

# Council Procedure Rules

## 1. **SUSPENSION OF PROCEDURE RULES**

Subject to statutory provisions, the Council may decide to suspend any Procedure Rules at a Council meeting provided:

- (a) notice has been given on the Agenda (either under Procedure Rule 15 (Motions Requiring Notice) or by way of a Committee Recommendation); or
- (b) one half of the Members of the Council are present.

## 2. **RULING OF THE MAYOR**

The ruling of the Mayor on the application of Procedure Rules or any proceedings of the Council shall not be challenged.

## 3. **DISORDERLY CONDUCT**

### 3.1. **Members**

The Mayor shall warn a Member who behaves improperly. If the Member continues the misconduct the Mayor may move that the Member be excluded from the meeting (in which case the Motion shall be put and determined without seconding or discussion); if the Motion is approved the Member shall leave the Chamber.

### 3.2. **Public**

The Mayor shall warn a member of the public who interrupts the proceedings of any meeting. If the interruption continues the Mayor shall order removal of the person concerned from the Chamber. In the case of general disturbance the Mayor shall order the public gallery to be cleared and, if appropriate, adjourn the meeting.

## 4. **MEETINGS OF THE COUNCIL**

### 4.1 **Annual Meeting**

The Annual Meeting of the Council shall be held in May each year.

### 4.2 **Ordinary Meetings**

The Council will hold Ordinary Meetings on the dates set out in a Schedule of Meetings agreed by the Council and no less than once every quarter.

### 4.3 **Extraordinary Meetings**

The Council, or the Mayor, or the Monitoring Officer may call an Extraordinary Meeting of the Council at any time.

If, following a request from five Members of the Council, the Mayor refuses to call an Extraordinary Meeting, or fails to call it within seven days, then any five Members may call the meeting.

### 4.4 **Time**

All Council Meetings shall start at 7.30 p.m. unless otherwise agreed by the Mayor or the Council.

#### 4.5 **Change of Date or Time of Meetings**

The Council or the Mayor may change the date and/or time or cancel a meeting of the Council due to lack of business or other special circumstances before the Summons is issued.

### 5. **QUORUM**

5.1 The quorum of a Council Meeting shall be thirteen Members.

5.2 If there is not a quorum present, the meeting shall be adjourned for fifteen minutes.

5.3 If after fifteen minutes there is still no quorum, all uncompleted business shall be deferred to the next Ordinary Meeting or such other date as shall be determined by the Mayor.

### 6. **ADJOURNMENT**

6.1 The Council may adjourn a meeting at any time.

6.2 If the business is not completed by 10.30 p.m., the Council may decide in relation to all or part of the remaining business to:

- (a) approve items without debate;
- (b) continue the meeting to complete the business;
- (c) refer the business to the next Ordinary Meeting;
- (d) adjourn to a specific date

### 7. **ORDER OF BUSINESS AT COUNCIL MEETINGS**

#### 7.1 **Prayers**

All Council Meetings shall start with Prayers.

#### 7.2 **Annual Meeting**

The order of business at the Annual Meeting shall be:-

1. Election of Mayor.
2. Election of Deputy Mayor.
3. Minutes.
4. Apologies for absence.
5. Declarations of Interest.
6. The result of Local Elections (if appropriate).
7. Election of the Leader.
8. Appointment of:
  - at least one Overview and Scrutiny Committee
  - a Standards Committee

- such other Committees as the Council consider appropriate
- 9. Any other business specified on the Agenda.
- 10. Urgent Business.
- 11. Vote of Thanks to Council employees.
- 12. Leader's Announcements.
- 14. Mayor's Announcements.

### 7.3 **Ordinary Meetings**

The order of business at Ordinary Meetings shall be:-

1. Minutes.
2. Apologies for absence.
3. Declarations of Interest.
4. Urgent Business.
5. Any business remaining from the last meeting.
6. Questions by members of the public.
7. To receive any petitions under the Petition Scheme.
8. Questions by Members.
9. Recommendations and/or reports on Executive functions and/or from Committees of the Council.
10. Quarterly reports on Special Urgency decisions (if any) under Executive Procedure Rule 2.8.
11. To receive any Statement from the Leader of the Council, Members of the Executive, Chairmen of Committees or the Head of Paid Service.
12. To authorise the sealing of documents.
13. Motions.
14. Any other business specified on the Agenda.
15. Leader's Announcements.
16. Mayor's Announcements.

### 7.4 **Extraordinary Meetings**

The order of business at Extraordinary Meetings shall be:-

1. Minutes.
2. Apologies for absence.

3. Declarations of Interest.
4. Urgent Business.
5. Recommendations and/or reports on Executive functions and/or from Committees of the Council (if any).
6. Business specified on the Agenda.

**7.5 Budget Meeting**

The procedure for dealing with the conduct of the Budget Meeting shall be agreed by the Mayor.

**8. ABSENCE OF MAYOR AND DEPUTY MAYOR**

In the absence of the Mayor, the Deputy Mayor shall take the Chair. In the absence of the Mayor and Deputy Mayor, a Chairman for the meeting shall be elected. The Chairman for the meeting shall not be the Leader of the Council or a Member of the Executive. Any power or duty of the Mayor in relation to the conduct of the meeting may be exercised by the person in the Chair.

**9. MINUTES**

9.1 The Minutes of every Council Meeting shall be circulated to all Members and presented to the next Council Meeting for confirmation and signature by the Mayor. Where this is impractical, owing to the short time between meetings, or where the next meeting is an Extraordinary Meeting the Minutes may be presented to the next Council Meeting.

9.2 No discussion shall take place upon the Minutes other than on their accuracy. If no point of accuracy is raised, or if it is raised then as soon as it has been disposed of, the Mayor shall sign the Minutes.

**10. URGENT BUSINESS**

If an item is not included on the Agenda it shall not be discussed unless the Mayor is of the opinion that, by reason of special circumstances, which shall be specified in the Minutes, it should be considered at the meeting as a matter of urgency. Items of urgent business must be in writing for circulation to the Members present (and the Press and public as appropriate) but may be supplemented by an oral report.

**11. PETITIONS**

Petitions will be dealt with in accordance with the Petition Scheme.

**12. RECOMMENDATIONS FROM THE LEADER / EXECUTIVE DECISION MAKER AND COMMITTEES**

12.1 Recommendations from the Leader / Executive Decision Maker and Committees shall be submitted to Council.

12.2 The Mayor shall draw attention to each Recommendation which is before the Council for determination.

12.3 All Recommendations shall be taken as agreed by general assent unless, in the opinion of the Mayor, there is dissent to warrant a vote being taken.

12.4 A Member may:

- (a) speak for or against a Recommendation;
- (b) move an Amendment provided written notice has been given to the Chief Executive by 10.00 a.m. on the preceding Tuesday for a Thursday Council Meeting. For meetings held on other days, the equivalent period of working days notice shall be given;
- (c) speak for or against an Amendment.

12.5 Amendments to Recommendations submitted under Procedure Rule 12.4(b) shall be notified to all Members of the Council not later than the working day before the meeting.

### 13. **QUESTIONS BY MEMBERS OF THE PUBLIC**

Members of the public who live or work in the Borough may ask questions of the Leader, Members of the Executive or Chairmen of Committees in accordance with the procedures set out in Annex 1 to the Council Procedure Rules.

### 14. **QUESTIONS BY MEMBERS**

14.1 A Member may ask a question of either the Leader, or an Executive Member or a Committee or Sub-Committee Chairman to be answered orally at an Ordinary Meeting provided:

- (a) written notice has been given to the Chief Executive by 10.00 a.m. on the preceding Tuesday for a Thursday Council Meeting. For meetings held on other days, the equivalent period of working days notice shall be given; and
- (b) the question relates to a function of the Council or affects the Borough.

14.2 Oral questions shall be put and answered without discussion but the person to whom a question has been put may decline to answer.

14.3 An answer may be given by the Member to whom the question was put, or by another Member nominated by the Member to whom the question was put:

- (a) orally;
- (b) in writing; or
- (c) by reference to a published document

14.4 One supplementary question may be asked by the original questioner arising directly out of the reply to an oral question.

14.5 Questions shall be taken Portfolio by Portfolio followed by the Committees in alphabetical order.

14.6 With the consent of the Mayor, similar questions shall be grouped together and receive a single response. Each questioner shall however have the right to ask a supplementary question under procedure Rule 14.4.

14.7 Any Member may ask additional questions. A written answer shall be given to the Member concerned. Copies of the questions and answers shall be placed in the Members' Room.

**15. MOTIONS NOT REQUIRING NOTICE**

Motions may be moved without notice to:

- (a) appoint a Chairman of the meeting;
- (b) question the accuracy of the Minutes;
- (c) vary the order of business;
- (d) refer a matter to the Leader, a Committee or Sub-Committee;
- (e) extend the time limit for speeches;
- (f) amend Motions and recommendations to reports direct to Council but not Executive or Committee Recommendations contained within Minutes;
- (g) proceed to the next business;
- (h) take a vote;
- (i) adjourn the meeting;
- (j) adjourn the debate;
- (k) suspend Procedure Rules;
- (l) exclude the press and public;
- (m) end a named Member's speech;
- (n) give the consent of the Council when it is required by this Constitution.

**16. MOTIONS REQUIRING NOTICE**

16.1 Notice of Motions shall be given to the Chief Executive in writing at least nine Working Days before the Council Meeting at which they are to be submitted.

16.2 Motions will be set out in the Agenda for the next Ordinary Meeting in the order in which they have been received unless a Motion:

- (a) at the request of the Member is to be submitted to another meeting;
- (c) relates to a matter before an Extraordinary Meeting; or
- (c) has been withdrawn in writing.

16.3 Motions shall upon being moved and seconded, be referred without discussion to the Leader or the relevant Committee or Sub-Committee for consideration and recommendation to Council (if appropriate) unless it is within the Council's remit and in the opinion of the Mayor, it is convenient and conducive to the conduct of business to allow the Motion to be dealt with at the meeting in which case prior notification must be given to all Members not later than the working day before the meeting.

16.4 Every Motion shall relate to a function of the Council or affect the Borough.

- 16.5 The Mayor, in consultation with the Chief Executive, may determine that a Motion is contrary to the Constitution in which case the Member concerned shall be informed that the Motion shall not be included on the Agenda.
- 16.6 Where an Extraordinary Meeting of the Council has been convened for a specific purpose, any Motion shall relate to that matter and any other Motions received shall be submitted to the next Ordinary Meeting of the Council.

**17. MOTIONS AND AMENDMENTS ON EXPENDITURE**

No Motion or Amendment which would increase the net expenditure or reduce the income of the Council shall be moved at any Council Meeting except in the form of a reference to the Leader or a Committee for consideration or report, unless the alternative proposal was set out in the original report or is based on financial information contained in that report.

**18. RULES OF DEBATE**

- 18.1 Motions and Amendments shall be proposed and seconded.
- 18.2 If notice is given of a Motion or Amendment any other Member of the Council may move or second it if the mover or the seconder does not do so or is absent.
- 18.3 If a Motion or Amendment is not moved either by the Member who gave notice or another Member it shall be treated as withdrawn and shall not be moved without fresh notice.
- 18.4 The seconder of a Motion or Amendment may reserve the right to speak later in the debate.
- 18.5 When speaking a Member shall stand and address the Mayor. Only one Member may speak at a time.
- 18.6 A point of order shall relate only to an alleged breach of Procedure Rules or statutory provision.
- 18.7 If a speech by a Member appears to have been misunderstood, the Member may give a personal explanation.
- 18.8 The ruling of the Mayor on a point of order or on the admissibility of a personal explanation shall not be open to discussion.
- 18.9 No speech shall exceed five minutes without the consent of the Council.
- 18.10 No Member shall speak more than once in the same debate except:-
- (a) to speak once on an Amendment;
  - (b) if the Motion or Recommendation has been amended since the Member last spoke, to move a further Amendment;
  - (c) to speak on the main issue after an Amendment upon which the Member has spoken has been disposed of;
  - (d) in exercise of a right of reply;
  - (e) on a point of order;
  - (f) by way of personal explanation.

18.11 Amendments to Motions or Recommendations may:-

- (a) refer a subject of debate to the Leader (or relevant Executive decision maker) or a Committee or Sub-Committee for consideration or reconsideration;
- (b) leave out words and/or figures;
- (c) leave out words and/or figures and add others;
- (d) add words and/or figures;

but shall not introduce a new proposal or negate the Motion or Recommendation before the Council.

18.12 Only one Amendment may be moved and discussed at a time and no further Amendment shall be moved until the Amendment under discussion has been disposed of.

18.13 If an Amendment is lost, other amendments may be moved on the original Motion or Recommendation.

If an Amendment is carried the Motion as amended shall take the place of the original Motion and shall become the Motion upon which any further amendment may be moved.

The exception to this is where a reference back is moved upon which being carried no further amendment may be moved.

18.14 A Member may with the consent of the Council given without discussion:

- (a) alter a Motion or Amendment of which the Member has given notice; or
- (b) with the further consent of the seconder, alter a Motion or Amendment which the Member has moved;

if (in either case) the alteration is one which could be made as an Amendment.

18.15 A Motion or Amendment may be withdrawn by the mover with the consent of the seconder and of the Council, given without discussion.

No Member may speak upon the Motion or Amendment after the mover has asked permission for its withdrawal, unless permission has been refused.

18.16 The right to reply at the close of a debate shall be as follows:

- (a) **Motions**
  - (i) The Leader of the Council (Executive business), the Chairman of the appropriate Committee or other nominated Member immediately before the mover's final speech.
  - (ii) The mover of the Motion immediately before the vote is taken.
  - (iii) If an amendment is moved, the mover of the original Motion shall also have a right of reply at the close of the debate on the Amendment but shall not otherwise speak on the Amendment.

(b) **Recommendations from the Leader / Executive Decision Maker or from Committees**

- (i) The Leader of the Council (Executive business), the Chairman of the appropriate Committee or other nominated Member has the right of reply on Recommendations on Executive functions or from Committees and any amendment to them immediately before the vote is taken.
- (ii) The mover of an Amendment should speak to the proposal when proposing the Amendment and has no right of reply at the close of the debate on the Amendment.

18.17 When a Motion is under debate no other Motion shall be moved except to:-

- (a) amend the Motion or postpone its consideration;
- (b) extend the time limit for speeches;
- (c) proceed to the next business;
- (d) take a vote;
- (e) adjourn the meeting;
- (f) adjourn the debate;
- (g) suspend Procedure Rules;
- (h) exclude the press and public;
- (i) end a named Member's speech; and
- (j) defer the subject of the debate or refer it to the Leader or a Committee or Sub-Committee;

18.18 A further Motion under Procedure Rule 18.17(e) and (f) above shall not be moved within 20 minutes.

- 18.19 (a) If a Member has spoken during a debate that Member may not move a Motion under Procedure Rule 18.17(c), (d), (e) and (f).
- (b) A Motion under Procedure Rule 18.17(c), (d), (e) and (f) shall not be put to the vote if the Mayor considers that the Motion under debate has been insufficiently discussed.
- (c) If a Motion to proceed to the next business is carried the matter under debate shall be considered closed.
- (d) If a Motion to take a vote is carried then the mover of the original Motion shall be given a right of reply before the Motion is put to the vote.

19. **RESCISSION OR AMENDMENT OF PREVIOUS DECISIONS**

The Chief Executive, in consultation with the Leader of the Council or relevant Committee Chairman may propose a review of a previous decision of the Council if there has been a material change in circumstances.

20. **VOTING**

20.1 Voting shall be by a show of hands.

- 20.2 At the request of five Members of the Council made before the vote is taken, the voting shall be recorded in the Minutes. This should be by roll-call and the vote or abstention of each Member shall be recorded.
- 20.3 In the case of an equality of votes the Mayor shall have a second or casting vote. The casting vote may be used whether or not the Mayor has already voted.
- 20.4 A Member's vote for or against (or abstention) shall be recorded in the Minutes provided a request to do so is made by the Member immediately after the vote is taken.

21. **RECORDING OF PROCEEDINGS**

Making a written record of the discussion or decisions made at any meeting is permissible. The Council should consider a request by any person to record, video, film, photograph or broadcast a meeting of the Council.

## QUESTIONS BY MEMBERS OF THE PUBLIC

### 1. **General**

Members of the public who live or work in the Borough may ask questions of Members of the Executive or Chairmen of Committees at ordinary meetings of the Council.

A maximum of fifteen minutes in total shall be allowed at each meeting for public questions.

### 2. **Order of Questions**

Questions will be asked in the order they are received, except that the Chief Executive may group together similar questions.

### 3. **Notice of Questions**

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Chief Executive no later than midday 6 working days before the day of the meeting. Each question must give the name and address or workplace, as appropriate, of the questioner and must name the Member of the Council to whom it is to be put.

### 4. **Number and Time of Questions**

At any one meeting no person may submit more than one question and no more than one such question may be asked on behalf of an organisation. Questions when asked at the meeting may only last for up to 2 minutes.

### 5. **Scope of Questions**

The Chief Executive may reject a question if it:

- is not about a matter for which the local authority has a responsibility or which affects the Borough;
- is defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Council in the past six months;
- requires the disclosure of confidential or exempt information; or
- relates to an individual application.

### 6. **Record of Questions**

The Chief Executive will enter each question in a book open to public inspection and will send a copy of the question to the Member to whom it is to be put. Rejected questions will include reasons for rejection.

Copies of all questions not rejected will be circulated to all Members of the meeting and will be made available to the Press and public attending the meeting.

**7. Asking the Question at the Meeting**

The Mayor will invite the questioner to put the question to the Member named in the notice.

The questioner must not deviate from the submitted wording.

If a questioner who has submitted a written question is unable to be present, they may ask a representative to put the question on their behalf.

The Member named shall give an oral reply at the meeting. In the absence of the questioner or his/her representative a written reply will be given.

**8. Supplementary Question**

A questioner who has put a question in person may also put one supplementary question without notice to the Member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Mayor may reject a supplementary question on any of the grounds in Rule 5 above.

**9. Limitation on Discussion**

Every question shall be put and answered without discussion.

**10. Written Answers**

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the questioner or his/her representative or the Member to whom it was to be put, will be dealt with by a written answer.