}

Notice of any question to be asked or of any intention to speak on an item on the agenda must be given by delivering it in writing or by electronic mail to the Chief Executive at least 3 working days before the day of the meeting. Each notice must give the name and address of the speaker or questioner and must name the member of the Council to whom a question is to be put or the item on the agenda

to be addressed.^{03/09} The Chairman may direct a question to another member if more appropriate and they agree to accept it.

4.7.3 Order of Speakers and Questions^{03/09}

Questions will be asked and speeches made in the order in which notice of them was received, except that the Chairman may group together similar questions or items to be spoken on. Each question or speech will be subject to a total time limit of 5 minutes.

4.7.4 Number of Questions^{03/09}

At any one meeting no person or organisation may submit more than two questions or speak on more than two items on the agenda or the relevant meeting and no more than six such questions or speeches will be tabled or delivered at any one meeting. If more than six notices of intention to speak are received, the first six received will be invited to attend to speak on the agenda item. Any questions tabled for that same meeting will be dealt with by way of written response or held over until the next meeting at the request of the questioner.

4.7.5 Scope of Questions or items on which speeches are to be made^{03/09}

The Chief Executive may reject a question or prevent the right to speak if it:

- Is not about a matter for which the local authority has a responsibility or which directly affects the district or is not an item on the agenda of the relevant meeting;
- Is or becomes defamatory, frivolous, objectionable, improper or offensive;
- In respect of questions, if it is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- Requires disclosure of confidential or exempt information.

4.7.6 Record of Questions and requests to speak^{03/09}

The Chief Executive will make a record of questions and requests to speak submitted correctly in accordance with this clause 4.7. The record will be open to public inspection. He/she will immediately send a copy of any question to the member to whom it is to be put. Rejected questions and requests to speak will include reasons for rejection. Any questions which are deemed by the Chief Executive to be defamatory will not be so recorded or open for public inspection. Copies of all questions and requests to speak will be circulated to all members and will be made available to the public attending the meeting.

4.7.7 Asking a question or speaking at the meeting^{03/09}

The Chairman will invite the questioner to put the question to the member named in the notice. If the 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.

4.7.8 Supplemental question

A questioner who has put a question in person may also put one supplementary question without notice to the member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Chairman may reject a supplementary question on any of the grounds in Rule 4.6.5 (e) above or if the time limit in rule 4.6.5 (c) has expired.

4.7.9 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 within 7 working days of the meeting.

4.7.10 Reference of question or speech to the Cabinet or a Committee^{03/09}

Unless the Chairman decides otherwise, no discussion will take place on any question or speech, but any member may move that a matter raised by a question or speech be referred to the Cabinet or the appropriate Committee, Sub-committee or Policy Development Group. Once seconded, such a motion will be voted on without discussion.

4.8 Questions by Members

4.8.1 Questions on notice at Council Meetings

Subject to rule 4.8.3, a member of the Council may table up to two questions on any matter in relation to which the Council has powers or duties or which affect the district.

4.8.2 Scope of Questions

The Chief Executive may reject a question if it:-

- Is not about a matter for which the Local Authority has a responsibility or which directly affects the district.
- Is defamatory, frivolous, objectionable, improper or offensive
- Is substantially the same as a question which has been put at a meeting of the council in the past six months or
- Requires the disclosure of confidential or exempt information

4.8.3 Notice of Questions

A member may only ask a question under Rule 4.8.1 if either:-

- (i) They have given at least 72 hours notice before the time of the commencement of the meeting in writing of the question to the Chief Executive.
- (ii) The question relates to urgent matters, they have the consent of the member to whom the question is to be put and the content of the question is given to the Chief Executive by noon on the day of the meeting.

4.8.3.1 The Chief Executive will circulate copies of all questions to be asked under Rule 4.8 1 at the commencement of the meeting. The questions so circulated shall be referred to the relevant Policy development Group for response direct to the member who posed the question. Any question posed and the response given shall only be referred back to the Council meeting if it is considered necessary by the relevant Policy Development Group.

4.9 Motions on Notice

4.9.1 Notice

Except for motions which can be moved without notice under Rule 4.10, written notice of every motion, signed by the member giving it, must be delivered to the Chief Executive at least 9 working days before the date of the meeting at which it is to be moved. These will be recorded in the order in which they are received and open to public inspection. Any motion which purports to contravene any current legislation or purports to contravene the arrangement or terms of this constitution can be excluded by the Chief Executive in advice or at the meeting at which it is proposed to be debated.

4.9.2 Motions 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 proposed to move it to a later meeting or withdraw it.

4.9.3 Scope

Motions must be about matters for which the Council has a responsibility or which directly affect the district. The content of any motion on notice shall consist of one single subject matter. No motion on notice shall be debated in the absence of the member who has proposed the motion.^{10/12}

4.9.4 Number of Notices of Motion

No member shall have more than two notices of motion on the agenda for any meeting.

4.10 Motions without Notice

The following motions may be moved without notice:

- (i) to appoint a Chairman of the meeting at which the motion is moved;
- (ii) in relation to the accuracy of the minutes;
- (iii) to change the order of business in the agenda;
- (iv) to refer something to an appropriate body or individual; something that arises out of discussion or debate at the Council meeting.
- (v) to appoint a committee or member arising from an item on the summons for the meeting;
- (vi) to receive reports or adoptions of recommendations of committees or officers and any resolutions following from them;
- (vii) to withdraw a motion by the mover only;
- (viii) to amend a motion;
- (ix) to proceed to the next business;
- (x) that the question be now put;
- (xi) to adjourn a debate;
- (xii) to adjourn a meeting;
- (xiii) that the meeting continue beyond 3 hours in duration.
- (xiv) to suspend a particular Council procedure rule;
- (xv) to exclude the public and press in accordance with the Access to Information Rules;
- (xvi) to not hear further a member named under Rule 4.18.3 or to exclude them from the meeting under Rule 4.18.4; and
- (xvii) to give the consent of the Council where its consent is required by this Constitution.
- (xviii) a motion relating to any item on the agenda of that meeting where no motion has been proposed.

4.11 Rules of Debate

4.11.1 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.

4.11.2 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.

4.11.3 Secunder's speech

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

4.11.4 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 Council.

4.11.5 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:

- (i) to speak once on an amendment moved by another member;
- (ii) to move a further amendment if the motion has been amended since he/she last spoke;
- (iii) 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);
- (iv) in exercise of a right of reply;
- (v) on a point of order; and
- (vi) by way of personal explanation.

4.11.6 Amendments to motions

- (i) An amendment to a motion must be relevant to the motion and will either be:-
 - (a) to refer the matter to an appropriate body or individual for consideration;
 - (b) to leave out words;

- (c) to leave out words and insert or add others; or
- (d) to insert or add words.

As long as the effect of (b) to (d) is not to negate the motion.

- (ii) 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.
- (iii) If an amendment is not carried, other amendments to the original motion may be moved.
- (iv) 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.
- (v) 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.
- (vi) The Chairman may require any amendment to a motion to be written down and handed to him or her before it is discussed.

4.11.7 Alteration of motion

- (i) 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.
- (ii) 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.
- (iii) Only alterations which could be made as an amendment may be made.

4.11.8 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.

4.11.9 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.

4.11.10 Motions which may be moved during debate

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

- (i) to withdraw a motion;
- (ii) to amend a motion;
- (iii) to proceed to the next business;
- (iv) that the question be now put;
- (v) to adjourn a debate;
- (vi) to adjourn a meeting;
- (vii) that the meeting continue beyond 3 hours in duration
- (viii) to exclude the public and press in accordance with the Access to Information Rules; and
- (ix) to not hear further a member named under Rule 4.18.3 or to exclude them from the meeting under Rule 4.18.4.

4.11.11 Closure motions

- (i) A member may move, without comment, the following motions at the end of a speech of another member:
 - (a) to proceed to the next business;
 - (b) that the question be now put;
 - (c) to adjourn a debate; or
 - (d) to adjourn a meeting.
- (ii) 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.
- (iii) 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.
- (iv) 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.

4.11.12 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, the Articles contained in Part 2 of this Constitution 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.

4.11.13 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 the personal explanation will be final.

4.12 State of the District Debate

4.12.1 Calling of Debate

The Leader may call a "State of the District" debate annually on a date and in a form to be agreed with the Chairman.

4.12.2 Form of Debate

The Leader will decide the form of the debate with the aim of enabling the widest possible public involvement and publicity. This may include holding workshops and other events prior to or during the State of the District debate.

4.12.3 Chairing of Debate

The debate will be chaired by the Chairman, the Vice-Chairman, or if neither are present a Chairman elected by the Council for that meeting.

4.12.4 Results of Debate

The results of the debate will be:-

- (i) Disseminated as widely as possible within the community and to agencies and organisations in the area; and
- (ii) Considered by the Leader in proposing the budget and policy framework to the Council for the coming year.

4.13 Voting

4.13.1 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.

4.13.2 Chairman's casting vote

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

4.13.3 Method of Voting

- (i) Unless otherwise provided in law or in these procedure rules, the vote on any motion or amendment shall be taken by means of the electronic voting system installed in the Council Chamber (or other meeting place).
- (ii) The vote shall be taken by a show of hands if:
 - the meeting is being held elsewhere than in the Council Chamber; and/or
 - the electronic voting system is not available
 - the electronic voting system is out of commission.

4.13.4 Recorded Vote

Before the vote is taken if 10 members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be recorded and entered into the minutes.

4.13.5 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.

4.13.6 Dissent

Subject to Rule 4.13.5, no expression of dissent or disapproval shall be recorded in the minutes.

4.13.7 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 lowest 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.

4.14 Election of Leader

- (i) The Council will elect a Leader in accordance with Article 8.2 of this Constitution.^{05/11}
- (ii) The Leader, when appointed by the Council, will be solely responsible for the selection and appointment of the Deputy Leader.

4.15 Appointment of Cabinet

The Leader will appoint the Cabinet in accordance with Article xxxxx of this Constitution.

4.16 Minutes

4.16.1 Signing the Minutes

The Chairman will sign the minutes of the proceedings at the next suitable meeting. Any member of the Council will move and second that the minutes of the previous meeting be signed as a correct record. The only discussion permitted on the minutes is that relating to their accuracy.

4.16.2 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.

4.16.3 Form of Minutes

Minutes will contain all motions and amendments in the exact form and order the Chairman put them. Whilst outcomes and decisions will be fully recorded the preamble will comprise a summary of what transpired at a meeting. Where a written answer is provided at a Council meeting to a question under Rule xx then the written answer shall be enclosed with the minutes and not recorded within the minutes.

4.17 Exclusion of the Public

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

4.18 Members' Conduct

4.18.1 Interests

- (i) Members with interests to declare in respect of any item of business to be transacted at a meeting should do so at the earliest opportunity on the agenda.
- (ii) A Member who has disclosed a disclosable pecuniary interest or other interest in any item on the agenda of a meeting must leave the meeting during the consideration of that item to which the interest relates, take no part in the debate and not vote on the item.

4.18.2 Standing to speak

When a Member speaks at the Council meeting 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.

4.18.3 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.

4.18.3 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.

4.18.4 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 specific period. If seconded, the motion will be voted on without discussion.

4.18.5 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.

4.18.6 Recording of Meetings

No Member shall make any recording of the proceedings of a meeting at which he or she is present at any time that an official recording is being made. On other occasions, no recording shall be made without the prior consent of the Chairman of the meeting.

4.19 Disturbance by the Public

4.19.1 Removal of member of the public

- (i) If a member or the public interrupts proceeding, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room.
- (ii) If a member of the public and a Member wish to converse during a meeting, both parties shall retire from the meeting room.

4.20 Suspension and amendment of Council Procedure Rules

4.20.1 Suspension

All of these Council Rules of Procedure except Rule 4.13.5 and 14.16.2 may be suspended by motion on notice or without notice if at least two thirds of members of the Council present vote in favour of the resolution. Suspension may be for the duration of the meeting or in respect of any particular item of business.

4.20.2 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 annual or ordinary meeting of the Council after having been debated by the Constitution Committee.

Article 9 – Regulatory Arrangements

The Council will appoint quasi-judicial regulatory committees to be known as the Development Control Committee and Licensing Committee comprising of 28 Members (Development Control Committee 17, Licensing Committee 11).

Development Control Committee

Membership - (17 members)

Chairman

Councillor Wilkins

Vice-Chairman

Councillor Jacky Smith

Councillor Ashberry

Councillor Parkin

Councillor Cook

Councillor Powell

Councillor Higgs

Councillor Mrs Judy Smith

Councillor Howard

Councillor Judy Stevens

Councillor Mrs Kaberry-Brown

Councillor Adam Stokes

Councillor Vic Kerr

Councillor Sumner

Councillor King

Councillor Wren

Councillor Morgan

1. All 17 members of the quasi-judicial regulatory committee to be known as the Development Control Committee.
2. Planning and Conservation - Functions relating to town and country planning and development control as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (the Functions Regulations).

The Development Control Committee shall only have delegated power to refuse an application against the clearly expressed advice from the Development Management Service Manager^{09/08} if it has acted in accordance with the following:

- (a) If any such motion is put and seconded, the members so proposing and seconding the motion shall express the necessary planning reason for the motion at the meeting for consideration of the matter. If no such reasons are provided or the Development Management Service Manager considers that the reasons given are not valid planning reasons or cannot be supported by evidence then the rules detailed below at clause 2(b), (c), (d), (e) and (f) shall prevail.^{06/09}
- (b) If any such motion is put and seconded, the Chairman or Vice-Chairman shall before any vote is taken, inform the Committee and the public of these provisions.
- (c) On first consideration the Committee is not empowered to determine the application against the officer recommendation. If the Committee is minded to do this it must pass a resolution stating that on the basis of the consideration to date it is minded to refuse and therefore requires to defer a decision pending the receipt and consideration of further information clarifying the proposed reasons for refusal and the planning officers' responses to those reasons.

- (d) This vote must be recorded and all members who support it must within the next five working days provide to the Development Control Services Manager, the planning reasons for their view and the evidence that supports it.
- (e) The application shall be placed on the agenda for consideration at the next Development Control Committee. At this meeting the Development Control Committee shall have the power to determine the application, but, before doing so the Development Management Service Manager, having assessed the information provided to him, shall inform the Committee whether, in his opinion, the reasons advanced are substantial enough for the authority to defend the decision at an inquiry. In light of this additional information members may then determine, without being fettered by their vote at the previous meeting.
- (f) The second vote must also be recorded and any member who votes to refuse the application in contravention of the officer recommendation must be willing to appear for the authority and give evidence regarding the reasons for their decision at any planning inquiry.
3. Functions relating to high hedges pursuant to Part 8 of the Anti-Social Behaviour Act 2003.

9.1 Rules of Procedure

The Rules of Procedure for Development Control Committee are the same as that for Council subject to the following:

Rule 4.7 Public Open Forum, Rule 4.12 State of the District Debate Rule 4.18.2 Standing to speak are excluded.

9.1.1 Order of the Agenda

The order of the agenda will be as follows:

- Membership
- Apologies
- Disclosure of Interests
- Minutes of the previous meeting
- Planning Matters (list of applications to be determined)
(The order of applications may be altered at the Chairman's discretion)
- Any other report (Enforcement reports etc)
- Information relating to Development Control and other planning activity
- Any other business that the Chairman, by reason of special circumstances decides is urgent

9.1.2 Rules of Debate Planning Applications

- (a) The planning officer will provide a brief description of the matter and the relevant considerations and update the Committee on any matters arising on the item since the agenda was published.

- (b) The Chairman will invite those members of the public entitled to speak under the Council's Public Speaking at Development Control rules (see x below) to address the Committee in the following order:-
- (i) District Councillor for Ward
 - (ii) Any representation from Town/Parish Council (1 representative for each Parish/Town Council)
 - (iii) Objectors to the application
 - (iv) Any supporter of the application
 - (v) The applicant or agent for the application

9.1.3 Public Speaking at Development Control

- (i) Any person wishing to speak at the meeting shall notify the Committee Administrator or other appointed officer at least 24 hours prior to the meeting. Any person failing to make such a notification will not be allowed to speak. Notification will not necessarily guarantee a right to speak.
- (ii) All speakers and questions are at the Committee Chairman's (or Vice-Chairman's) discretion.
- (iii) The application will initially be given a short presentation by the relevant officer.
- (iv) The order of addressing the Committee will be:-
 - (a) District Councillor for Ward
 - (b) Any representation from Town/Parish Council
 - (c) Objectors to the application
 - (d) Any supporter of the application
 - (e) The applicant or agent for the application
- (v) Each person is allowed to speak for a maximum of 3 minutes and must be prepared to answer questions for information put by members
- (vi) Only one speaker for the applicant (as iv above) or for the Town/Parish Council (as i above) will be allowed to speak. If there are several supporters or objectors to an application then they are encouraged to appoint a representative to present a joint case.
- (vii) Numbers of objectors who can speak will be dependent on the time of the meeting. The Chairman shall ensure equity of opportunity between various parties.
- (viii) Questions can only be asked by committee members and not by speakers other than for the purposes of clarification. Questions to officers shall not be asked and opinions by members should not be made, to avoid prejudicing the final committee decision.
- (ix) Questions to individual speakers should not exceed 10 minutes in total.

- (x) Speakers are advised that comments should be limited to “material matters”. Any derogatory or defamatory remarks may leave speakers open to legal action.
- (xi) Any person wishing to include photographs or any other information within the committee presentation, as part of their three minute address to the committee, shall ensure that this information is received if possible in an electronic format (e-mail with an attachment, memory stick, or disc) by the relevant case officer at least one working day prior to the meeting: and/or written material and/or photographs should be submitted to the relevant case officer at least two working days prior to the meeting. Material presented after these deadlines will be accepted at the discretion of the Chairman of the Development Control Committee.

9.1.4 Recorded Vote

Before a vote is taken if 5 Members present at the meeting demand it, the names for and against a motion or amendment or abstaining from voting will be recorded and entered into the minutes.

9.1.5 Chairman and Vice-Chairman

- (i) At the Annual Meeting the Council shall appoint the Chairman and Vice-Chairman of the Development Control Committee.
- (ii) If the Chairman or Vice-Chairman resigns by giving written notice of resignation to the Chief Executive, the committee shall, as the first item of business at the next ensuing meeting, elect a successor.
- (iii) The Chairman if present, shall preside.
- (iv) If the Chairman is absent, the Vice-Chairman shall preside.
- (v) If the Chairman and Vice-Chairman are absent, the Committee or Policy Development Group shall elect one of the members present as Chairman of the meeting.

9.1.6 Meetings of the Development Control Committee

Subject to information provided in the Scrutiny Committee Procedure Rules;

- (i) Ordinary meetings of the Committees shall be held on such dates as the Council shall at its annual meeting decide.
- (ii) The Committees may hold such special meetings as they consider necessary.
- (iii) The Chairman or, in his absence, the Vice-Chairman may call a special meeting of the Committee at any time.
- (iv) If the Chairman or Vice-Chairman is unable or unwilling to call a special meeting, any quorum of the Committee may do so by written notice given to the Chief Executive.
- (v) No business shall be transacted at a special meeting of a Committee unless notice of that business has been given in writing to all members of the Committee.

9.1.7 Co-option

- (i) The Committee shall not co-opt members under section 102 of the Local Government Act 1972 or Section 21 of the Local Government Act 2000 without the approval of the Council.
- (ii) The Council may approve the co-option of members to any Committee for such limited periods or for such specific purposes as the Council sees fit.

9.1.8 Attendance of Members of the Council

- (i) Subject to paragraph (ii), any member of the Council may attend any meeting of any Committee of which he/she is not a member.
- (ii) A member attending a meeting under paragraph (i) may remain at the meeting even though the public has been excluded unless the Committee, by resolution specifying the reason for doing so, requests him/her to leave.
- (iii) A member attending a Meeting of the Committee under paragraph (i) may not take part in the Committee's discussion of any item unless invited to do so by the Committee.
- (iv) A member attending a meeting of a Committee under paragraph (i) shall not take part in the voting on any item.
- (v) Paragraph (i) shall not entitle a member of the Council to attend any meeting of a Committee of which he/she is not a member whilst any matter in which he/she has a prejudicial interest under the Members Code of Conduct, is under discussion.

9.1.9 Powers of Chairman and Vice-Chairman

- (i) The Chairman and Vice-Chairman of a Committee (acting together as a Sub-committee) are authorised to give decisions on any matter:
 - (a) of a routine or straight-forward nature, or
 - (b) which the Chairman and Vice-Chairman, after consultation with the chief officer or service manager most directly concerned, are satisfied should be dealt with as a matter of urgency.
- (ii) Any decision taken under paragraph (i) above shall be reported by the officer concerned to the next meeting of the Committee.
- (iii) No decision shall be taken under paragraph (i) which would constitute a departure from a settled strategy, policy or programme of the Council, nor outside the powers of the Committee concerned.

Licensing Committee

Membership - (11 members)

Chairman

Councillor Bosworth

Vice-Chairman

Councillor Russell

Councillor Ashberry
Councillor Broughton
Councillor Chivers
Councillor Griffin
Councillor Howard

Councillor Rowlands
Councillor Susan Sandall
Councillor Mrs Jean Taylor
Councillor Turner

1. 11 Members of the Licensing Committee
2. Taxi, gaming, entertainment, food and miscellaneous licensing – functions relating to licensing and registration as set out in Schedule 1 to the Functions Regulations.
3. A list of powers delegated to the Head of Environmental Services may be found at pagexx of this Constitution.

Alcohol, Entertainment and Late Night Refreshment Licensing Committee

Membership - (11 members)

Chairman

Councillor Bosworth

Vice-Chairman

Councillor Russell

Councillor Ashberry
Councillor Broughton
Councillor Chivers
Councillor Griffin
Councillor Howard

Councillor Rowlands
Councillor Susan Sandall
Councillor Mrs Jean Taylor
Councillor Turner

1. Alcohol, Entertainment and Late Night Refreshment Licensing Committee to consist of 11 members of the existing Council's Licensing Committee, appointed by the Council, at or as soon as reasonably practicable after the Annual Council meeting.