

COUNCIL PROCEDURE RULES

1. Scope of Procedure Rules

- 1.1 All of the Rules set out in these Council Procedure Rules apply to all meetings of Full Council.
- 1.2 None of the rules set out in these Council Procedure Rules apply to meetings of Cabinet or Committees of Cabinet.
- 1.3 Rules 5 to 10 inclusive and 13 to 21 inclusive (apart from Rule 19.3 in respect of standing to speak) of these Council Procedure Rules apply to meetings of all other Committees, Sub-Committees and Panels.

2. Annual Meeting

- 2.1 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.
- 2.2 The Annual Meeting will:
 - (a) Elect a person to preside if the Chairman of the Council is not present
 - (b) Elect the Chairman of the Council for the municipal year
 - (c) Elect the Vice-Chairman of the Council for the municipal year
 - (d) Approve the minutes of the previous meeting
 - (e) Receive any disclosures of interest from Councillors
 - (f) Receive any announcements from the Chairman of the Council, Leader of the Council, individual Cabinet Members or the Head of Paid Service
 - (g) Elect the Leader of the Council in accordance with Paragraph 7.3 of Article 7 of this Constitution
 - (h) Receive from the Leader of the Council details of the appointments and any delegations made by them for inclusion in the Council's Responsibility for Functions at Part 3 to this Constitution
 - (i) Approve a programme of ordinary meetings of the Council for the year
 - (j) Determine which committees to establish for the municipal year, their size and terms of reference

- (k) Determine the allocation of seats to political groups in accordance with the political balance rules
- (l) Receive nominations of Councillors to serve on each committee and outside bodies and appoint to those committees and outside bodies, except where appointment to those bodies has been delegated by the Council or is exercisable only by Cabinet.
- (m) Appoint Chairmen and Vice-Chairmen of Committees, according to their suitability and merit in the opinion of the Leader of the Council.
- (n) Consider any business set out in the notice convening the meeting

3. Ordinary Meetings

3.1 Ordinary meetings of the Council will take place in accordance with a programme determined at the Council's Annual Meeting and will:

- (a) Elect a person to preside if both the Chairman and Vice-Chairman are not present
- (b) Approve the minutes of the previous meeting
- (c) Receive any disclosures of interest from Councillors
- (d) Receive any announcements from the Chairman of the Council, Leader of the Council, individual Cabinet Members or the Head of Paid Service
- (e) Receive questions and statements from the public in accordance with Council Procedure Rule 11
- (f) Deal with any business from the previous meeting
- (g) Receive reports from Cabinet and the Council's Committees and Panels and debate any of those reports
- (h) Receive reports on the business of joint arrangements and external organisations and debate any of those reports
- (i) Debate motions
- (j) Consider any other business specified in the summons to the meeting
- (k) Receive reports from the Chief Executive, Section 151 Officer or the Monitoring Officer

3.2 The order of the agenda at ordinary meetings will be as follows:

- Public Open Forum
- Apologies for Absence
- Declarations of Interest
- Minutes of the Previous Meeting
- Communications
- Reports for Consideration and Decision by Council
- Open Questions by Councillors
- Notices of Motion

4. Extraordinary Meetings

4.1 Those listed below may request the Chief Executive to call an extraordinary meeting of Full Council in addition to ordinary meetings:

- (a) Full Council by resolution
- (b) The Chairman of the Council
- (c) The Monitoring Officer
- (d) Any five members of the Council if they have signed a requisition presented to the Chairman of the Council and they have refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition

4.2 The Chief Executive will liaise with the Chairman of the Council and political group leaders prior to confirming a suitable date for the extraordinary meeting and will publish a summons for the meeting in accordance with the Access to Information Procedure Rules.

4.3 The only business to be conducted at an extraordinary meeting will be restricted to the item for which the meeting was called. No consideration of minutes from the previous meeting or any other standing items for ordinary meetings will take place.

5. Appointment of Substitute Members of Committees and Sub-Committees

5.1 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 (Communities 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.

5.2 Notice of an intended substitution must be delivered to Democratic Services prior to the commencement of the meeting, confirming the name of the Councillor submitting their apologies for absence and the name of the Councillor substituting for them.

5.3 A Councillor acting as a substitute will have the same powers as the Councillor for whom they are substituting and their attendance will count towards the quorum for the meeting, providing they have attended any mandatory training relevant to the Committee they are attending.

5.4 In the event that a member of a Committee or Sub-Committee and their appointed substitute both attend prior to the commencement of the meeting, the substitution will be cancelled.

5.5 In the event that a member of a Committee or Sub-Committee appoints a substitute but attends after the commencement of the meeting, the substitution will be honoured.

6. Time and Place of Meetings

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

7. Notice and Summons to Meetings and Postponement of Meetings

7.1 The Chief Executive will give notice to the public of the time and place of any meetings in accordance with the Access to Information Procedure Rules.

7.2 At least five clear working days before a meeting, the Chief Executive will publish a summons signed by them and send this by post to every member of the Council, leave it at their usual place of residence or send it by electronic means with consent from individual Councillors to their District Council email account.

7.3 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.

7.4 Where exceptional circumstances apply and the Chairman, following consultation with the Vice-Chairman and the Chief Executive, considers that it is necessary to postpone a meeting for reasons such as lack of business, inability to obtain a quorum for the meeting, inclement weather, a civil emergency, health and safety grounds or similar reasons, the Chairman may take the decision to postpone a meeting.

7.5 Where a meeting is postponed notification must be given to all members of the Council and to the press and notice of the postponement must be posted at the Council Offices and on the Council's website.

8. Chairing the Meeting

8.1 The person presiding at the meeting may exercise any power or duty of the Chairman. If the Chairman is present, they must chair the meeting unless they have declared an interest and is required to leave the meeting room.

9. Quorum

9.1 The quorum of a meeting will be one quarter of the whole number of members of the Council. For other Committees or bodies of the Council, unless prescribed elsewhere in the Constitution, the quorum will be one third of the number of members of the Committee or body, or four Councillors, whichever is the greater. During any meeting, if the Chairman counts the number of Councillors and declares there is not a quorum present, then the meeting will adjourn immediately.

9.2 Remaining business will be considered at a time and date fixed by the Chairman. If they do not confirm a date, the remaining business will be considered at the next ordinary meeting of the Council or respective body.

10. Duration of meeting

10.1 Unless the majority of Councillors present vote for the meeting to continue, any meeting that has lasted for three hours, excluding any temporary adjournment, will adjourn immediately.

10.2 Remaining business will be considered at a time and date fixed by the Chairman. If they do not confirm a date, the remaining business will be considered at the next ordinary meeting.

11. Public Open Forum

11.1 Members of the public may make a statement or ask any question of any member of the Council, subject to paragraph 11.6, during a period of up to 30 minutes set aside at the start of the meeting.

11.2 In respect of extraordinary meetings, members of the public may make a statement or ask any question of any member of the Council, subject to paragraph 11.6, at the commencement of the item being considered for a period of up to 30 minutes.

- 11.3 Notice of any statement to be made or question to be asked must be given by delivering it in writing or by electronic mail to the Chief Executive at least three working days before the day of the meeting. Each notice must give the name and contact details of the speaker or questioner and must name the member of the Council to whom a question is to be put.
- 11.4 The Chairman may direct a question to another member of the Council if deemed more appropriate and they agree to accept it.
- 11.5 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 five minutes.
- 11.6 At any one meeting no person or organisation may submit more than two questions or speak on more than two items on the agenda of 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 or speaker.
- 11.7 The Chief Executive may reject a question or prevent the right to speak if it:
- (a) Is not about a matter for which the District Council has a responsibility or which directly affects the district
 - (b) Is defamatory, frivolous, objectionable, improper or offensive
 - (c) Is substantially the same as a question which has been put by a member of the public at a meeting of the Council in the past six months
 - (d) Requires disclosure of confidential or exempt information
- 11.8 A record of statements and questions made and any responses to them will be recorded in the minutes of the meeting.
- 11.9 The Chairman will invite each member of the public to put the question to the Councillor named in the notice or make their statement. If the member of the public who has registered to speak is unable to be present, they may ask the Chairman to read out the question or statement 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.
- 11.10 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 Councillor to whom it was to be put, will be dealt with by a written answer within seven working days of the meeting.

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

12. Open Questions by Councillors

12.1 Time allowed for questions will be a maximum of 45 minutes.

12.2 Questions will only be addressed to the Leader of the Council, individual Cabinet Members, Chairmen or Vice-Chairmen of Overview and Scrutiny Committees or Opposition Political Group Leaders.

12.3 Questions will not be addressed to the Chairmen or Vice-Chairmen of the Planning Committee, Licensing Committee (Alcohol, Entertainment and Late Night Refreshment Licensing Committee) or Governance and Audit Committee, or any Officer.

12.4 Questions will be on a first come, first served basis. Councillors will join the queue through the electronic queuing system in the Council Chamber. If the electronic queuing system is unavailable questions will be taken by a show of hands on a first come, first served basis and managed by the Chairman until the time allowed has been reached or before that if no more questions are forthcoming.

12.5 No debate, speech or statement is to take place and Councillors are limited to one question per meeting. No supplementary questions may be asked.

12.6 All questions and answers must be directed through the Chairman.

12.7 Any question asked within the allocated time for open questions by Councillors will be answered.

12.8 Questions will not be recorded verbatim in the minutes of Full Council meetings. Details in the minutes will consist of the Councillor who asked the question, a brief summary of the question and the response provided.

12.10 A question will be rejected by the Chairman if:

- It is not about a matter for which the District Council has a responsibility, or which directly affects the district
- It is of a defamatory, frivolous, objectionable, improper or an offensive nature
- It is substantially the same as a question which has been put at a meeting of Full Council in the past six months
- The answer requires disclosure of confidential or exempt information

13. Motions on Notice

- 13.1 Except for motions which can be moved without notice under Rule 13.6, written notice of every motion, signed by the Councillor giving it, must be delivered to the Chief Executive at least nine working days before the date of the meeting at which it is to be moved. Delivery via electronic mail from the Councillor's District Council email account will suffice as signed, written notice.
- 13.2 Motions 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 advance or at the meeting at which it is proposed to be debated.
- 13.3 Motions for which notice has been given will be listed on the agenda in the order in which they were received unless the Councillor giving notice states in writing that they propose to move it to a later meeting or withdraw it.
- 13.4 Motions must be about matters for which the District Council has a responsibility or which directly affect the District. The content of any motion on notice will consist of one single subject matter. No motion on notice will be debated in the absence of the Councillor who has proposed the motion.
- 13.5 No Councillor will have more than two notices of motion on the agenda for any meeting.
- 13.6 The following motions may be moved without notice
- (a) To appoint a Chairman or someone to preside the meeting
 - (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 Councillor arising from an item on the summons for the meeting
 - (f) To receive reports or adoptions of recommendations of Cabinet, Committees, Sub-Committees or Officers and any resolutions following from them
 - (g) To withdraw a motion by the original proposer, prior to it being seconded
 - (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 three 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 Procedure Rules
- (p) To not hear further a Councillor named under Rule 19.5 or to exclude them from the meeting under Rule 19.6
- (q) To give the consent of the Council where its consent is required by this Constitution
- (r) A motion relating to any item on the agenda of that meeting where no motion has been proposed

14. Rules of Debate

No speeches until motion seconded

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

Right to require a motion in writing

- 14.2 Unless notice of the motion has already been given, the Chairman may require it to be written down and handed to them before it is discussed.

Seconders' speech

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

Content and length of speeches

- 14.4 Speeches must be directed to the matter under discussion or to a Personal Explanation or Point of Order. No speech may exceed five minutes without the consent of the Council.

When a Councillor may speak again

- 14.5 A Councillor 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 Councillor
 - (b) To move a further amendment if the motion has been amended since they last spoke
 - (c) If their first speech was on an amendment moved by another Councillor, to speak on the main issue (whether or not the amendment on which they spoke was carried)
 - (d) In exercise of a right of reply
 - (e) On a point of order
 - (f) On a point of information
 - (g) By way of personal explanation

Amendments to motions

- 14.6 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
 - (d) To insert or add words

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

- 14.7 Only one amendment will be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- 14.8 If an amendment is not carried, other amendments to the original motion may be moved.
- 14.9 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.

- 14.10 If an amendment is accepted by the proposer and seconder of the original motion, the amendment does not require further debate. The motion as amended takes the place of the original motion and becomes the substantive motion to which any further amendments are moved.
- 14.11 After an amendment has been carried, the Chairman will read out the amended (substantive) motion before allowing debate to continue and accepting any further amendments.
- 14.12 The Chairman may require any amendment to a motion to be written down and handed to them before it is discussed.

Alteration of motion

- 14.13 A Councillor may alter a motion of which they have given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- 14.14 A Councillor may alter a motion which they have moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- 14.15 Only alterations which could be made as an amendment may be made.

Withdrawal of motion

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

Right of Reply

- 14.17 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.
- 14.18 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.
- 14.19 The mover of the amendment has no right of reply to the debate on their amendment.

Motions which may be moved during debate

- 14.20 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 three hours in duration
- (h) To exclude the public and press in accordance with the Access to Information Procedure Rules
- (i) To not hear further a Councillor named under Rule 19.5 or to exclude them from the meeting under Rule 19.6

Closure motions

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

- (a) To proceed to the next business
- (b) That the question be now put
- (c) To adjourn a debate
- (d) To adjourn a meeting

14.22 If a motion to proceed to the next business is seconded and the Chairman thinks the item has been sufficiently discussed, they will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

14.23 If a motion that the question be now put is seconded and the Chairman thinks the item has been sufficiently discussed they will put the procedural motion to the vote. If it is passed they will give the mover of the original motion a right of reply before putting their motion to the vote.

14.24 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, they will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

Point of Order

14.25 A Councillor may raise a Point of Order at any time and the Chairman will hear them immediately. A Point of Order may only relate to an alleged breach of Council Procedure Rules, any other aspect of the Constitution or relevant legislation. The Councillor must indicate the rule, aspect of the Constitution or

legislation and the way in which they considers it has been broken. The ruling of the Chairman on the matter will be final.

Point of Information

- 14.26 When a Councillor is speaking, and is proceeding on the basis of information which is incorrect, or of which they are ignorant, another Councillor may properly seek to intervene to provide the correct or missing information, thereby saving the Council from being misled and saving its time.

Personal Explanation

- 14.27 A Councillor may make a Personal Explanation at any time. A Personal Explanation may only relate to some material part of an earlier speech by the Councillor 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.

Previous Decisions and Motions

- 14.28 No motion or amendment will be proposed which has the effect or intention of rescinding any resolution passed within the preceding six months, or has the same effect as one which has been defeated within the preceding six months, unless significant new information has been received.
- 14.29 Rule 14.28 will not apply to motions proposed in pursuance of a report or recommendation from Cabinet, a Committee, Sub-Committee or Panel.

15. Voting

- 15.1 Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Councillors voting and present in the room at the time the question was put.
- 15.2 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.
- 15.3 Unless otherwise provided by legislation or in these Council Procedure Rules, the vote on any motion or amendment proposed at any meeting of Full Council shall be taken by means of a show of hands for, against and abstention.
- 15.4 Where a physical restriction prevents any Councillor from making a show of hands, on notifying the Chairman of that restriction that individual Councillor may vote by voice.
- 15.5 At the request of any 10 Councillors present at the meeting of Full Council (or 20% of Councillors at any other meeting) who request it, the names of those Councillors voting for, against or abstaining from voting will be recorded in the minutes.

- 15.6 A recorded vote will be taken in respect of any decision relating to the making of calculations in accordance with the Local Government Finance Act 1992 at any budget decision meeting of the Council.
- 15.7 Where any Councillor 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.
- 15.8 Subject to rule 15.7, no expression of dissent or disapproval shall be recorded in the minutes.

16. Voting on Appointments

- 16.1 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. In the event of a tie the Chairman, or person presiding the meeting, will draw the name of a person nominated at random who will then be duly appointed.

17. Minutes

- 17.1 Any Councillor may move and second that the minutes of the previous meeting be confirmed as a correct record. The only discussion permitted on the minutes is that relating to their accuracy. Any grammatical or typographical errors should have been raised with Democratic Services prior to the commencement of the meeting at which the minutes are being considered as a correct record.
- 17.2 Minutes of Full Council will be signed by the Chairman when they are confirmed as a correct record.
- 17.3 Where in relation to any meeting, the next meeting for the purpose of confirming the minutes is an extraordinary meeting, then the minutes will be confirmed at the next ordinary meeting.
- 17.4 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 and debate will comprise a summary of what transpired at a meeting.

18. Exclusion of the Public and Press

- 18.1 Members of the public and press may only be excluded either in accordance with Access to Information Procedure Rules in Part 4 of this Constitution or Rule 20.1 (Disturbance by Public).

19. Councillors' Conduct

Declaration of Interests

- 19.1 Councillors 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.
- 19.2 A Councillor who has declared a Disclosable Pecuniary Interest, or any other interest where the Code of Conduct states they are unable to participate, 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.

Standing to Speak

- 19.3 When a Councillor speaks at the Full Council meeting they must stand and address the meeting through the Chairman. If more than one Councillor stands, the Chairman will ask one to speak and the others must sit. Other Councillors must remain seated whilst another Councillor is speaking unless they wish to make a Point of Order, Point of Information or a Personal Explanation.

Chairman Standing

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

Councillor not to be heard further

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

Councillor to leave the meeting

- 19.6 Further to Rule 19.5, if the Councillor continues to behave improperly after such a motion is carried, the Chairman may move that either the Councillor leaves the meeting or that the meeting is adjourned for a specific period. If seconded, the motion will be voted on without discussion.

General Disturbance

- 19.7 If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as they think necessary.

20. Disturbance by the Public

- 20.1 If a member or 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. Suspension and amendment of Council Procedure Rules

- 21.1 All of these Council Procedure Rules, except Rules 15.5, 15.6, 15.7 and 17.3 may be suspended by motion without notice if at least two thirds of Councillors 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.

22. Motions affecting Council Procedure Rules

- 22.1 Any motion to add to, vary or revoke these Council Procedure Rules 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.

23. State of the District Debate

- 23.1 The Leader of the Council may call a State of the District debate annually on a date and in a form to be agreed with the Chairman of the Council.
- 23.2 The Leader of the Council 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.
- 23.3 The debate will be chaired by the Chairman of the Council, the Vice-Chairman of the Council or, if neither are present, a Chairman elected by Full Council for that meeting.
- 23.4 The results of the debate will be disseminated as widely as possible within the community and to agencies and organisations in the area and considered by the Leader of the Council in proposing the budget and policy framework to Full Council for the coming year.