

## **PART A: COUNCIL MEETINGS**

### **1. ANNUAL MEETING OF THE COUNCIL**

#### **1.1 Timing and business**

In a year when there is an ordinary election of Councillors, the Annual Meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the Annual Meeting will take place in May.

The Annual Meeting will:

- i) elect a person to preside if the Chairman of Council is not present;
- ii) elect the Chairman of Council;
- iii) elect the Vice Chairman of Council;
- iv) receive any announcements from the Chairman and/or Head of the Paid Service;
- v) elect the Leader in the year where there is an ordinary election of Councillors or where the office is otherwise vacant;
- vi) receive a statement from the Leader on those Members who have been appointed to the Cabinet;
- vii) appoint at least one Scrutiny Committee, an Audit, Governance and Standards Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Part 3 of this Constitution);
- viii) agree the Scheme of Delegation or such part of it as the Constitution determines it is for the Council to agree (as set out in Part 3 of this Constitution);
- x) consider any business set out in the notice convening the meeting.

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

At the Annual Meeting, the Council meeting will:

- i) decide which Committees to establish for the municipal year;
- ii) decide the size and Terms of Reference for those Committees;
- iii) decide the allocation of seats to political groups in accordance with the political balance rules;
- iv) receive nominations of Councillors to serve on each Committee and, where appropriate, outside bodies; and
- v) appoint to those committees and outside bodies.

#### **1.3 Order of Business at the Annual Meeting**

- i) The order of business shall be as follows:
  - a) To elect the Chairman for the ensuing municipal year.
  - b) To receive apologies for absence.
  - c) To appoint the Vice Chairman for the ensuing municipal year.
  - d) Any announcements by the Chairman.
  - e) To appoint the Leader of the Council (following all out elections or in such circumstances as provided for in Article 7).
  - f) To receive from the Leader his/her appointments to the Cabinet.

- g) Questions pursuant to Procedure Rule 9.
  - h) To receive a report on the allocations to Committees.
  - i) To appoint representatives on outside bodies.
- ii) At the end of the meeting each of the following Committees shall meet to appoint their Chairman and Vice-Chairman and make any appointments to other bodies:

Planning Committee  
 Audit, Governance and Standards Committee  
 Scrutiny Committee  
 Licensing Committee

## 2. **ORDINARY MEETINGS**

2.1 Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's Annual Meeting. Ordinary meetings will:

- i) elect a person to preside if the Chairman and Vice Chairman are not present;
- ii) approve the minutes of the last meeting;
- iii) receive any announcements from the Chairman, Leader, Members of the Cabinet or the Chief Executive;
- iv) receive minutes and reports from the Cabinet and the Council's Committees and receive questions and answers on any of those reports;
- v) questions on other matters which affect the District or relate to the Cabinet's forward work programme;
- vi) consider motions; and
- vii) consider any other business specified in the summons to the meeting.

## 2.2 **Order of Business at Ordinary Meetings**

- i) Except as otherwise provided for, the order of business at every meeting shall be:-
  - a) To choose a person to preside if the Chairman and Vice-Chairman are absent.
  - b) To deal with business required by statute to be dealt with before other business.
  - c) To approve as a correct record and sign the minutes of the last meeting.
  - d) To receive apologies for absence.
  - e) To deal with any business expressly required by statute.
  - f) Chairman's, or Chief Executive's announcements.
  - g) Presentations to the Council
  - h) Statement by the Leader
  - i) Statements by Portfolio Holders
  - j) To receive and consider minutes, recommendations and reports of Cabinet, Committees, etc.
  - k) To answer questions asked under Procedure Rule No. 9.
  - l) To consider motions under Procedure Rule No. 10.
  - m) Any other item specifically referred to on the agenda.

### **Variation of Order of Business**

- ii) Business falling under items (1) a), b) or c) cannot be varied, but the remainder may be varied:-
  - a) At the Chairman's discretion.
  - 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.

### **3. EXTRAORDINARY MEETINGS**

#### **3.1 Calling Extraordinary Meetings**

Those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings:

- i) the Council by resolution;
- ii) the Chairman of the Council;
- iii) the Monitoring Officer; and
- iv) any five Members of the Council if they have signed a requisition presented to the Chairman of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

#### **3.2 Business**

The business of an extraordinary meeting of the Council shall be confined to the purpose for which it was convened.

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

The time and place of meetings will be determined by the Council when fixing its annual programme of meetings or otherwise as determined by the Chief Executive in consultation with the Chairman and notified in the summons.

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

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

### **6. CHAIRMAN OF MEETING**

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

### **7. QUORUM**

The quorum of a meeting will be one third of the whole number of Members. During any meeting if the Chairman counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

### **8. DURATION OF MEETING**

Unless the majority of Members present vote for the meeting to continue, any meeting that has lasted for 3 hours 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.

## **9. QUESTIONS BY MEMBERS**

### **9.1. On reports of the Cabinet or Committees**

A member of the Council may ask the Leader, Deputy Leader, Portfolio Holder with a designated portfolio or spokesperson role or 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.

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

Subject to Rule 9.4, a member of the Council may ask:

- the Chairman;
- the Leader or a Member of the Cabinet; or
- the Chairman of any Committee

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

### **9.3 Questions on notice at Committees**

Subject to Rule 9.4, a Member of a Committee may ask the Chairman of it a question on any matter in relation to which the Council has powers or duties or which affects the area and which falls within the Terms of Reference of that Committee.

### **9.4 Notice of questions**

A Member may only ask a question under Rule 9.2 or 9.3 if either:

- a) they have given at least 3 working days notice in writing of the question to the Chief Executive;
- b) the question relates to urgent matters, they have the consent of the Chairman to whom the question is to be put and the content of the question is given, if possible, to the Chief Executive by noon on the day before the meeting.

### **9.5 Questions of the Leader and/or Portfolio Holder without Notice**

- (a) A Member may ask a question of the Leader and/or Portfolio Holder without notice upon the Leader's or Portfolio Holders' Statement or any matter considered by the Cabinet or a Council Committee since the last Council Meeting.
- (b) Each statement and all questions on it will be limited to 5 minutes in total unless the Chairman extends the period.
- (c) If the Leader or Portfolio Holder provides an answer at the Meeting the Member who asked the question may ask one supplementary question. Further supplementary questions may be asked with the permission of the Chairman. The supplementary question(s) must arise directly out of the original question or the reply.
- (d) The Leader or Portfolio Holder may choose to provide a written answer after the Meeting and if any questions remain unanswered at the end of the period referred to in Rule 9.5(b) a written answer will be provided after the meeting.

### **9.6 Response**

- i) The Leader may designate another Portfolio Holder to reply to a question addressed to the Leader, Deputy Leader or Portfolio Holder notwithstanding whether the Leader also wishes to reply.

- ii) Every question shall be asked and answered without discussion, but the person of whom a question has been asked may decline to answer.
- iii) An answer may take the form of:
  - a) a direct oral answer;
  - b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
  - c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

#### 9.7 **Supplementary Question**

A Member asking a question under Rule 9.2 or 9.3 may ask one supplementary question without notice of the member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply.

#### 9.8 **Time Limits**

The questioner will be limited to two minutes initially and one minute for a relevant supplementary question.

### 10. **MOTIONS ON NOTICE**

#### 10.1 **Notice**

Except for motions which can be moved without notice under Rule 11, written notice of every motion, signed by the proposer and seconder and any other Member giving the notice, must be delivered to the Chief Executive not later than 8 days before the date of the meeting. These will be entered in a book open to public inspection.

#### 10.2 **Motion set out in Agenda**

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the Member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

#### 10.3 **Motion not moved**

If a motion set out on the agenda is not moved by a Member who gave notice of it or by some other Member on their behalf it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without a new notice under Procedure Rule 10.1

#### 10.4 **Automatic reference to the Cabinet or Committee**

If the subject of any motion of which notice has been given comes within the Terms of Reference of the Cabinet or a Committee it shall, upon being moved and seconded, be referred without discussion for consideration by the Cabinet or a Committee as the Council may decide.

Except where the matter is the responsibility of the Cabinet the Chairman may, if he considers it convenient and a matter of urgency, allow the motion to be dealt with at the meeting at which it is brought forward.

#### 10.5 **Scope**

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

## 11. MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- a) to appoint a Chairman of the meeting at which the motion is moved;
- b) in relation to the accuracy of the minutes;
- c) to change the order of business in the agenda;
- d) to refer something to an appropriate body or individual;
- e) to appoint a Committee or Member arising from an item on the summons for the meeting;
- f) to receive reports or adoption of recommendations of the Cabinet, Committees or officers and any resolutions following from them;
- g) to refer a decision back to a committee made under delegated powers;
- h) to withdraw a motion;
- i) to amend a motion;
- j) to extend the time limit for speeches;
- k) to proceed to the next business;
- l) that the question be now put;
- m) to adjourn a debate;
- n) to adjourn a meeting;
- o) that the meeting continue beyond 3 hours in duration;
- p) to suspend a particular Council procedure rule;
- q) to exclude the public and press in accordance with the Access to Information Rules;
- r) to not hear further a Member named under Rule 18.3 or to exclude them from the meeting under Rule 18.4;
- s) to give the consent of the Council where its consent is required by this Constitution; and
- t) to carry out a statutory duty which in the Chairman's opinion is urgent.

## 12. RULES OF DEBATE

### 12.1 No speeches until motion seconded

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

### 12.2 Right to require motion in writing

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

### 12.3 Seconders' speech

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

#### 12.4 **Content and length of speeches**

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed 5 minutes in the case of a proposer of a motion and 3 minutes in other cases without the consent of the Chairman.

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

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

- a) to speak once on an amendment moved by another Member;
- b) to 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;
- f) by way of personal explanation; and
- g) to answer a question from the Chairman.

#### 12.6 **Amendments to motions**

- a) An amendment to a motion must be relevant to the motion and will either be:
  - i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
  - ii) to leave out words;
  - iii) to leave out words and insert or add others; or
  - iv) to insert or add wordsas long as the effect of ii) to iv) 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, unless:
  - i) notice of intention to move further amendments and their nature is given to the Chairman before a vote is taken on the amendment before the meeting when the Chairman may permit two or more amendments to be discussed (but not voted on) together if the circumstances suggest that this would assist the proper conduct of business;
  - ii) if an amendment is not carried, other amendments to the original motion may be moved;
  - iii) 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;
  - iv) 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.

### 12.7 **Alteration of motion**

- a) A Member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- b) A Member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- c) Only alterations which could be made as an amendment may be made.

### 12.8 **Withdrawal of motion**

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

### 12.9 **Right of reply**

- a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- c) The mover of the amendment has a right to reply at the close of the debate on the amendment immediately prior to the right of reply by the mover of the original motion.
- d) Members exercising a right of reply shall confine themselves to answering previous speakers and shall not introduce new matters.
- e) The Leader may designate another Portfolio Holder to exercise a right to reply where the motion relates to an item considered as part of the receipt of Cabinet minutes, but in all cases the Leader will have final right to reply.

### 12.10 **Motions which may be moved during debate**

When a motion is under debate, no other motion may be moved except the following procedural motions:

- a) to withdraw a motion;
- b) to amend a motion;
- c) to proceed to the next business;
- d) that the question be now put;
- e) to adjourn a debate;
- f) to adjourn a meeting;
- g) that the meeting continue beyond 3 hours in duration;
- h) to exclude the public and press in accordance with the Access to Information Rules; and
- i) to not hear further a member named under Rule 18.3 or to exclude them from the meeting under Rule 18.4.

## 12.11 Closure motions

- a) A member may move, without comment, the following motions at the end of a speech of another member:
  - i) to proceed to the next business;
  - ii) that the question be now put;
  - iii) to adjourn a debate; or
  - iv) to adjourn a meeting.
- b) If a motion to proceed to next business is seconded and the Chairman thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- c) If a motion that the question be now put is seconded and the Chairman thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

## 12.12 Point of Order

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 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.

## 12.13 Personal explanation

A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the Chairman on the admissibility of a personal explanation will be final.

## 12.14 Summing up of debate

The Chairman may sum up the debate before putting a motion or amendment to the vote and request the appropriate officer to draw the Council's attention to relevant factors.

## 13. PREVIOUS DECISIONS AND MOTIONS

### 13.1 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 it is necessary:

- a) To carry out statutory duties which, in the Chairman's opinion, are urgent; or
- b) Where, in the Chairman's opinion, the matter is urgent or important requiring further consideration.

### 13.2 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved except on grounds in Procedure Rule 13.1. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for 6 months.

## **14. VOTING**

### **14.1 Majority**

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

### **14.2 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.

### **14.3 Show of Hands**

Unless a ballot or recorded vote is demanded under Rules 14.4 and 14.5, the Chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

### **14.4 Ballots**

The vote will take place by ballot if any Member present at the meeting demands it. The Chairman will announce the numerical result of the ballot immediately the result is known.

### **14.5 Recorded Vote**

- a) If any Member present at the meeting demands it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot.
- b) Where any vote is taken at a Council meeting on setting the budget for the Council or issuing a precept then the minutes of the meeting will record the names of all Councillors present at the vote and how each Councillor voted (for or against) or the fact that they abstained from voting. Such votes will be on any decision to make the budget calculation required under Section 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF and 52ZJ of the Local Government Finance Act 1992 or to issue a precept under Chapter 4 of Part 1 of the Act.

### **14.6 Right to require individual Vote to be recorded**

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

### **14.7 Voting on appointments**

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

## **15. MINUTES**

### **15.1 Signing the Minutes**

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

## 15.2 **No requirement to sign Minutes of previous meeting at extraordinary meeting**

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

## 15.3 **Form of Minutes**

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

## 15.4 **Effective dates of decisions**

- a) The minutes of the Council will be made available to the Leader and Monitoring Officer within two working days of the meeting.
- b) The decisions recorded in the minutes will come into effect on the seventh working day after the Council meeting.

## 16. **RECORD OF ATTENDANCE**

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

## 17. **EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 20 (Disturbance by Public).

## 18. **MEMBERS' CONDUCT**

### 18.1 **Standing to speak**

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

### 18.2 **Chairman Standing**

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

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

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

### 18.4 **Member to leave the meeting**

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

### 18.5 **Withdrawal when disclosable pecuniary interest**

Where a Member has a disclosable pecuniary interest in any business of the Council the Member must withdraw from the room or chamber where the meeting considering the business is being held during consideration and voting on the business.

19. **GENERAL DISTURBANCE**

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

20. **DISTURBANCE BY PUBLIC**

20.1 **Removal of member of the public**

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

20.2 **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.

21. **SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

21.1 **Suspension**

All of these Council Rules of Procedure except Rule 14.6 and 15.2 may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council are present. Suspension can only be for the duration of the meeting.

21.2 **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.

22. **PUBLIC PETITIONS**

22.1 When a public petition is presented to the Council the petition organiser may present the petition and speak for up to 5 minutes.

22.2 The Leader of the Council or the relevant Cabinet spokesperson will provide the Cabinet's response to the petition.

22.3 Council will then debate the petition for no more than 15 minutes. No questions may be asked of the petition organiser during the debate.

## PART B: COMMITTEE MEETINGS

### 23. APPLICATION TO COMMITTEES

- 23.1 All of the Council Rules of Procedure apply to meetings of full Council. Only Rules 4 - 21 (but not Rule 18.1) apply to meetings of Committees also.
- 23.2 The Chairman of each meeting can relax Rules 12-14 if this is felt necessary to facilitate discussion prior to a decision being made.

### 24. ELECTION OF CHAIRMEN OF COMMITTEES

- 24.1 Every Committee shall, at its first meeting, before any other business, elect a Chairman and appoint a Vice-Chairman for the year. If the Chairman and Vice-Chairman are absent from a meeting, a Chairman for that meeting may be appointed.
- 24.2 The Chairman and Vice-Chairman of the Council shall not be eligible for election as Chairman or appointment as Vice-Chairman of any Committee.

### 25. EXTRAORDINARY MEETINGS

- 25.1 The Chairman of a Committee may call extraordinary meetings at any time.
- 25.2 Extraordinary meetings of Committees shall also be called at the request of not less than a quarter of the whole number of Members delivered in writing to the Chief Executive (minimum number of 3 required). The agenda for the extraordinary meeting shall set out the business to be considered and no other business shall be considered.

### 26. QUORUM OF COMMITTEES

The quorum of Committees shall be one-third of the total number of their Members, provided that this is not less than two.

### 27. MEMBERS ADDRESSING COMMITTEE MEETINGS

With the consent of the Chairman of the Committee, any Members may address the Committee on an item on its agenda.