

SECTION 1 - 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).

1. Exceptions of Rules to Committees Meetings
2. Full Council
3. Substitute Members
4. Time Place and Notice of Meetings
5. Chairman of the Meeting
6. Quorum
7. Members' Business at full Council
8. Questions by the Public
9. Petitions from the Public
10. Questions from Members at full Council
11. Motions
12. Rules of Debate
13. State of District Debate
14. Previous Decisions and Motions
15. Voting
16. Minutes
17. Exclusion of the Public
18. Members' Conduct
19. Disturbance by the Public
20. Suspension and Amendment of Council Procedure Rules

41. Exceptions of Rules to Committee Meetings

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

Appendix C – Tracked Changes shown

<u>Scrutiny</u>	<u>Members' Business (Rule 7)</u> <u>No motions other than those referred by full Council (Rule 11)</u> <u>No restriction on the number of times a member can speak during debate (Rule 12)</u>
<u>Standards</u>	<u>No appointment of Substitutes for sub-committees (Rule 3)</u> <u>Members' Business (Rule 7)</u> <u>Public Questions for sub-committees (Rule 8)</u> <u>No motions other than those referred by full Council (Rule 11)</u> <u>No restriction on the number of times a member can speak during debate (Rule 12)</u>

2. Annual Meeting of the Full Council

Formatted: Underline

2.1 Annual Meeting

2.1.1 Timing and business:

Formatted: Font: Bold

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:

Formatted: Font: Bold

- (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 Head of Paid Service/Chief Executive;
- (f) elect the Leader (following the ordinary election of councillors);
- (g) elect the Scrutiny Committee Chairman;
- (h) ~~agree the scheme of delegations as set out in Part 3 of this Constitution~~
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.

~~1.22.1.3~~
~~of Councillors on Outside Bodies~~

Appointment of Committees; and Selection

Formatted: Font: Bold

At the ~~a~~Annual ~~m~~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 ~~e~~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 ~~e~~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 ~~e~~Executive functions);

2.2 Ordinary Meetings

~~2.2.1~~ **Business:** ~~Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting.~~ The order of business at ordinary meetings will be as follows:

Formatted: Font: Bold

- (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 ~~questions from, and provide answers to, the public in relation to matters which in the opinion of the Chairman are relevant to the Council's functions or business of the meeting~~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 ~~reports-recommendations~~ from the Cabinet ;
- (l) consider any ~~reports-recommendations~~ submitted by the ~~Scrutiny Committee and the other~~ Council's ~~e~~Committees;
- (m) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (n) receive ~~statement made and notices of future questions given by Members' Business (as set out in Rule 7);~~
- (o) consider any urgent items of business brought forward at the discretion of the Chairman ~~and . In respect of any such urgent items of business, the Chairman must be satisfied that the item of business is urgent~~

~~enough to justify its inclusion on the agenda. The~~ reason for urgency must be announced at the meeting and recorded in the minutes. ~~The discretion as to urgency is entirely with the Chairman;~~ and

- (p) consider any other business specified in the summons to the meeting ~~and reports of the Scrutiny Committee for debate;~~

2.2.2 **Variation of Order of Business:**

Business falling under items ~~2.2.1 and 2.2~~ shall not be displaced, but subject thereto the ~~foregoing~~ 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 ~~Calling extraordinary meetings~~

Those listed below may request the ~~pP~~roper ~~eO~~fficer to call Council meetings in addition to ~~eO~~rdinary ~~mM~~eetings:

- (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 ~~Business~~

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 eC~~ommittees 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.

34. ~~Appointment of s~~**Substitute m**~~M~~embers

43.1 **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.

Formatted: Underline

Formatted: Font: Bold

- 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.

Cabinet

~~This rule does not apply to the Cabinet as they are not able to use substitutes~~

4.2 — ~~Scrutiny Committee and Policy Development Groups (PDGs)~~

~~Where a member is appointed to the Scrutiny Committee, Policy Development Groups or to serve on any committee or sub-committee of another council on which this council is represented, provided that council's constitution so permits, that member may appoint a substitute member to attend the meeting~~

4.3 — ~~Planning, Licencing, Licensing Regulatory, Audit and Standards Committee~~

~~In respect of the Licensing, Licensing Regulatory, Audit and Standards Committees, each Committee will have a pool of five suitably trained members shall be established and substitutes may only be nominated from that pool. Planning Committee has a pool of 7).~~

4.4 — ~~Licencing, Licensing Regulatory and standards sub-committees~~

~~Substitutes cannot be used in the case of a Licencing, Regulatory or Standards sub-committee.~~

4.5

~~Where the Member appointing a substitute is a Member of a Political Group the substitute Member shall be from the membership of that same 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.

~~A substitute Member shall be entitled to vote and shall assume all the responsibilities and rights of a Member of the Scrutiny Committee, Audit Committee, Policy Development Group, Committee, Sub-Committee or other body.~~

~~Notice in writing of a substitute shall be given to the Chief Executive (and recorded by him in the order in which they are received) by the Member appointing the substitute before the commencement of the meeting. Notification by a Member purporting to be a substitute Member will not be accepted.~~

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 ~~Scrutiny Committee, Audit Committee, Policy Development Group, Committee, Sub-Committee etc.~~

~~The Monitoring Officer may consider a request from a Member of a Council Body to appoint a substitute Member (for one meeting only), providing that substitute Member is from the same political group.~~

~~In order to be eligible to sit as substitutes on regulatory or quasi-judicial committees or panels or staff appointments or disciplinary bodies~~

~~established by the Council, Members must have received formal training in relevant procedures and the law~~

~~Substitute Members will have all the powers and duties of any ordinary Member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.~~

3.2.3 Substitute Members may only attend meetings in that capacity ~~only~~where:

~~(a) to take the place of the ordinary Member for whom they are designated substitute;~~

~~(b)(a)~~ where the ordinary Member will be absent for the whole of the meeting;

~~(c)(b)~~ where the ordinary Member has notified the Member Services ~~Officer~~Manager by email of the intended substitution at least one hour before the start of the relevant meeting; and

~~(d)(c)~~ provided, in the case of area committees, ~~that~~ the substitution does not alter the balance on that committee between Members from the area and Members from the rest of the District.

54. Time, Place and ~~Duration~~ Notice of Meetings

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

6. Notice of and Summons to Meetings

6.14.2 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 signed 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.

75. Chairman of the Meeting

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

75.2 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.

86. Quorum

86.1 The quorum of a Full Council meeting will be one quarter of the whole number of Members (~~11 members rounded up~~) present at the meeting where physical presence is required (or in attendance including remotely where

Formatted: Underline

Formatted: Underline

Formatted: Underline

~~such physical presence is not required). 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.~~

~~86.2 The quorum for a meeting of the Cabinet and any, ~~Scrutiny 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.~~, ~~Audit Committee, Standards Committee, Policy Development Groups, Planning Committee, Licensing Committee, Licensing Regulatory Committee, a Committee or a sub-committee of the Council will be one half of the number of members appointed (rounded up) to the Cabinet (four), Scrutiny Committee (six), Audit Committee (four), Standards Committee (five), Policy Development Groups (five), Planning Committee (six), Licensing Committee (six), Licensing Regulatory Committee (six), a Committee or a sub-committee. See the procedure Rules for information about quorum per committee~~~~

~~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.~~

~~9. Single Issue Debate~~

~~9.1 Where any five members give notice in writing, delivered at least eight clear days before the next meeting of the Council at the office of the Chief Executive, of request for a single issue debate. Rule 16 (Rules of Debate) shall not apply to any debate under this Procedure Rule.~~

~~9.2 A period of not exceeding one hour shall be allowed during which debate may take place. Any recommendations arising from such debate shall be referred to the appropriate committee for consideration.~~

~~107. Members' Business~~

~~107.1 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) and no Member shall speak pursuant to this Procedure Rule for longer than two minutes;~~

~~(d) the statement or notice of question shall not be the subject of discussion or reply at that meeting;~~

~~(e) and after the expiry of the said period of 15 minutes the Council shall proceed to the next business; and~~

Formatted: Underline

(f)– such statement or questions is not (in the opinion of the Chairman) scurrilous, improper, capricious, irrelevant or otherwise objectionable.

448. Questions by from the Public

Formatted: Underline

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

General

- (a) ~~(a)~~the question(s) are relevant to an item on the Agenda for that meeting; Public Question Time shall apply at all public meetings of the Council with the exception of the Licencing Sub Committee, Licensing Regulatory Sub-committee and Standards Sub Committee.
- (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

Formatted: Font: Bold

~~(b) Any Public Question Time shall normally be dealt with at the beginning of the Agenda (i.e. as part of the formal meeting) unless a Committee/Group shall determine otherwise; and~~

~~(c) The total time allocated for questions by the public is 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. In the event that there are no questions, or no further questions, the Chairman shall have the discretion to proceed with the Agenda prior to the expiry of that period. The Chairman also has discretion to extend the time for public questions if he/she deems it to be appropriate~~

~~(d) Residents, electors or business rate payers of the District shall be entitled to ask questions~~

11.28.3 Asking a question at the meeting Attendance

Formatted: Font: Bold

~~Ideally p~~Persons submitting questions ~~should~~ must be present (remotely or in person) at the meeting unless the Chairman agrees to address the questions in the questioner's absence. It is preferable that notice is given of the question to be asked at the meeting

~~However, if a questioner who has submitted a question is unable to be present, they may ask the Chairman to put the question on their behalf.~~

8.4 Order of Questions

Formatted: Font: Bold

(a) Questions will be asked in the order they have been received

8.5 Scope

- ~~(b) Written questions will be dealt with first~~
- ~~(c) Questions may be verbal or, preferably written~~
- ~~(d) A question shall not exceed 3 minutes~~
- ~~(e) Questions must be relevant to an item on the Agenda for that meeting~~
- ~~(f) The Chairman may, following advice from either the Chief Executive, Monitoring Officer or Member Services Manager, ~~shall have the discretion to~~ 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 of the Council in the past six months; or

(d) Requires the disclosure of confidential or exempt information.

11.38.6 Supplementary question

At the discretion of the Chairman ~~of that meeting~~, questioners may ask one supplementary question.

11.48.7 Answers to questions

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

8.7.2 Replies to questions may be verbal, ~~or at the discretion of the Chairman~~, in writing, or by reference to a published document.

8.7.3 ~~Written R~~epplies which are not provided at the meeting shall be reported to the next relevant meeting ~~of the Committee and by publishing them~~ alongside the draft minutes when available and by circulating them. ~~Responses will also be sent to all CouncillorsMembers.~~

129. Petitions from the Public to Full Council

129.1 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).

129.2 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 ~~then~~ debate a single the petition for a maximum of 15 minutes (if the petition has 1500 signatures or more).

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Font: Bold

9.2.4 The Council's response to the petition ~~will depend on what the petition asks for and how many people have signed it, but it~~ 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.

12.59.3 **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 i.e. it does not~~ follow the Council's guidelines for submitting a petition;
- (c) it is vexatious, abusive or otherwise inappropriate;
- (d) it is a petition qualifying under another enactment;
- (e) it relates to a planning, licensing or other regulatory decision;
- ~~(e) it relates to a licensing decision;~~
- (f) 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.

1310. **Questions ~~by~~ from Members at full Council**

1310.1 **Questions without notice ~~on~~ reports of the Cabinet ~~or~~ and Committees**

At an Ordinary meeting of the full Council, ~~other than the Annual meeting,~~ 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.

Formatted: Font: Bold

Formatted: Font: Bold

~~at the next meeting of the Cabinet or the appropriate Committee or Sub-Committee and~~

~~(b) provided also that~~ a copy of any such question has been delivered to the Chief Executive no later than ~~nine o'clock~~9am on the morning of the day before the Council Meeting.

103.4 Order of Questions

~~10.4.1~~ Questions under ~~paragraph 10.2 and 103.3 above~~ 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. ~~and~~

~~10.4.3~~ ~~¶~~No discussion shall be allowed upon questions or answers save as is permitted under Rules 10.5 to 103.8 below.

~~13.5~~ Content of Questions

~~Questions under Rule 13.3 or 13.4 must, in the opinion of the Chairman:~~

- ~~(a) contain no expressions of opinion;~~
- ~~(b) relate to matters on which the Council has or may determine a policy;~~
- ~~(c) not relate to questions of fact.~~

~~If questions or supplementary questions are unsuitable in form, frivolous or derogatory to the dignity of the Council, the Chairman of the Council shall have the right to rule the matter void.~~

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.

Formatted: Font: Bold

Formatted: Font: Bold

13.10.6.7 Supplementary question

Formatted: Font: Bold

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 unless such supplementary question is disallowed by the Chairman of the Council considers it in breach of under paragraph 13.5 10.2(e) of this Rule.

103.78 Length of Speeches

Formatted: Font: Bold

A Member asking a question under Rules 13.310.1 or to 13.4 10.3 and a Member answering such a question may speak for no longer than 3-three minutes unless the Chairman consents to a longer period.

103.89 Time Allowed for Questions at Council Meetings

Formatted: Font: Bold

10.8.1 The time allowed for consideration of all questions at full council which are submitted under Rule 13-10 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 the-written answers to be forwarded to all CouncillorsMembers.

114. Motions

11.1 Motions on Notice

114.1.1 Notice:

Formatted: Font: Bold

Except for motions which can be moved without notice under Rule 1511.7, written notice of every motion, must be delivered to the Chief Executive via Member Services at least 8-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, and w/where a motion is rejected, the record need only comprise a summary they are rejected-giving reason(s) why it was rejected.

Formatted: Font: Bold

14.211.1.3 Motion set out in summons:

Formatted: Font: Bold

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.

14.311.1.4 Motion not moved:

Formatted: Font: Bold

Subject to 11.1.7 if a Motion thus set out in the Summons be-is not moved either by a Member who gave notice thereof or by some other Member on his

behalf it shall, unless postponed by ~~consent 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.

Formatted: Font: Bold

14.411.1.6 Automatic Reference to Committee:

Formatted: Font: Bold

Formatted: Font: Bold

If the subject matter of any Motion, of which notice has been duly given comes within the province of the Cabinet, ~~or a Committee or Policy Development Group~~, it shall, ~~upon~~ after being formally moved and seconded (with those moving and seconding the motion ~~having been given the opportunity being invited to speak at this point on the Motion~~), either:

(a) stand referred to the Cabinet ~~or the most relevant~~ Committee ~~or Policy Development Group~~ as the Chairman may determine for consideration and report; ~~or~~

(a)(b) ~~unless on~~ an alternative ~~proposition motion is being~~ put forward and is accepted, ~~be dealt within in accordance with that alternative motion; and that the mover (or in his absence, the seconder) of the Motion should be invited to the meeting of the Cabinet, Committee or Policy Development Group to amplify the Motion, but without any right to vote except as a member of such Committee. Provided that the Chairman 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.~~

11.1.7 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.

Formatted: Font: Bold

14.511.1.8 Scope of Motions on Notice:

Formatted: Font: Bold

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 notice is given of any original motion that, in the opinion of the proper officer is out of order, illegal, irregular or improper a motion is not within scope, the Chief Executive shall as soon as is practicable, then the proper officer shall immediately submit ~~such~~ the notice of motion to the Chairman of the Council and ~~it~~ the motion

shall not be accepted ~~and nor~~ placed on the agenda without ~~his~~ the Chairman's sanction.

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

11.1.10.2 **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.

11.1.10.3 **Motions without Notice**

11.1.10.3.1 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 eCommittees 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 ~~23-3~~18.2 or excluded from the meeting under Rule ~~23-4~~18.3; and
- (q) to give the consent of the Council where its consent is required by this Constitution.

162. **Rules of Debate**

Formatted: Font: Bold

Formatted: Underline

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.

~~A Motion or Amendment shall not be discussed unless it has been proposed and seconded, and unless the appropriate Notice has been given:-~~

- ~~(a) in the case of a Motion, in accordance with Rule 14; or~~
- ~~(b) in the case of an Amendment (other than an Amendment moved in accordance with Rule 15), notice in writing of the Amendment shall have been delivered to the office of the Chief Executive of the District Council by no later than 9.30am on the day before the day of the meeting and a copy of it shall be circulated to each Member of the District Council by the Chief Executive at the commencement of the meeting at which it is to be discussed.~~

~~Except that where the Chairman is satisfied that, in the context of the debate which has taken place, a further Amendment becomes necessary, he may at his discretion allow such further Amendment to be moved at the meeting. Any such further Amendment shall be put in writing and handed to the Chairman before it is discussed or put to the meeting.~~

12.216.1 Secunder's speech

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

46.212.3 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.

Formatted: Font: Bold

16.312.4 When a Member may speak again

Formatted: Font: Bold

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.

16.412.5 Amendments to motions

Formatted: Font: Bold

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)4~~ to ~~3iii)~~ 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 ~~A~~ 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.

16.512.6 Alteration of motion

Formatted: Font: Bold

12.6.1A 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.

Appendix C – Tracked Changes shown

[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.

46.612.7 **Withdrawal of motion**

Formatted: Font: Bold

[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.

46.712.8 **Right of reply**

Formatted: Font: Bold

[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.

46.812.9 **Motions which may be moved during debate**

Formatted: Font: Bold

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 [23-318.2](#) or excluded from the meeting under Rule [23-418.3](#).

46.912.10 **Closure motions**

Formatted: Font: Bold

[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 ~~thinks~~ ~~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 ~~thinks~~ ~~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 ~~thinks~~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.

16.1012.11

Point of order

Formatted: Font: Bold

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.

16.1112.12

Personal explanation

Formatted: Font: Bold

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.

1713. **State of the District Debate**

Formatted: Underline

1713.1 **Calling of the debate**

Formatted: Font: Bold

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

1713.2 **Form of the debate**

Formatted: Font: Bold

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.

1713.3 **Chairing of the debate**

Formatted: Font: Bold

The debate will be chaired by the Chairman.

1713.4 **Results of the debate**

Formatted: Font: Bold

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.

1814. **Previous Decisions and Motions**

Formatted: Underline

1814.1 **Motion to rescind a previous decision**

Formatted: Font: Bold

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.

~~48~~14.2 **Motion similar to one previously rejected**

Formatted: Font: Bold

~~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.

~~Provided that the Procedure Rule shall not apply to Motions moved in pursuance of a recommendation of a Committee.~~

4915. Voting

Formatted: Underline

4915.1 Majority

Formatted: Font: Bold

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.

4915.2 Chairman's casting vote

Formatted: Font: Bold

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.

4915.3 Method of Voting

Formatted: Font: Bold

Unless a recorded vote is demanded under Rule ~~4915~~.4 the Chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

4915.4 Recorded vote

Formatted: Font: Bold

If ~~ten~~ 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.

4915.5 Right to require individual vote to be recorded

Formatted: Font: Bold

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.

4915.6 Voting on appointments

Formatted: Font: Bold

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.

1915.7 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.

Formatted: Font: Bold

Formatted: No underline

2016. Minutes

Formatted: Underline

2016.1 Signing the minutes

Formatted: Font: Bold

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 Extraordinary meeting

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Font: Bold

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.

20.216.3 Form of minutes

Formatted: Font: Bold

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

21. Record of Attendance

~~Every member of the Council attending a meeting of the Council, the Cabinet, Scrutiny Committee, Audit Committee, Policy Development Groups, Committees and Sub-Committees of which he/she is a member, shall sign his/her name in the attendance book or sheet provided for that purpose.~~

~~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.~~

2217. Exclusion of Public

Formatted: Underline

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 24-19 (Disturbance by Public) or otherwise permissible in law.

2318. Members' Conduct

Formatted: Underline

2318.1 Speaking at meetings

Formatted: Font: Bold

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.

~~23.2~~ ~~Chairman speaking~~

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

~~23.3~~[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.

~~23.4~~[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.

Formatted: Font: Bold

Formatted: Font: Bold

~~23-518.4~~

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.

Formatted: Font: Bold

2419. Disturbance by the Public

Formatted: Underline

2419.1 Removal of member of the public

Formatted: Underline

19.1.1 If a member of the public interrupts proceedings, the Chairman will warn the person concerned.

Formatted: Font: Bold

19.1.2. If they continue to interrupt, the Chairman will order their removal from the meeting room.

2419.2 Clearance of part of meeting room

Formatted: Font: Bold

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.

2520. Suspension and Amendment of Council Procedure Rules

Formatted: Underline

2520.1 Suspension

Formatted: Font: Bold

All of these Council Rules of Procedure except Rules 49-55.3, 20-215.5, and 27-16.3 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.

2520.2 Amendment

Formatted: Font: Bold

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.

26. Application to Committees and Sub-Committees

~~All of the Council Rules of Procedure apply to meetings of full Council. The Rules which apply to meetings of the Cabinet (except Rule 4), Committees and Sub-Committees are as follows:~~

- ~~(a) Rule 4 – Appointment of substitute members~~
- ~~(b) Rule 5 – Time and Place of Meetings~~
- ~~(c) Rule 6 – Notice and Summons to Meeting~~
- ~~(d) Rule 7 – Chairing of the Meeting~~
- ~~(e) Rule 8 – Quorum~~
- ~~(f) Rule 11 – Public Question Time~~
- ~~(g) Rule 16 – Rules of Debate~~
- ~~(h) Rule 19 – Voting (with the exception of 19.4 and 19.6)~~
- ~~(i) Rule 20.1 – Signing the Minutes~~
- ~~(j) Rule 21 – Record of Attendance~~
- ~~(k) Rule 22 – Exclusion of Public~~
- ~~(l) Rule 23 – Members Conduct~~
- ~~(m) Rule 24 – Disturbance by Public~~

~~(n) Rule 25 – Suspension of Procedure Rule~~

~~In applying Rule 16 to meetings of the Cabinet, Committees and Sub-Committees, Rules 16.4, (content and length of speeches) and 16.5 (when a member may speak again) shall not apply.~~

~~27. Interpretation of Procedure Rules~~

~~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 of the Council.~~