

# 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 on such day or days as may be determined by the Council.

The annual meeting will:

- (i) elect a person to preside if the Chairman of Council is not present;
- (ii) elect the Chairman of Council *for the ensuing year*;
- (iii) elect the Vice Chairman of Council *for the ensuing year*;
- (iv) approve the minutes of the last meeting;
- (v) receive any announcements from the Chairman and/or Chief Executive;
- (vi) elect the Leader;
- (vii) elect the Deputy Leader;
- (viii) appoint at least one overview and scrutiny committee, a Standards Committee and such other committees as the Council considers appropriate;
- (ix) *review task groups and working parties, as the Council considers appropriate*;
- (x) agree the scheme of delegation;
- (xi) approve a programme of ordinary meetings of the Council *and its Committees* for the year; and
- (xii) consider any business set out in the notice convening the meeting.

### 1.2 Selection of Councillors on Committees and Outside Bodies

At the annual meeting, the council meeting will:

- (i) decide which committees to establish for the municipal year;
- (ii) decide the size and terms of reference for those committees;
- (iii) decide the allocation of seats to political groups in accordance with the political balance rules;

(iv) receive nominations of councillors to serve on each committee and **[outside body and;] ratify those nominations; the committees to then appoint their chairmen and vice-chairmen.**

(v) **receive nominations for and outside bodies and** appoint to those **[committees and]** outside bodies except where appointment to those bodies has been delegated by the Council.

## **2. ORDINARY MEETINGS OF THE COUNCIL**

Ordinary meetings of the Council will take place in accordance with a programme as determined by the Council. Ordinary meetings will:

- (i) elect a person to preside if the Chairman and Vice Chairman are not present;
- (ii) except at an extraordinary meeting, approve the minutes of the last meeting;
- (iii) receive any declarations of interest from members;
- (iv) receive any announcements from the Chairman, Leader or Chief Executive;
- (v) receive questions and/or statements from the public;
- (vi) deal with any business from the last Council meeting;

**(vii) receive:**

- i) recommendations from the Council's Policy Committees, and**
- ii) recommendations and/or reports from the Scrutiny and Overview Committees, and debate and/or receive questions and answers on any of those recommendations/reports**

(viii) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;

(ix) consider motions;

(x) answer any questions under Rule 8; and

(xi) consider any other business specified in the summons to the meeting.

## **3. EXTRAORDINARY MEETINGS OF THE COUNCIL**

### **3.1 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;

iv) the Chief Finance Officer; and

v) 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.

### **3.2 Business**

The summons to the extraordinary meeting shall set out the business to be considered. No business other than that set out in the summons shall be considered at that meeting.

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

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

## **5. NOTICE OF AND SUMMONS TO MEETINGS**

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

## **6. CHAIR OF MEETING**

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

## **7. QUORUM**

The quorum of a meeting will be one quarter of the whole number of members and, in the case of a committee, not less than three 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.

## **8. QUESTIONS BY MEMBERS**

### **8.1 On reports of 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 a committee when that item is being received or under consideration by the Council.

### **8.2 Questions on notice at full Council**

Subject to Rule 8.4, a member of the Council may ask:

- the Chairman;
- the Leader; or

- the Chairman of **an appropriate** committee

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

### 8.3 Questions on notice at committees

Subject to Rule 8.4, a member of a committee may ask the Chairman of it a question on any matter in relation to which the Council has powers or duties or which affect the area and which falls within the terms of reference of that committee.

### 8.4 Notice of questions

A member may only ask a question under Rule 8.2 or 8.3 if either:

- (a) he or she has given at least **two** working days' notice in writing of the question to the Chief Executive; or
- (b) the question relates to urgent matters, he or she has the consent of the Chairman to whom the question is to be put and the content of the question is given to the Chief Executive by 9.00 am on the day of the meeting.

### 8.5 Response

An answer may take the form of:

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

### 8.6 Supplementary question

A member asking a question under Rule 8.2 or 8.3 may ask one supplementary question without notice of the member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

## 9. MOTIONS ON NOTICE

### 9.1 Notice

Except for motions which can be moved without notice under Rule 10, written notice of every motion, signed by at least one member, must be delivered to the Chief Executive not later than **six** clear **working** days before the date of the meeting. These will be entered in a book open to public inspection.

### 9.2 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 he or she proposes to move it to a later meeting or withdraw it.

### 9.3 Scope

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

## 10. 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 committee, body or individual;
- (e) to appoint a committee or member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) to suspend a particular Council Procedure Rule;
- (n) to exclude the public and press in accordance with the Access to Information Rules;
- (o) to not hear further a member named under Rule 17.3 or to exclude them from the meeting under Rule 17.4; and
- (p) to give the consent of the Council where its consent is required by this Constitution.

## 11. RULES OF DEBATE

### 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.

### 11.2 Right to require motion in writing

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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.

### 11.3 **Seconders' speech**

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

### 11.4 **Content and length of speeches**

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 Chairman.

### 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:

(a) to speak once on an amendment moved by another member;

**(b) to speak on a new point arising from the debate;**

(c) to move a further amendment if the motion has been amended since he/she last spoke;

(d) 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);

(e) in exercise of a right of reply;

(f) on a point of order; and

(g) by way of personal explanation.

### 11.6 **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 committee, body or individual for consideration or reconsideration; or

(ii) to leave out words and/or insert or add others;

as long as the effect of ***the amendment*** does not negate the motion.

(b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.

Provided that the Chairman may permit two or more amendments to be discussed (but not voted on) together if circumstances suggest that this course would assist the decision making process.

(c) If an amendment is not carried, other amendments to the original motion may be moved.

(d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

(e) After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

### **11.7 Alteration of motion**

(a) A member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.

(b) A member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

(c) Only alterations which could be made as an amendment may be made.

### **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.

### **11.9 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.

### **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:

(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 Rules; and

(h) to not hear further a member named under Rule 17.3 or to exclude them from the meeting under Rule 17.4.

#### **11.11 Closure motions**

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

(i) to proceed to the next business;

(ii) that the question be now put;

(iii) to adjourn a debate; or

(iv) to adjourn a meeting.

(b) If a motion to proceed to next business is seconded and the Chairman thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

(c) If a motion that the question be now put is seconded and the Chairman thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.

(d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

#### **11.12 Point of order**

A member may raise a point of order at any time. The Chairman will hear him/her immediately. A point of order may only relate to an alleged breach of these Rules 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.

#### **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 a personal explanation will be final.

#### **11.14 Leader**

The Leader and Deputy Leader may attend and speak and move and second motions, but may not vote, at a meeting of a committee of which they are not voting members.



## **12. PREVIOUS DECISIONS AND MOTIONS**

### **12.1 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 eleven members.

### **12.2 Motion similar to one previously rejected**

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

## **13. VOTING**

### **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.

### **13.2 Chairman's casting vote**

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

### **13.3 Show of hands**

Unless a ballot or recorded vote is demanded under Rules 13.4 or 13.5, the Chairman will take the vote by show of hands or, if there is no dissent, by the affirmation of the meeting.

### **13.4 Ballots**

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

### **13.5 Recorded vote**

If a member 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. A demand for a recorded vote will override a demand for a ballot.

### **13.6 Right to require individual vote to be recorded**

*This is a mandatory standing order under the [Local Authorities \(Standing Orders\) Regulations 1993](#).*

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

### **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 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.

## **14. MINUTES**

### **14.1 Signing the minutes**

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

### **14.2 No requirement to sign minutes of previous meeting at extraordinary meeting**

*This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993. The language is constrained by that permitted in the regulations.*

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.

### **14.3 Form of minutes**

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

### **14.4 Record of decisions**

***A record of decisions of a meeting, and the reasons for those decisions, shall be produced and circulated to all members within two working days of that meeting.***

## **15. RECORD OF ATTENDANCE**

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

## **16. EXCLUSION OF PUBLIC**

Members of the public and press may <sup>Page 10</sup> only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 18 (Disturbance by Public).

## **17. MEMBERS' CONDUCT**

### **17.1 Speaking**

When a member speaks at a Council meeting he/she must address the meeting through the Chairman. If more than one member wishes to speak, the Chairman will ask one to speak and the others to wait. Other members must refrain from speaking whilst a member is speaking unless they wish to make a point of order or a point of personal explanation.

### **17.2 Chairman speaking**

When the Chairman speaks during a debate, any member speaking at the time must stop. The meeting must be silent.

### **17.3 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.

### **17.4 Member to leave the meeting**

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

### **17.5 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.

## **18. DISTURBANCE BY PUBLIC**

### **18.1 Removal of member of the public**

If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If he/she continues to interrupt, the Chairman will order his/her removal from the meeting room.

### **18.2 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.

## **19. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

### **19.1 Suspension**

All these Rules, except Rules **13.6, 16 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 item being discussed and may not extend beyond that meeting without further notice.***

## **19.2 Amendment**

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

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

All these Rules apply to meetings of full Council. Rules 4-20 apply to meetings of committees.