

# Part 4.1 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 Members, the annual meeting will take place within 21 days of the retirement of the outgoing Members. In any other year, the annual meeting will take place in March, April or May.

The annual meeting will:

- (i) elect a person to preside if the Mayor of the Council is not present;
- (ii) elect the Mayor of the Council;
- (iii) elect the Deputy Mayor of the Council;
- (iv) approve the minutes of the last meeting;
- (v) receive any declarations of interest from Members;
- (vi) receive any announcements from the Mayor and/or Head of the Paid Service;
- (vii) elect the Leader of the Council (in the year in which this is required) ;
- (viii) Receive a report from the leader on appointment of the Deputy Leader and Commissioners and their portfolios;
- (ix) appoint at least one Overview and Scrutiny Committee, a Audit & Corporate Governance Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions as set out in Part 3, Table 1 of this Constitution;
- (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.

Only the business specified in the Summons to the Annual meeting shall be transacted except in the case of business required by law to be done at the Annual Meeting

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

At the annual meeting, the Council will:

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

- (iv) receive nominations of Members to serve on each committee and outside body; and
- (v) appoint to those committees and outside bodies except where appointment to those bodies has been delegated by the Council.

### **Casual Vacancies on Committees**

- (vi) The Service Lead - Governance, or in his/her absence the Head of Democratic Services, shall appoint to casual vacancies on Committees, Sub Committees, Panels, Outside Bodies and Working Parties as they arise on the nomination of the respective Group Leader and report this decision to Members as a significant decision.

### **1.3 Election of Committee Chairs**

- (i) The Council may appoint, from among the voting members a person to preside at meetings of a Committee (Chair) and a person to preside in the absence of the Chair (Vice-Chair).
- (ii) If any appointment possible under the previous paragraph is not made, the Committee at its first meeting after the annual meeting of the Council shall, from among the voting members, appoint a person to preside in the absence of the Chair.
- (iii) If the Chair and Vice Chair appointed under the previous paragraphs of this rule are absent, a meeting of a committee shall appoint from among its voting members present a person to preside at the meeting.

## **2. ORDINARY MEETINGS**

### **2.1 Order of Business**

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. Ordinary meetings will:

- (i) choose a person to preside if the Mayor and Deputy Mayor are not present (other than the any other member of the Executive) for the duration of the meeting (Local Government Act 1972, Schedule 12, Paragraph 5).;
- (ii) approve and sign the minutes of the last meeting;
- (iii) receive any declarations of interest from Members;
- (iv) receive any announcements from the Mayor or the Head of Paid Service.
- (v) receive any petitions under Rule 11.
- (vi) answer any questions from Members of the Public under Rule 9.
- (vii) answer any questions on Police Authority functions asked under Rule 10.
- (viii) deal with any business from the last Council meeting;

- (ix) receive reports and recommendations from the Cabinet and the Council's Committees and receive questions and answers on any of those reports (subject to the normal rules of debate) under Rule 12;
- (x) receive reports and recommendations about and receive questions and answers (subject to the normal rules of debate) on the business of joint arrangements and external organisations under Rule 12;
- (xi) deal with any reports from officers of the Council specified in the Council summons.
- (xii) debate the state of the Borough under Rule 16;
- (xiii) consider motions in the order in which they have been received under Rule 13.
- (xiv) 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 Scrutiny and Overview Committee/Sub-Committee for debate.
- (xv) answer any questions from Elected Members asked under Rule 10.
- (xvi) to authorise the sealing of documents as necessary.

Only the business specified in the summons of the meeting shall be transacted at an ordinary meeting of the Council.

## 2.2 Variations

- (a) No variations shall be made as regards (i) to (iv) above.
- (b) The Mayor may, with the consent of the Council, vary the order of business without discussion.

2.3 Any Member may request the Mayor to exercise the above discretion with the consent of the Council and shall have the right to explain for no more than one minute his/her reason for wishing to vary the order of business.

## 3. EXTRAORDINARY MEETINGS

### 3.1 Calling extraordinary meetings

Those listed below may request the Head of Democratic Services to call Council meetings in addition to ordinary meetings:

- (i) the Council by resolution;
- (ii) the Mayor of the Council;
- (iii) The Chief Executive;

- (iv) the Monitoring Officer;
- (v) the Section 151 Officer makes a report under section 114 of the Local Government Finance Act 1988 or the Monitoring Officer makes a report under section 5 of the Local Government and Housing Act 1989, the Monitoring Officer shall call a meeting of the Council for the purpose of considering that report within the period specified by the relevant statute and
- (vi) any five Members of the Council if they have signed a requisition presented to the Mayor 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.

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

### **3.2 Business of an extraordinary meeting**

Business at Extraordinary meetings of the Council shall be restricted to:

3.2.1.1 the election of a person to preside if both Mayor and Deputy Mayor are absent (other than the any other member of the Executive) for the duration of the meeting (Local Government Act 1972, Schedule 12, Paragraph 5)

3.2.1.2 any item of business specified by the Council, Mayor or Monitoring Officer calling the meeting or specified in the requisition presented by at least five Members of Council;

3.2.1.3 any petitions relating to items of business on the agenda which the Mayor agrees to hear.

Any requisition shall specify the business to be transacted at the Extraordinary Meeting. The Agenda shall specify the business to be transacted at the Meeting and no other business shall be transacted at that Meeting.

Where the next meeting of the Council is an Extraordinary Meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972, the Minutes of the last meeting of the Council shall be put to the next ordinary meeting of the Council.

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

The Mayor, together with the Chief Executive may adjust the dates, place and time of Council meetings.

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

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

signed by him or her to every Member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

## 6. **CHAIR OF MEETING**

The person presiding at the meeting may exercise any power or duty of the Mayor. Where these rules apply to Committee and Sub-Committee meetings, references to the Mayor also include the Chair of Committees and Sub-Committees. The Mayor's/Chair's decision on any matter relating to the meeting is final.

## 7. **QUORUM**

The quorum of a meeting shall be one quarter of the whole number of Members. During any meeting if the Mayor or Chair (as the case might be) counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor/Chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

## 8. **DURATION OF MEETING**

- 8.1 If the Council has not completed its business by 10.30 p.m. the Mayor will stand up and move that the remainder of the business shall be dealt with under either Rule 8.2 or Rule 8.3. The motion shall be voted upon without debate.
- 8.2 That the Council resolve to continue past 10.30 p.m. to complete all or part of its business as specified by the Mayor. The business not dealt with under this Rule 8.2 shall be dealt with under Rule 8.3.
- 8.3 That the remaining business be completed in accordance with the following procedure:
- (i) recommendations of Committees/Cabinet shall be put to the meeting. If any are opposed the meeting shall stand adjourned to the following Thursday at 7.00 pm unless otherwise resolved;
  - (ii) any minutes of proceedings of committees not yet received shall be moved, seconded and received forthwith;
  - (iii) any motion of which notice was given under Rule 12 shall be formally moved and seconded and shall stand referred to the Cabinet or appropriate Committee without discussion for determination;
  - (iv) any questions and answers from Members submitted under Rule 10 shall be noted; and
  - (v) other formal business, including authority to seal documents shall be dealt with prior to closure of the meeting.

## 9. **QUESTIONS BY THE PUBLIC**

### 9.1 **General**

At an ordinary meeting of the Council a registered elector/resident of the Borough (not being a Member of the Council) may ask the Leader, Lead Members, Chairs or Group Leaders questions relating to any Council Policy. The first five questions received will receive a verbal answer at the meeting, if the elector is present. A copy of the written response will be sent to the questioner the next working day following the Council meeting.

In the case of more than five questions being received for any one meeting, a written answer will be sent to the questioners on the next working day following the meeting, and the questions will also be tabled at that meeting.

### 9.2 **Order of Questions**

Questions will be asked in the order they were received.

### 9.3 **Notice of Questions**

A question may only be asked if notice has been given by delivering it in writing, facsimile or by electronic mail to the Head of Democratic Services no later than 10.00 am on the fourth working day before the day of the meeting. Each question must give the name and address of the questioner and must name the Member/Chair to whom it is to be put.

### 9.4 **Number of Questions**

Members of the public are limited to one question each.

### 9.5 **Scope of Questions**

The Head of Democratic Services will reject a question if it:

- is not about a matter of policy for which the local authority has a responsibility or which affects the Borough;
- concerns a matter which could be raised as casework or through the Council's complaints procedure or is specific to a particular individual or their property;
- is defamatory, frivolous or offensive;
- criticises or purports to criticise an employee/officer's competence and/or conduct and the employee/officer is identified by name, title or in any other way.

- 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.

#### 9.6 **Record of Questions**

The Head of Democratic Services will send a copy of the question to the Member/Chair to whom it is to be put.

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

#### 9.7 **Asking the Question at the Meeting**

Each question shall be taken as read. If a questioner who has submitted a question is unable to be present a written reply will be sent to the questioner following the meeting. A Member to whom a question has been put may ask another Member to answer on his/her behalf.

#### 9.8 **Supplemental Question**

A questioner who has put a question in person may also put one supplementary question arising directly out of the original question or reply, without notice to the Member/Chair who has replied to his or her original question or the reply. The Mayor may reject a supplementary question on any of the grounds in Rule 9.5 above.

#### 9.9 **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/Chair to whom it was to be put, will be dealt with by a written answer.

#### 9.10 **Reference of Question to the Cabinet or a Committee**

No discussion will take place on any question, but any Member may move that a matter raised by a question be referred to the Cabinet or the appropriate Committee/Sub-Committee. Once seconded, such a motion will be voted on without discussion.

#### NOTE:

*That whilst encouraging open and free debate, the Council will not tolerate any person making defamatory remarks or other unfair and unjustified criticisms of Officers of the Council*

The Council has agreed that

- (a) The Head of Democratic Services be authorised to reject or require amendment, at his/her discretion, to written questions submitted to the Council or to any Committee or Sub-committee of the Council which



contain criticisms of Officers of the Council or that, in his/her view, make defamatory remarks about individual officer holders.

- (b) That any person whose question to a meeting is rejected under this provision or is required to amend their question by the Head of Democratic Services may appeal that decision to the Council's Service Lead Governance .
- (c) That the Mayor/Chair of any meeting of the Council, its committees and its sub-committees will request any person present to desist from making any defamatory remarks or other unfair or unjustified criticisms of Officers and in the event of a person so instructed by the Mayor/Chair of the meeting failing to desist the Chair will instruct that person to remain silent on the matter under discussion only until such time as they indicate a willingness to comply.
- (d) That where an individual fails to comply with that instruction, the Mayor/Chair may warn the individual that any further interruption will result in their removal from the meeting whilst the matter in question is under consideration.
- (e) Where, in the reasonable opinion of the Mayor/Chair of any meeting of the Council, its Committees and its Sub-committees, defamatory remarks or other criticisms of Officers have been made by an individual present, the Mayor/Chair may require that individual to apologise for any offence their remarks may have caused before continuing to speak on the matter in question or, if they have been excluded from the meeting under these provisions, will require an apology for any offence their remarks may have caused before allowing re-admission to the meeting.

## 10. **QUESTIONS BY MEMBERS**

### 10.1 **Council Matters**

Subject to Rule 10.2, a Member of the Council may ask

- the Mayor;
- a Lead Member ;
- the Chair/Vice Chair of any Committee or Sub-Committee;

One question on any matter (a) which the Council has Statutory powers or duties or (b) which affects the Borough.

### 10.2 **Notice of Questions**

A Member may ask one question under Rule 10.1 if Notice in writing of the question has been given to the Head of Democratic Services in the time period between Cabinet meetings.

### 10.3 **Scope of Questions**

The Head of Democratic Services will reject a question if it:

- is not about a matter falling within Rule 10.1 above;
- concerns a matter which could be raised as casework or through the Council's complaints procedure or is specific to a particular individual or their property;
- is defamatory, frivolous or offensive;
- criticises or purports to criticise an employee/officer's competence and/or conduct and the employee/officer is identified by name, title or in any other way
- could be regarded as more than one question (ie: consists of multi parts)
- 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.

10.4 Questions will be replied to by the relevant member within 10 working days of receipt.

10.5 All Questions that have been submitted and answered since the last Council meeting will be tabled at the next Council meeting by the Head of Democratic Services. The answers to those questions will also be tabled.

10.6 A Member can submit a supplementary question, in writing, within 10 working days of the receipt of the answer to the original question. The supplementary must relate to the original question and be submitted to the Commissioner/ Member in question who will reply, in writing, within ten working days of receipt of the supplementary question.

### 11. **PETITIONS - GENERAL**

11.1 All petitions received shall be dealt with in accordance with the Council's Petition Scheme which is set out as Article 18 to the Constitution.

11.2 Petitions relating to individual planning and licensing applications and other statutory petitions are not included in the Petitions Scheme and will be dealt with as set out below.

#### **PLANNING MATTERS**

11.3 Petitions received in response to individual planning applications shall be dealt with by the Service Lead Planning & Transport /Head of Democratic Services as detailed in the Council's Scheme of Delegation to Officers or through the Public Participation Scheme. Any petition referring to a general planning matter will be dealt with in accordance with the Petitions Scheme.

## **LICENSING MATTERS**

- 11.4 Petitions received in response to individual licensing applications shall be dealt with by the Service Lead Regulatory Services /Head of Democratic Services and reported to the relevant Sub Committee when the application is considered. The Petition organiser shall be given the opportunity to address the Sub Committee. Any petition referring to a general licensing matter will be dealt with in accordance with the Petitions Scheme.

## **12 COMPLAINTS ABOUT MEMBERS OR OFFICERS' CONDUCT AND/OR PERFORMANCE**

- 12.1 The Council shall not discuss at any meeting (including an extraordinary meeting):-
- (a) any complaint about the conduct of a Member which is or may be the subject of an investigation unless and until the matter has been determined under the provisions of the Localism Act 2011 and regulations thereunder.
  - (b) Any complaint about the conduct or performance of an Officer which is or could be the subject of an investigation under the Council's relevant Disciplinary Policy and Procedure, Grievance Policy and Procedure, Capability Procedure or any other relevant employment procedure unless it is a requirement of any one of those procedures to report the matter to Council.

## **13. CONSIDERATION OF CABINET AND COMMITTEE RECOMMENDATIONS/ MINUTES**

### **13.1 Recommendations of the Cabinet and Committees**

The recommendations of the Cabinet and Committees held since the preceding meeting of the Council shall be submitted to the Council for decision.

Any Member wishing to move an amendment on a recommendation that is before the Council shall give written notice of such intention before 10.00 a.m. on the day before the Council meeting.

### **13.2 Recommendations as Motions**

For the purposes of Rule 16 (Rules of debate) each recommendation to the Council arising out of the Cabinet or a Committee's minutes shall be deemed to be a separate motion.

The Leader of the Council or the Chair of the Committee from which the recommendation has come (or in their absence any other Member) shall move the recommendation which shall be seconded by another Member.

Each recommendation is open to discussion in accordance with Rule 15.

### 13.3 **Withdrawal of Recommendations**

The Leader of the Council or the Chair of any Committee, (as the case may be), shall not seek leave to withdraw a recommendation to Council contained in his/her minutes.

## 14. **MOTIONS ON NOTICE**

### 14.1 **Notice**

- a. Except for motions which can be moved without notice under Rule 15, written notice of every motion, signed by at least two Members, must be delivered to the Head of Democratic Services not later than noon on the ninth working day before the date of the meeting. At any one Ordinary meeting:
  - Only one motion may be proposed by any Political Group,
  - Or, in the case of no group, an individual member,
  - And one cross-party motion proposed by any member (on a first come first served basis).

The wording of a motion can be submitted by email, and in this case, one member may submit the wording and another e mail in support of the motion must be received by the noon deadline. E mails must be from a source that validates the identity of the sender.

- b. Motion to remove the Leader of the Council
- c. A Motion to remove the Leader of the Council must be signed by at least five Members and be submitted in writing to the Head of Democratic Services not later than noon on the ninth working day before the date of the meeting. Any such Motion is in addition to Motions submitted under paragraph 14.1 above and must be confined to actions taken by/or the conduct of the Leader in his/her role as Leader. The Motion will be taken as the first item of business after Mayor's Communications and will be debated in accordance with normal debate procedure.

### 14.2 **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 state, in writing, that he/she proposes to move it to a later meeting or withdraw it. Motions shall be formally moved by the Member who gave notice or, on the written request of this Member, by another Member on their behalf.

### 14.3 **Scope and wording of Motions**

- a. The wording of any Motion under this procedure Rule shall be confined to proposing action to be taken by or on behalf of the Council and shall not include explanatory or other text.
- b. Motions must be about matters for which the Council has a responsibility or which affect the Borough. Motions that relate to Executive Functions,

once determined by the Council, shall be referred to the Cabinet for consideration if action is required.

- c. The Head of Democratic Services, in consultation with the Mayor, may reject a Notice of motion if he/she considers that it:
- Is not about a matter for which the Council has a responsibility or which affects the Borough
  - Is defamatory, frivolous or offensive
  - Subject to Rule 18.2 is substantially the same as a motion or amendment which has been put to a meeting of the Council in the past six months
  - Requires the disclosure of confidential or exempt information, or
  - is the subject of a review by the Scrutiny and Overview Committee or a Scrutiny Sub-Committee which has been ongoing for less than six months.

#### **14.4 Challenge to Inclusion**

If any Member of the Council considers that any motion that appears on the summons for the Council Meeting should not have been included on the agenda he/she shall give written notice to the Head of Democratic Services before 10.00 a.m. on the day of the meeting. Such written notice will indicate the nature of the challenge.

A challenge lodged in accordance with this Rule will be dealt with as follows:

The Member submitting the challenge will speak to his/her challenge confining him/herself to the nature of the challenge for a period not exceeding two minutes.

- The Member who gave notice of the motion will reply to the challenge and will speak for no longer than two minutes.
- No other Member will be entitled to speak.
- The challenge will be put to the vote.
- If the challenge is upheld the motion will be treated as withdrawn.

#### **15. MOTIONS WITHOUT NOTICE**

The following motions may be moved without notice :

- (a) to appoint a Chair of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the Council 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 request that the Mayor take action under Rule 23.3 to not hear further a Member or to exclude them from the meeting under Rule 23.4; and
- (p) to give the consent of the Council where its consent is required by this Constitution.
- (q) that a matter raised by a petitioner is referred to the Cabinet or appropriate Committee other Authority or Chief Officer.

#### Motion of No Confidence in the Mayor

A Motion of no Confidence in the Mayor can be moved at any time when a meeting of the Council is in progress. The Motion will be formally moved, seconded and put to the vote without debate.

#### **Moving and Seconding a Motion**

Motion to be moved and seconded

A motion for main debate of which notice has been given or a proposed amendment thereto of which notice has been given shall be moved and seconded by the Members who have given notice or, with the consent of the Council, by any other Councillor.

Right to speak – Secunder of Motion

No motion for main debate or motion for amendment shall be discussed unless it has been seconded, but any Councillor, when seconding a motion or amendment, if he or she then declares their intention to do so, may reserve their speech until a later period in the debate.

## **16. RULES OF DEBATE**

### **16.1 Addressing the Mayor**

A Member when speaking shall stand and address the Mayor. If more than one Member stands the Mayor shall indicate the order of speakers. Subject to Rules 16.12 (Points of Order) and 16.13 (Personal Explanation) below, all other Members shall remain seated whilst a Member is speaking.

### **16.2 No speeches until motion seconded**

No speeches may be made until the mover has moved a proposal and explained the purpose of it and the motion has been formally seconded (whether or not the seconder has spoken at that juncture).

### **16.3 Right to require motion in writing**

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

### **16.4 Seconder's speech**

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

### **16.5 Content and length of speeches**

Speeches must be directed to the motion/amendment under discussion or to a personal explanation or point of order. No speech may exceed 3 minutes without the consent of the Mayor.

Members and officers at any meeting shall be addressed or referred to by their respective titles.

Except with the consent of the Council, voted upon without discussion, speeches shall not exceed 3 minutes.

### **16.6 When a Member may speak again**

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

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

- (b) to move a further amendment if a previous amendment is not carried or the motion has been amended since he/she last spoke;
- (c) if his/her first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

#### 16.7 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 the Cabinet or an appropriate Committee/Body or individual for consideration or reconsideration;
  - (ii) to leave out words;
  - (iii) to leave out words and insert or add others; or
  - (iv) to insert or add words.
  - (v) as long as the effect of (ii) to (iv) is not to negate the motion or introduce a new proposal on the same subject matter.
- (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. If an amendment is not carried, other amendments to the original motion may be moved,
- (c) It will not be permitted to seek to re-instate part(s) of the motion which have already been rejected with words to the same or similar effect.

Once the seconder of the original motion has commenced his/her speech (if reserved) or the mover of the original motion has commenced his/her closing speech no further amendments can 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. After an amendment has been carried, the new substantive motion will be put to the vote. If an amendment to refer a matter under (i) above is carried the 'substantive motion' requires no further vote.
- (e) After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.



## 16.8 **Alteration of motion**

- (a) A Member may alter a motion of which he/she has given notice with the consent of the meeting or any other signatories to the motion. 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.

## 16.9 **Withdrawal of motion**

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

## 16.10 **Right of reply for the Proposer of the Motion only**

- (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.

At the end of a debate on an amendment to a motion, the order in which Members may speak is as follows:

- (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 Leader/Chair will have the penultimate right of reply to the Motion.
- (d) The mover of the amendment has no right of reply to the debate on his or her amendment.

## 16.11 **Closure motions**

- (a) A Member who has not spoken in the debate, may move, without comment, the following motions at the end of a speech of another Member:

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

- (i) to proceed to the next business;
- (ii) that the question be now put;
- (iii) to adjourn a debate; or
- (iv) to adjourn a meeting.

- (b) If a motion to “proceed to next business” is seconded and the Mayor thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote. If the procedural motion is carried the Council proceeds to next business without a vote on the original motion/amendment.
- (c) If a motion that the “question be now put” is seconded and the Mayor 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 Mayor 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. If the procedural motion is carried the Mayor will determine the date and time when the meeting/debate shall continue.

## **17. PREVIOUS DECISIONS AND MOTIONS – THE SIX MONTH RULE**

### **17.1 Motion to rescind a previous decision**

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

### **17.2 Motion similar to one previously dealt with**

A motion or amendment in similar terms to one that has been voted upon 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 one third of all Members of the Council. This includes amendments that have been voted upon during the meeting in question. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

### **17.3 Points of order**

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

### **17.4 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 (made at the meeting) which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final.

## **18. STATE OF THE BOROUGH DEBATE**

### **18.1 Calling of debate**

The Leader will call a State of the Borough debate annually on a date and in a form to be agreed with the Mayor.

### **18.2 Form of debate**

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

### **18.3 Chairing of debate**

The debate will be chaired by the Mayor.

### **18.4 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.

## **19. VOTING**

### **19.1 Majority**

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

### **19.2 Mayor's casting vote**

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

### **19.3 Show of hands**

Unless a recorded vote is requested under Rule 19.4, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

#### **19.4 Recorded vote**

If a Member present at the meeting requests it, before voting commences, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

#### **19.5 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.

In accordance with the requirements of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 there shall be a recorded vote on any decision relating to the budget or council tax at the Council's annual budget meeting.

#### **19.6 Voting on appointments**

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

### **20. MINUTES**

#### **20.1 Signing the minutes**

The Mayor will sign the minutes of the proceedings at the next ordinary meeting. The Mayor will move that the minutes of the previous meeting be signed as a correct record. The only matter in relation to the minutes that can be discussed is their accuracy. Members should not vote on the accuracy of the minutes if they were not present at the meeting in question.

#### **20.2 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.

#### **20.3 Form of minutes**

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

## **21. RECORD OF ATTENDANCE**

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

## **22. EXCLUSION OF PUBLIC**

### **22.1 General**

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 23 (Disturbance by Public).

### **22.2 Motions affecting Council employees**

Before any discussion on the appointment, promotion, suspension, dismissal, salary, conditions of service, or the conduct of a Council employee, the Mayor shall move and the Council shall resolve without discussion, a motion to exclude the Press and Public. During consideration of the matter the employee concerned if present shall immediately leave the meeting until the matter under consideration is settled.

## **23. MEMBERS' CONDUCT**

### **23.1 Standing to speak**

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

### **23.2 Mayor standing**

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

### **23.3 Member not to be heard further**

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

### **23.4 Member to leave the meeting**

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

### **23.5 General disturbance**

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

## **24. DISTURBANCE BY PUBLIC**

### **24.1 Removal of member of the public**

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

### **24.2 Clearance of part of meeting room**

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

## **25. FILMING/RECORDINGS OF PROCEEDINGS**

25.1 Filming/Recording of meetings that are open to the public must comply with the Protocol for Filming/Recording of Council meetings (set out in annexe below).

25.2 The Mayor / Chair of the meeting has absolute discretion to terminate or suspend any of these activities if, in their opinion, continuing to do so would prejudice or unduly disrupt proceedings at the meeting.

## **26. SMOKING, ROBES, FOOD & DRINK, ELECTRONIC BUSINESS DEVICES**

26.1 Smoking shall not be allowed at any meeting of the Council.

26.2 Council Robes may be worn by Members at the Annual Meeting of the Council and at other special civic occasions as the Mayor may request.

26.3 The consumption of food and drink (other than water, coffee, tea or soft drinks) will not be allowed at any Meeting of the Council.

26.4 Mobile telephones, with the exception of the Council's emergency phone, shall not be permitted at any meeting of the Council.

26.5 Electronic business devices, including laptop computers may be used in any meeting of the Council.

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

### **27.1 Suspension**

Any part of these Council Rules of Procedure except Rule 19.6 and 20.2 may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council are present. Suspension may be for the consideration of a particular item of business or for the duration of that meeting.

## 27.2 **Amendment**

Other than at the Annual Meeting of the Council, 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.

## 28. **APPOINTMENT OF DEPUTIES**

The Council shall at its Annual meeting agree to the appointment by the Employment and Appeals Committee to standing deputies on any of its Sub-Committees in accordance with the political balance rules and a standing Parish Council deputy to the Audit & Corporate Governance Committee.

## 29. **COUNCIL-IN-COMMITTEE**

The Mayor may at any time require the summoning of a meeting of Members of the Council to sit as a Council-in-Committee or Committee-of-the-Whole-Council. (N.B. Such a meeting has the status of a Committee only, and its proceedings require confirmation by the Council at a meeting duly summoned and held in accordance with the statutory provisions unless the Council has previously delegated powers to the meeting under the provisions of the Local Government Act 1972).

## 30. **ATTENDANCE OF NON-MEMBERS AT COMMITTEES AND SUB-COMMITTEES**

- 30.1 Subject to Rule 30.2 and 30.3 below, any Member can attend meetings of the Committees and Sub-Committees as an observer and may speak if given permission by the Chair (which should be previously notified), such permission not to be unreasonably withheld. If permission is withheld, the Chair shall state the reason for this and this reason will be recorded in the minutes of the meeting. The consent of the Audit & Corporate Governance Committee (majority resolution) is required for a Member to attend as an observer in Part II of that Committee. The right to speak does not extend to the Standards Local Determination Sub Committee and Licensing Sub Committee when it is dealing with applications under the Licensing Act 2003 and in Planning Committee is confined to individuals raising material planning issues pertinent to the application being determined by the Committee and are subject to the rules set out in Part 3.4 Responsibility for Council Functions.
- 30.2 A Member shall have the right to attend and speak at a meeting of the Committee or Sub-Committee to which a motion proposed by him/her has been referred. Non-committee members are not permitted to raise motions at Planning Committee.

- 30.3 A Member shall have the right to attend and speak at the Committee or Sub-Committee on a matter which directly and specifically affects his/her Ward. (The right to speak does not extend to the Licensing Sub Committee when dealing with Licensing applications under the Licensing Act 2003. The right to speak at Planning Committee is subject to the rules set out in Part 3.4 Responsibility for Council Functions).
- 30.4 Any Committee or Sub-Committee may allow representatives of employees to attend any of its meetings as observers. The Chair shall have discretion to invite employee representatives to speak.
- 30.5 Any Committee or Sub-Committee shall have discretion to specify a maximum number of employee representatives who may attend a meeting. The representatives within that maximum number shall be determined by the employees concerned or their representatives.

### **31. PANELS AND WORKING PARTIES**

The Council may appoint such Panels and/or Working Parties as it wishes to deal with specific matters. Such bodies are non decision making, not subject to the Local Government Access to Information Act 1985 and should be politically proportionate. Subject to rule 30.2 above only those Members appointed shall be entitled to attend meetings of the Panel/Working Party. This Procedure Rule is not applicable to Overview and Scrutiny Panels as the arrangements for these are set out in Part 4 – Overview and Scrutiny Procedure Rules.

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

All of the Council Rules of Procedure apply to ordinary meetings of the full Council. All the Council Procedure Rules other than those determining business to be transacted apply to Extraordinary Council Meetings. Only Rules 4-8, 10-11, 15-16, 18-20, 21-26 (but not Rule 23.1), 30 and 31 apply to meetings of Committees and Sub-Committees. Executive Procedure Rules which apply to Cabinet and Cabinet Sub-Committees are in Part 4.4 of the Constitution.



## **PROCEDURE FOR DEALING WITH ALL MOTIONS/RECOMMENDATIONS**

### **Motions**

- Mover of motion to speak and move his/her motion
- Secunder to speak (or can reserve the right to speak later)
- Any other Member who wishes to speak in the debate

*A member may move an amendment to the motion. If it is agreed, it then becomes the substantive motion before the Council*

### **Amendments**

- Mover of amendment to speak.
- Secunder of amendment to speak (or reserve the right).
- Any other member (except mover of original motion).
- Secunder of amendment (if not spoken already).
- Mover of the original motion.
- Go to the vote on the amendment.

*If the amendment is agreed it then becomes the substantive motion before the Council*

(Any further amendment(s) on the same item to be moved and dealt with as above).

- Further debate on the original motion (amended as appropriate).
- Secunder to speak if reserved the right.
- Leader or Chair penultimate speech (if not mover of motion).
- Mover of the motion to wind up the debate.
- Go to the vote.

**PROTOCOL FOR FILMING/RECORDING OF COUNCIL MEETINGS**

1. The Council supports the principle of transparency and allows the filming, recording and photographing at its meetings that are open to the public. It also welcomes the use of social networking websites, such as Twitter and Facebook, and micro-blogging to communicate and report on proceedings to the wider community.
2. To enable members of the public to be fully informed, anyone proposing to film, record or take photographs of a meeting is requested to advise Democratic Services before the start of the meeting.
3. The Mayor / Chair of the meeting has absolute discretion to terminate or suspend any of these activities if, in their opinion, continuing to do so would prejudice or unduly disrupt proceedings at the meeting.
4. The circumstances in which termination or suspension might occur could include:
  - Public disturbance of the meeting.
  - When the press and public are excluded from the meeting due to the confidential or exempt nature of information to be discussed in Part II of an agenda.
  - Where it is considered that continued recording / photography / filming / webcasting might infringe the rights of any individual.
  - When the Chair considers that a defamatory statement has been made.
5. In allowing filming and recording, the Council asks those recording proceedings do not edit the film / record / photographs in a way that could lead to misinterpretation of the proceedings, or infringe the core values of the Council. This includes refraining from editing an image or views expressed in a way that may ridicule, or show a lack of respect towards those being photographed / filmed / recorded, or misrepresent a Council discussion.
6. Filming or recording must be overt and persons filming should not move around the meeting room whilst filming nor should they obstruct proceedings or the public from viewing the meeting. The Council may adopt operational arrangements to facilitate the effective transaction of business at a meeting by designating certain areas of a meeting room to be available for those who wish to record the meeting; and/or designating certain areas of the meeting room for any members of the public who do not wish to be filmed.
7. The use of flash photography, additional lighting or any non hand held devices, including tripods, will not be allowed unless this has been discussed with Democratic Services prior to the meeting and agreement has been reached on how it can be done without disrupting the meeting.
8. The Council will advise the public that the meeting may be filmed, recorded or photographed via notices on the agenda for the meeting and in the meeting room.

Any person failing to comply with any element of this protocol may have permission to record future meetings withdrawn.