

## Council Procedure Rules

### Introduction:

There are currently 20 procedure rules. They apply to all meetings of full Council (i.e. when all Members of the Council attend as voting members). Subject to the exceptions set out below in Rule 1 or where the rules provides or the context otherwise makes clear, they also apply to Cabinet and **Committees** (which latter term for the purposes of these rules, includes their sub-committees and Policy Development Groups).

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## 1. Exceptions of Rules to Committee Meetings

<b>Committee</b>	<b>Rules which don't apply</b>
Audit	Members' Business (Rule 7) No motions other than those referred by full Council (Rule 11) No restriction on the number of times a member can speak during debate (Rule 12)
Cabinet	No appointment of Substitutes (Rule 3) Members' Business (Rule 7) No motions other than those referred by full Council (Rule 11) No restriction on the number of times a member can speak during debate (Rule 12)
Electoral Review	Members' Business (Rule 7) No motions other than those referred by full Council (Rule 11) No restriction on the number of times a member can speak during debate (Rule 12)
Policy Development Groups ( <b>PDGs</b> )	Members' Business (Rule 7) No motions other than those referred by full Council (Rule 11) No restriction on the number of times a member can speak during debate (Rule 12)
Licensing	No appointment of Substitutes for sub-committees (Rule 3) Members' Business (Rule 7) Public Questions for sub-committees (Rule 8) No motions other than those referred by full Council (Rule 11) No restriction on the number of times a member can speak during debate (Rule 12)
Planning	Members' Business (Rule 7) No motions other than those referred by full Council (Rule 11) No restriction on the number of times a member can speak during debate (Rule 12)
Regulatory	No appointment of Substitutes for sub-committees (Rule 3) Members' Business (Rule 7) Public Questions for sub-committees (Rule 8) No motions other than those referred by full Council (Rule 11) No restriction on the number of times a member can speak during debate (Rule 12)
Scrutiny	Members' Business (Rule 7) No motions other than those referred by full Council (Rule 11) No restriction on the number of times a member can speak during debate (Rule 12)
Standards	No appointment of Substitutes for sub-committees (Rule 3) Members' Business (Rule 7) Public Questions for sub-committees (Rule 8) No motions other than those referred by full Council (Rule 11) No restriction on the number of times a member can speak during debate (Rule 12)

## 2. Full Council

### 2.1 Annual Meeting

**2.1.1 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 (four days after the election) of the outgoing councillors. In any other year, the annual meeting will take place in March, April or May.

**2.1.2 Business:** The annual meeting will:

- (a) elect a person to preside if the outgoing Chairman of Council or Vice Chairman of the Council is not present;
- (b) elect the Chairman of the Council (subject to the statutory provisions in that behalf, a Councillor who is the present Chairman of the Council and has completed two consecutive years in such office shall not be eligible for re-election as Chairman of the Council for the ensuing year);
- (c) elect the Vice Chairman of the Council;
- (d) approve the minutes of the last meeting of the Council;
- (e) receive any announcements from the Chairman and/or the Chief Executive;
- (f) elect the Leader (following the ordinary election of councillors);
- (g) elect the Scrutiny Committee Chairman;
- (h) approve a programme of ordinary meetings of the Council for the year; and
- (i) consider any *other* business set out in the notice convening the meeting.

**2.1.3 Appointment of Committees:** At the Annual Meeting, the Council meeting will:

- (a) decide which Committees to establish for the municipal year;
- (b) decide the size and terms of reference for those Committees;
- (c) decide the allocation of seats to political groups in accordance with the political balance rules;
- (d) receive nominations of (any) ungrouped councillors to serve on each Committee and vote on each appointment
- (e) make appointments to outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Cabinet (in respect of Executive functions);

### 2.2 Ordinary Meetings

**2.2.1 Business:** The order of business at ordinary meetings will be as follows:

- (a) elect a person to preside if the Chairman and Vice Chairman are not present;
- (b) approve the minutes of the last meeting (whether the annual meeting or otherwise);
- (c) receive any declarations of interest from Members;
- (d) receive any announcements from the Chairman;
- (e) receive Public Questions (as set out in Rule 8);

- (f) receive a report from the Leader and receive questions and answers on the report;
  - (g) deal with any business remaining from the last Council meeting;
  - (h) receive petitions from members of the public;
  - (i) debate single issues;
  - (j) consider Motions;
  - (k) consider recommendations from the Cabinet;
  - (l) consider any recommendations submitted by the Council's Committees;
  - (m) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
  - (n) receive Members' Business (as set out in Rule 7);
  - (o) consider any urgent items of business brought forward at the discretion of the Chairman and the reason for urgency must be announced at the meeting and recorded in the minutes;
- and
- (p) consider any other business specified in the summons to the meeting.

**2.2.2 Variation of Order of Business:** Business falling under items 2.2.1 shall not be displaced, but subject thereto the order of business may be varied:

- (a) by the Chairman at his/her discretion; or
- (b) by a resolution passed on a Motion (which need not be in writing) duly moved and seconded, which shall be moved and put without discussion.

### **2.3 Extraordinary Meetings**

2.3.1 Those listed below may request the Proper Officer to call Council meetings in addition to Ordinary Meetings:

- (a) the Council by resolution;
- (b) the Chairman of the Council;
- (c) the Monitoring Officer; or
- (d) any five Members of the Council if they have signed a requisition presented to the Chairman of the Council and he has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

2.3.2 The business to be conducted at an extraordinary meeting shall be restricted to the item of business contained in the request for the extraordinary meeting and there shall be no consideration of previous minutes or reports from Cabinet or Committees etc. except that the Chairman may at his absolute discretion permit other items of business to be conducted for the efficient discharge of the Council's business.

## **3. Substitute Members**

### **3.1 Appointment**

Where a member is appointed to a Committee or any committee / sub-committee of another council on which the District Council is represented, the member may appoint a substitute member to attend the meeting subject to the following qualification requirements:

- (a) In the case of the Audit, Licensing, Planning, Regulatory and Standards committees, all substitute members must have received training on the relevant committee's area of work.
- (b) Where the Member appointing a substitute is a Member of a Political Group the substitute Member shall only be from the membership of that same group unless there are no such trained members in that group.

### **3.2 Extent of the Substitution**

- 3.2.1 Any such substitution shall have effect for the entirety of the meeting in respect of which the Notice has been given.
- 3.2.2 No more than two Members of the same Political Group shall be substituted at any meeting and no Member shall be substituted at more than two consecutive meetings of the same Committee.
- 3.2.3 Substitute Members may only attend meetings in that capacity where:
  - (a) the ordinary Member will be absent for the whole of the meeting;
  - (b) the ordinary Member has notified the Member Services Manager by email of the intended substitution at least one hour before the start of the relevant meeting; and
  - (c) in the case of area committees the substitution does not alter the balance on that committee between Members from the area and Members from the rest of the District.

### **4. Time, Place and Notice of Meetings**

- 4.1 The time and place of meetings will be determined by the Chief Executive and notified in the summons.
- 4.2 The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules.
- 4.3 At least five clear working days before a meeting, the Chief Executive approved will send a summons approved by him/her to every Member of the Council. 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.

### **5. Chairman of the Meeting**

- 5.1 The person presiding at the meeting may exercise any power or duty of the Chairman.
- 5.2 The Chairman of the Council, by virtue of office, is not eligible to hold office as a Chairman of any other committee during his/her term.
- 5.3 The ruling of the Chairman as to the construction or application of any of these Procedure Rules, or as to any proceedings of the Council, shall not be challenged at any meeting.

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

**6. Quorum**

6.1 The quorum of a full Council meeting will be one quarter of the whole number of Members (rounded up) present at the meeting where physical presence is required (or in attendance including remotely where such physical presence is not required).

6.2 The quorum for a meeting of the Cabinet and any Committees will be one half of the number of members appointed to that body (rounded up) subject to a minimum of three in each case.

6.3 During any meeting if the Chairman counts the number of Members present and declares there is not a quorum present the meeting will adjourn and remaining business will be considered at a time and date fixed by the Chairman or failing such, at the next ordinary meeting.

**7. Members' Business**

7.1 At each ordinary meeting of the full Council, a period not exceeding 15 minutes shall be allowed during which any Member may make a statement or give preliminary verbal notice of a question provided that:

- (a) such statement or question must be relevant to some matter in relation to which the Council has powers or duties, or which affects the District and has not been otherwise before the Council for consideration at the same meeting;
- (b) no Member may make more than one statement or give notice of more than one question;
- (c) no Member shall speak pursuant to this Procedure Rule for longer than two minutes;
- (c) the statement or notice of question shall not be the subject of discussion or reply at that meeting;
- (d) after the expiry of the said period of 15 minutes the Council shall proceed to the next business; and
- (e) such statement or question is not (in the opinion of the Chairman) scurrilous, improper, capricious, irrelevant or otherwise objectionable.

**8. Questions from the Public**

8.1 Residents, electors or business rate payers of the District shall be entitled to ask questions at a meeting provided that:

- (a) the question(s) are relevant to an item on the Agenda for that meeting;
- (b) all the questions from one body shall not exceed three minutes when read out;
- (c) written notice has been given to the Member Services Manager by noon plus one clear working day before the meeting (via email or otherwise as he / she agrees) of the question(s) to be asked; and
- (d) the questions have not been rejected in accordance with Rule 8.5.

## 8.2 Time for Public Questions

Any public question shall be dealt with at the beginning of the Agenda and limited to 30 minutes provided that the Chairman may extend the time, or proceed to the next agenda time within the shortened period if there are no questions or all permitted questions are answered.

## 8.3 Attendance

Persons submitting questions must be present (remotely or in person) at the meeting unless the Chairman agrees to address the questions in the questioner's absence.

## 8.4 Order of Questions

Questions will be asked in the order they have been received.

## 8.5 Scope

The Chairman may, following advice from either the Chief Executive, Monitoring Officer or Member Services Manager, reject a question giving reasons for that rejection, if it:

- (a) Is not about a matter for which the Council has a responsibility or which affects the District;
- (b) Is in his/her opinion scurrilous, improper, capricious, irrelevant or otherwise objectionable;
- (c) Is substantially the same as a question which has been put at a meeting to which these rules apply in the past six months; or
- (d) Requires the disclosure of confidential or exempt information.

## 8.6 Supplementary question

At the discretion of the Chairman questioners may ask one supplementary question.

## 8.7 Answers to questions

8.7.1 The Chairman or at meetings of the Council the appropriate Committee chairman, shall respond to all valid questions.

8.7.2 Replies to questions may be verbal in writing or by reference to a published document.

8.7.3 Replies which are not provided at the meeting shall be reported to the next relevant meeting by publishing them alongside the draft minutes when available and by circulating them to all Members.

## 9. Petitions from the Public to full Council

## **9.1 Notice of Petition**

- 9.1.1 If a citizen wishes to present a petition to a Council meeting, notice must be given at least 10 working days before the meeting.
- 9.1.2 Petitions to be debated at the Council Meeting will have been selected according to the Petitions Scheme (which is attached as Appendix D to the Constitution).

## **9.2 Presentation of Petitions**

- 9.2.1 The petition organiser will be allowed 5 minutes to present the petition at the meeting.
- 9.2.2 Only one person may speak to present a petition.
- 9.2.3 The Council will debate a single petition for a maximum of 15 minutes (if the petition has 1500 signatures or more).
- 9.2.4 The Council's response to the petition may include one or more of the following:
- (a) taking the action requested in the petition;
  - (b) not taking the action requested in the petition;
  - (c) considering the petition at a council meeting;
  - (d) holding an inquiry into the matter;
  - (e) undertaking research into the matter;
  - (f) holding a public meeting;
  - (g) holding a consultation;
  - (h) holding a meeting with the petitioners;
  - (i) calling a referendum;
  - (j) referring the petition for consideration by other committees such as the Scrutiny Committee;
  - (k) where the issue is one on which the Cabinet is required to make the final decision, the Council will decide whether to make recommendations to inform that decision;
  - (l) the petition organiser will receive a written acknowledgement of receipt of their petition, details as to when and where their petition will be considered and a letter giving the outcome which will also be published on the Council website.

## **9.3 Scope of Petitions**

- 9.3.1 The Member Services Manager may reject a petition if it:
- (a) does not qualify under the scheme;
  - (b) does not follow the Council's guidelines for submitting a petition;
  - (b) it is vexatious, abusive or otherwise inappropriate;
  - (c) it is a petition qualifying under another enactment;
  - (d) it relates to a planning, licensing or other regulatory decision;



- (e) it relates to any other matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment.

## **10. Questions from Members at full Council**

### **10.1 Question without notice on reports of the Cabinet and Committees**

At an Ordinary meeting of the full Council a Member of the Council may ask the Leader, Cabinet Members or the Chairman of a Committee any question without notice upon an item of the report of the Cabinet or a Committee when that item is being received or under consideration by the Council.

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

A Member of the Council may, ask the Chairman of the Council, the Leader, a Cabinet Member or the Chairman of any Committee any question which:

- (a) concerns the Council's powers / duties or which otherwise affects the District;
- (b) relates to matters on which the Council has or may determine a policy;
- (c) the Member has provided written notice of the question to the Chief Executive no later than noon, two clear days preceding the Council meeting;
- (d) the question has first been discussed at a meeting of the Cabinet or Committee and the Member is not satisfied with the adequacy of the answer contained in the relevant Minutes;

and

- (e) the question is not (in the opinion of the Chairman taking account of the advice on the matter from the Chief Executive, Monitoring Officer or Member Services Manager) one which:
  - (i) is scurrilous, improper, capricious, irrelevant or otherwise objectionable
  - (ii) is substantially the same as a question which has been put at a meeting of the Council (or other meeting to which these rules apply) in the past six months;
  - (iii) requires the disclosure of confidential or exempt information unless the question is raised in closed session;
  - (iv) contains expressions of opinion; or
  - (v) relates to questions of fact.

### **10.3 Questions relating to urgent business**

A Member of the Council may, with the advance permission of the Chairman, put to him, the Leader, a Cabinet Member or the Chairman of any Committee any question relating to urgent business of which notice has not been given in accordance with paragraph 10.2(c) above, provided that:

- (a) the Chairman in his absolute discretion is satisfied that the matter being raised is of such urgency that compliance with paragraph 10.2(c) is precluded nor should its consideration be delayed until the next meeting of the Cabinet or the Committee; and
- (b) a copy of any such question has been delivered to the Chief Executive no later than 9am the day before the Council meeting.

#### **10.4 Order of Questions**

- 10.4.1 Questions under 10.2 and 10.3 shall be taken at the appropriate point in the relevant Committee report or in the absence of such, at the Members' Questions agenda item.
- 10.4.2 Questions and written answers shall be printed in order of receipt and circulated amongst the Members at the commencement of the Council meeting.
- 10.4.3 No discussion shall be allowed upon questions or answers save as is permitted under Rules 10.5 to 10.8 below.

#### **10.5 Form of Response**

- 10.5.1 The Chief Executive shall arrange for copies of questions and answers to be sent to Members not present at the Meeting of the Council.
- 10.5.2 An answer may take the form of:
- (a) a direct oral answer at the meeting;
  - (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 within 10 working days to the questioner and all Members.

#### **10.6 Supplementary question**

One relevant supplementary question to an answer to a question on notice shall be allowed to the original questioner but may be disallowed or not answered if the Chairman of the Council considers it in breach of paragraph 10.2(e).

#### **10.7 Length of Speeches**

A Member asking a question under Rules 10.1 to 10.3 and a Member answering such a question may speak for no longer than three minutes unless the Chairman consents to a longer period.

#### **10.8 Time Allowed for Questions**

- 10.8.1 The time allowed for consideration of all questions at full Council which are submitted under Rule 10 shall not, without the consent of the Council, exceed 30 minutes.
- 10.8.2 At the conclusion of the answer to the question under consideration at the expiry of 30 minutes (or such longer period to which the Council has consented) from the time when the first questioner started to speak, the Chairman shall continue with the meeting unless the Council resolves otherwise at the meeting.

10.8.3 Any remaining questions shall be responded to in writing before the next ordinary meeting of the Council with written answers to be forwarded to all Members.

## 11. **Motions**

### 11.1 **Motions on Notice**

11.1.1 **Notice:** Except for motions which can be moved without notice under Rule 11.7, written notice of every motion, must be delivered to the Chief Executive via Member Services at least eight clear working days before the Council meeting at which it is to be considered.

11.1.2 **Record of Motions:** Motions received will be entered in a record, in the order they are received, which is open to public inspection. Where a motion is rejected, the record need only comprise a summary giving reason(s) why it was rejected.

11.1.3 **Motion set out in Summons:** The Chief Executive shall set out in the Summons for every meeting of the Council all Motions of which notice has been duly given in the order in which they have been received, unless:

- (a) The motion is rejected in accordance with Rule 11.5; or
- (b) The Member giving such a notice intimated in writing, when giving it, that he/she proposed to move it at some later meeting or has since withdrawn it in writing.

11.1.4 **Motion not moved:** Subject to 11.1.7 if a Motion set out in the Summons is not moved either by a Member who gave notice or by some other Member on his behalf it shall, unless postponed by resolution of the Council, be treated as withdrawn and shall not be moved without fresh notice.

11.1.5 **Speaking on the Motion:** Those moving and seconding the Motion at the Council meeting shall be invited to speak on the Motion. In the event that the Motion stands referred to another body as provided for in 11.1.6 the mover (or in his absence, the seconder) of the Motion shall be invited to the relevant meeting to amplify the Motion, but without any right to vote except as a member of the Cabinet or relevant Committee.

11.1.6 **Reference to Committee:** If the subject matter of any Motion, of which notice has been duly given comes within the province of the Cabinet or a Committee, it shall, after being formally moved and seconded (with those moving and seconding the motion having been given the opportunity to speak on the Motion), either:

- (a) stand referred to the Cabinet or the most relevant Committee as the Chairman may determine for consideration and report; or
- (b) on an alternative motion being put forward and accepted, be dealt within in accordance with that alternative motion.

11.1.7 **Consideration by full Council:** The Chairman of Council may if he considers it convenient and conducive to the despatch of business allow the Motion to be dealt with at the meeting, at which it is brought forward.

11.1.8 **Scope of Motions on Notice:** Motions must:

- (a) be about matters for which the Council has a responsibility or which affect the District; and
- (b) not, in the opinion of the Chief Executive be out of order, illegal, irregular or improper.

11.1.9 If a motion is not within scope, the Chief Executive shall as soon as is practicable, submit the notice of motion to the Chairman of the Council and the motion shall not be accepted nor placed on the agenda without the Chairman's sanction.

11.1.10 In the event of non-acceptance, the Chief Executive shall inform the member giving notice as soon as reasonably possible of the reason(s) for the rejection.

## 11.2 **Motion on Notice to Remove the Leader**

In order for such a motion to be carried it must have the support of the majority of those members voting and present in the room at the time the question was put.

## 11.3 **Motions without Notice**

11.3.1 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 adopt a recommendation on some other course of action arising from a report to the meeting or as a result of a petition submitted to the meeting or recommendation arising from single issue debate
- (e) to refer something to an appropriate body or individual;
- (f) to appoint a committee or member arising from an item on the summons for the meeting;
- (g) to receive reports or adoption of recommendations of Committees or officers and any resolutions following from them;
- (h) to withdraw a motion which may be moved in accordance with this procedure rule;
- (i) to amend a motion which may be moved in accordance with this procedure rule, subject to the provisions of the Budget and Policy Framework Procedure Rules in relation to amendment of the Cabinet's proposals for the Council's Budget and Policy Framework;
- (j) to proceed to the next business (such Motion may only be moved by a Councillor who has not spoken in the debate)
- (k) that the question be now put (such Motion may only be moved by a Councillor who has not spoken in the debate)

- (l) to adjourn a debate;
- (m) to adjourn a meeting;
- (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) not to hear further a Member named under Rule 18.2 or excluded from the meeting under Rule 18.3; and
- (q) to give the consent of the Council where its consent is required by this Constitution.

## **12. Rules of Debate**

**12.1** No speeches may be made unless the appropriate Notice has been given and until the Motion is seconded; or the appropriate Notice has been given and is moved by the Chairman of the meeting.

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

### **12.3 Content and length of speeches**

12.3.1 Speeches must be directed to the question under discussion or to a personal explanation or point of order.

12.3.2 No speech shall exceed:

- (a) Five minutes in the case of the mover of a Motion;
- (b) Three minutes in the case of the seconder;
- (c) Five minutes in the case of the Leader, the relevant Cabinet Member or the Chairman of a Committee dealing with the matters arising from committee reports except with the consent of the Chairman who shall have discretion to extend that time if it appears prudent in his judgement to do so;
- (d) Three minutes in all other cases except by consent of the Council; and
- (e) When the Council's annual budget is under discussion, the leader of each political group on the Council may speak for up to five minutes or such longer period as the Chairman shall allow.

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

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

- (a) to speak once on an amendment moved by another member;
- (b) to move a further amendment if the motion has been amended since he/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.

## **12.5 Amendments to motions**

- 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 or reconsideration;
    - (i) to leave out words;
    - (ii) to leave out words and insert or add others; or
    - (iii) to insert or add words
    - (iv) as long as the effect of (i) to (iii) is not to 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 of action would facilitate the proper conduct of the Council's business.
  - (c) If an amendment is not carried, other amendments to the original motion may be moved.
  - (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
  - (e) After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

## **12.6 Alteration of motion**

- 12.6.1 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.
- 12.6.2 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.
- 12.6.3 Only alterations which could be made as an amendment may be made.

## **12.7 Withdrawal of motion**

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

## **12.8 Right of reply**

- 12.8.1 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.

- 12.8.2 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.
- 12.8.3 The mover of the amendment has no right of reply to the debate on his/her amendment.

### **12.9 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 Procedure Rules; and
- (h) Not to hear further a Member named under Rule 18.2 or excluded from the meeting under Rule 18.3.

### **12.10 Closure motions**

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

- (a) to proceed to the next business;
- (b) that the question be now put;
- (c) to adjourn a debate; or
- (d) to adjourn a meeting.

12.10.2 If a motion to proceed to next business is seconded and the Chairman considers the item has been sufficiently discussed, he/she will give the mover of the original motion (if there is one) a right of reply and then put the procedural motion to the vote.

12.10.3 If a motion that the question be now put is seconded and the Chairman considers 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 (if there is one) a right of reply before putting his/her motion to the vote.

12.10.4 If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman considers 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.

### **12.11 Point of Order**

A point of order is a request from a member to the Chairman to rule on an alleged irregularity in the procedure of the meeting. A member may raise a point of order at any time. The Chairman will hear them immediately. A point of order may only relate to an alleged breach of procedure set out in these Council 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 Chairman on the matter will be final.

#### **12.12 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.

### **13 State of the District Debate**

#### **13.1 Calling of the debate**

The Leader may call a state of the District debate annually on a date to be agreed with the Chairman.

#### **13.2 Form of the debate**

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

#### **13.3 Chairing of the debate**

The debate will be chaired by the Chairman.

#### **13.4 Results of the debate**

##### **13.4.1 The results of the debate will be:**

- (a) disseminated as widely as possible within the community and to agencies and organisations in the area; and
- (b) considered by the Leader in proposing the Budget and Policy Framework to the Council for the coming year.

13.4.2 If the Leader fails to call a debate within nine months in any municipal year, it may be called by notice in writing to the Chief Executive signed by any 10 Members of the Council and that the debate shall be heard on the subject and form specified by those 10 Members.

### **14. Previous Decisions and Motions**

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



A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 10 Members.

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

14.2.1 This Procedure Rule 14.2 shall not apply to Motions moved in pursuance of a recommendation of a Committee.

14.2.2 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 ten members.

14.2.3 Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

### **15. Voting**

#### **15.1 Majority**

Unless this Constitution 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 is put.

#### **15.2 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.

#### **15.3 Method of Voting**

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

#### **15.4 Recorded vote**

If 10 Members present at the meeting demand 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.*

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

Where any Member requests it immediately after the vote is taken, their vote will be recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

#### **15.6 Voting on appointments**

- 15.6.1 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 least number of votes will be taken off the list and a new vote taken.
- 15.6.2 The process will continue until there is a majority of votes for one person.

## **15.7 Voting on the Budget and Council Tax**

At a Budget meeting, the vote on any motion or amendment relating to the setting of the Budget (revenue and capital budget) and Council Tax or precept shall be by roll call and the names of Members who voted as for, against or in abstention to any such motion or amendment shall be recorded in the minutes of that meeting.

## **16. Minutes**

### **16.1 Signing the minutes**

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

### **16.2 No requirement to sign minutes of previous meeting at an Extra-ordinary 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.

### **16.3 Form of minutes**

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

## **17. Exclusion of Public**

Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Part 4 of this Constitution or Rule 19 (Disturbance by Public) or otherwise permissible in law.

## **18. Members' Conduct**

### **18.1 Speaking at meetings**

- 18.1.1 When a Member speaks at full Council he/she must address the meeting through the Chairman.
- 18.1.2 If more than one Member signifies their intention to speak, the Chairman will ask one to speak.
- 18.1.3 Other Members must remain silent whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.

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

- 18.2.1 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 not be heard further.
- 18.2.2 If seconded, the motion will be voted on without discussion.

## **18.3 Member to leave the meeting**

- 18.3.1 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.
- 18.3.2 If seconded, the motion will be voted on without discussion.

## **18.4 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.

## **19. Disturbance by the Public**

### **19.1 Removal of member of the public**

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

### **19.2 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.

## **20. Suspension and Amendment of Council Procedure Rules**

### **20.1 Suspension**

All of these Council Rules of Procedure except Rules 5.3, 15.5, 16.3 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 can only be for the duration of the meeting.

### **20.2 Amendment**

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council unless the amendment is the subject of a report from the Standards Committee.

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