
Part 4 – Rules of Procedure**1. Council Procedure Rules**

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1. **ANNUAL MEETING OF THE COUNCIL**

1.1 The annual meeting will take place on the third Wednesday in May at 7.30 pm.

The annual meeting will:

- (i) elect a person to preside if the Mayor is not present;
- (ii) elect the Mayor for the ensuing municipal year;
- (iii) appoint the Deputy Mayor for the ensuing municipal year;
- (iv) approve the minutes of the last meeting;
- (v) receive any declarations of interest from members;
- (vi) receive any announcements from the Mayor and/or the Head of Paid Service;
- (vii) elect the Leader;
- (viii) note the appointment of a Deputy Leader and members of the Cabinet;
- (ix) appoint the Overview and Scrutiny Committees, a 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 (those other committees are set out in Part 3 of this Constitution) and to appoint Area Consultative Forums (if any).
- (x) appoint Chairmen and Vice-Chairmen of Committees and Area Consultative Forums (if any) for the ensuing municipal year and nominate which of the Overview and Scrutiny Committee Chairman is to be the senior;
- (xi) agree that part of the scheme of delegation as the Constitution determines it is for the Council to agree (as set out in Part 3 of this Constitution);
- (xii) approve a programme of ordinary meetings of the Council for the year if this has not previously been determined; and
- (xiii) 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 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 outside body; and
- (v) appoint to those committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Cabinet.

2. **ORDINARY MEETINGS**

Ordinary meetings of the Council will take place in accordance with a programme decided at or prior to the Council's annual meeting which may be varied in exceptional circumstances by the Mayor. Traditionally meetings are not held in August or between the last scheduled Council meeting in April and Annual Council. Ordinary meetings will:

- (i) elect a person to preside if the Mayor and Deputy Mayor are not present;
- (ii) approve the minutes of the last meeting;
- (iii) receive any declarations of interest from members;
- (iv) receive any announcements from the Mayor, Leader, members of the Cabinet or the Chief Operating Officer;
- (v) deal with any business from the last Council meeting;
- (vi) receive reports from the Cabinet and the Council's committees and receive questions and answers on any of those reports;
- (vii) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (viii) consider motions; and
- (ix) consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's budget and policy framework and reports of the Overview and Scrutiny Committees for debate.

3. EXTRAORDINARY MEETINGS

3.1 Calling extraordinary meetings.

The Chief Operating Officer may call Council meetings in addition to ordinary meetings and those listed below may request him to do so:

- i) the Council by resolution;
- ii) the Mayor;
- iii) the Monitoring Officer;
- iv) any five members of the Council if they have signed a requisition presented to the Mayor 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.

4. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES

4.1 Allocation

Unless decided otherwise at the annual meeting of the Council each political group on the Council may, subject to Rule 2 of the Overview and Scrutiny Committee Procedure Rules, nominate one or more substitute members for any meeting of a committee or sub-committee by notifying the Legal and Democratic Services Manager by 12 noon on the day of the meeting. This rule should only apply to Standards Committee in exceptional circumstances and if the nominated substitute has been appropriately trained.

4.2 Powers and duties

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 member for whom they are substituting.

4.3 Substitution

Substitute members may attend meetings in that capacity only:

- (i) to take the place of the ordinary member for whom they are the designated substitute; and
- (ii) where the ordinary member will be absent for the whole of the meeting.

5. **TIME AND PLACE OF MEETINGS**

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

6. **NOTICE OF AND SUMMONS TO MEETINGS**

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

7. **CHAIRMAN OF MEETING**

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

8. **QUORUM**

The quorum of a meeting will be one quarter of the whole number of members. During any meeting if the Mayor counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. If after a period of fifteen minutes has elapsed there are not sufficient members present to constitute a quorum the remaining business will be deferred to a time and date fixed by the Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

9. **DURATION OF MEETING**

Unless the majority of members present vote for the meeting to continue, any meeting will adjourn immediately upon conclusion of the item of business under discussion at 11.00 pm on the day of the meeting. Remaining business will be considered at a time and date fixed by the Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

10. **QUESTIONS BY MEMBERS**

10.1 **On reports of the Cabinet or committees**

A member of the Council may ask the Leader or the Chairman of a committee any question without notice upon an item of the report of the Cabinet or a committee when that item is being received or under consideration by the Council.

10.2 Questions on notice at full Council

Subject to Rule 10.4, a member of the Council may ask:

- the Mayor;
- the Leader; or
- the Chairman of any committee or sub-committee

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

10.3 Questions on notice at committees and sub-committees

Subject to Rule 10.4, a member of a committee or sub-committee may ask the Chairman of it a question on any matter in relation to which the Council has powers or duties or which affect the borough and which falls within the terms of reference of that committee or sub-committee.

10.4 Notice of questions

A member may only ask a question under Rule 10.2 or 10.3 if either:

- (a) they have given at least three working days notice in writing of the question to the Chief Operating Officer; or
- (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 to the Chief Operating Officer by 12 noon on the day of the meeting.

10.5 Response

- (i) 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.
- (ii) Every question shall be put and answered without discussion, but the person to whom a question has been put may decline to answer.

11. MOTIONS ON NOTICE

11.1 Notice

- (A) Except for motions which can be moved without notice under Rule 12, written notice of every motion, signed by at least one member subject to 11.B below, must be delivered to the Chief Operating Officer by no later than 12 noon on the Monday of the week preceding the meeting. These will be entered in a book open to public inspection.
- (B) Save that in the case of a notice of motion that the Leader of the Council ceases his/her term of office before the statutory period comes to an end, the notice must be signed by not less than one half of the members for the time being of the Council and such a resolution must include a motion to appoint another named Councillor as Leader.

11.2 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.

11.3 Scope

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

11.4 Automatic reference to Cabinet or Committee

If the subject matter of any motion to which this Rule applies comes within the province of the Cabinet or any committee or sub-committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to the Cabinet or that committee or sub-committee for consideration.

Provided that the Mayor may, if he considers it convenient and conducive to the despatch of business, allow the motion to be dealt with at the meeting on which it is brought forward.

11.5 Acceptance of Motion

- (a) If notice is given of any original motion which, in the opinion of the Chief Operating Officer is out of order, illegal, irregular or improper, the Chief Operating Officer shall forthwith submit such notice to the Mayor and it shall not be accepted and placed on the agenda without his/her sanction. In the event on non-acceptance the Chief Operating Officer shall inform the member giving the Notice of their decision.

- (b) In the event of the volume of items creating difficulty for the management of Council business or jeopardising the efficient running of Council business the Chief Operating Officer may make decisions about the priority and number of notices to be accepted in consultation with those submitting Notice and the Mayor. In the event of non-acceptance the Chief Operating Officer shall inform the member giving the Notice of his decision.

12. **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 on 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 committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) that the meeting continue beyond 11.00 pm;
- (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) to not hear further a member named under Rule 20.3 or to exclude them from the meeting under Rule 20.4; and
- (q) to give the consent of the Council where its consent is required by this Constitution.

13. RULES OF DEBATE

13.1 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.

13.2 Right to require motion in writing

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

13.3 Secunder's speech

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

13.4 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 five minutes without the consent of the Mayor.

13.5 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; and
- (f) by way of personal explanation.

13.6 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 words.

as 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.
- (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 Mayor will read out the new substantive motion before accepting any further amendments, or if there are none, put it to the vote.

13.7 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.

13.8 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.

13.9 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 no right of reply to the debate on his or her amendment.

13.10 **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) to exclude the public and press in accordance with the Access to Information Procedure Rules; and
- (h) to not hear further a member named under Rule 20.3 or to exclude them from the meeting under Rule 20.4.

13.11 **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 the debate; or
 - (iv) to adjourn the meeting.
- (b) If a motion to proceed to the next business is seconded and the Mayor thinks the item has been sufficiently discussed, he or she will give the mover

of the original motion a right of reply and then put the procedural motion to the vote.

- (c) If a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

13.12 Point of order

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

13.13 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 Mayor on the admissibility of a personal explanation will be final.

14. STATE OF THE AREA ASSEMBLY

14.1 Calling of Assembly

The Leader may call a state of the area Assembly annually on a date and in a form to be agreed with the Mayor.

14.2 Form of Assembly

The form of any Assembly will be in accordance with the Council Meeting as an Assembly Procedure Rules, (see Constitution 5.2) agreed by the Council, for such an Assembly.

14.3 Chairing of debate

Any Assembly will be chaired by the Mayor.

14.4 Results of debate

The results of the debate in any Assembly will be:

- (i) disseminated as widely as possible within the community and to agencies and organisations in the area; and
- (ii) where appropriate, considered by the Cabinet in proposing the budget and policy framework to the Council for the coming year.

15. PREVIOUS DECISIONS AND MOTIONS

15.1 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 14 members.

15.2 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 unless the notice of motion or amendment is signed by at least 14 members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

15.3 Recommendations from Committee

Rules 15.1 and 15.2 shall not apply to a motion moved in pursuance of a recommendation of the Cabinet or a Committee.

16. VOTING

16.1 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.

16.2 Mayor's casting vote

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

16.3 Show of hands

Unless a ballot or recorded vote is demanded under Rules 16.4 and 16.5, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

16.4 **Ballots**

The vote will take place by ballot if two members present at the meeting demand it. The Mayor will announce the numerical result of the ballot immediately the result is known.

16.5 **Recorded vote**

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, save that immediately after any vote is taken at a budget decision meeting on any motion or amendment there must be recorded in the minutes the names of the persons who cast a vote for the decision or against the decision or who abstained from voting ("budget decision meeting" means a meeting at which the Council makes a calculation in respect of the setting of Council Tax or issues a precept and "vote" means a vote on any decision related to the making of the calculation or the issuing of the precept.) A demand for a recorded vote will override a demand for a ballot.

16.6 **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.

16.7 **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.

17. **MINUTES**

17.1 **Signing the minutes**

The Mayor will sign the minutes of the proceedings at the next suitable meeting. The Mayor 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.

- (a) Where the person who should have signed the minutes is unable to perform that duty the Chairman or Vice Chairman of the body is authorised to sign as a correct record the minutes of a previous meeting of that body.
- (b) Where a body ceases to exist, the Councillor who chaired the last meeting of that body is authorised to sign the minutes as a correct record.

17.2 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.

17.3 Form of minutes

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

18. 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.

19. EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Part 4 of this Constitution or Rule 21 (Disturbance by Public).

20. MEMBERS' CONDUCT

20.1 Standing to speak

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

20.2 Mayor standing

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

20.3 Member not to be heard further

If a member persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move

that the member be not heard further. If seconded, the motion will be voted on without discussion.

20.4 Member to leave the meeting

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

20.5 General disturbance

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

21. DISTURBANCE BY PUBLIC

21.1 Removal of member of the public

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

21.2 Clearance of part of meeting room

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

22. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

22.1 Suspension

All of these Procedure Rules except Rules 16.6 and 17.2 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.

Procedure Rules cannot be suspended in respect of a motion under Council Procedure Rule 11.1B that the Leader cease his/her term of office before the statutory period has come to an end.

22.2 Amendment

Any motion to add to, vary or revoke these Procedure Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

23. USE OF E MAIL AND FAX

For the avoidance of doubt, where in the Constitution reference is made to a written notice, signed by a Member or Members, this shall include delivery by fax or e-mail, subject to confirmation of identity by the Member or Members concerned.

24. AUDIO OR VISUAL RECORDING OF PROCEEDINGS

- (i) Audio recordings of the proceedings of any Council or Committee (including Sub-Committees) meeting or part of any such meeting held in public shall be allowed by the Council. Anyone wishing to do this is requested to make their intentions clear before the commencement of the meeting in question.
- (ii) Photographing or filming of the proceedings of a Council, or Committee (including Sub-Committees) meeting or part of any such meeting held in public shall be allowed by the Council (except from the Councillor benches) with the agreement of the Mayor or Chairman of the meeting in question.
- (iii) In the event of the Mayor or Chairman of the meeting in question wanting to prohibit the photographing filming or audio recording of the proceedings as per (i) and (ii) above, they shall provide a reason for this to members of that meeting, and seek their consent to their decision by means of a vote. Where members then vote to allow the photographing, filming or audio recording of the proceedings of that meeting, this shall be allowed.

25. USE OF MOBILE PHONES AND OTHER SOCIAL MEDIA DEVICES IN MEETINGS

In the interests of the smooth running of meetings:-

- (i) Mobile phones/devices must be switched off or to 'silent' at meetings.
- (ii) Calls should not be made or answered during the meeting.
- (iii) The use of mobile phones/devices to send texts or emails, access Facebook, send tweets, take notes, open emails, access the internet etc should be done discreetly and with common sense and should not cause a disturbance to the smooth running of the meeting.
- (iv) The Mayor/Chairman has discretion to require that mobile phone/devices are not used as at (iii) above if a disturbance to the smooth running of the meeting is caused.

26. **DISCLOSABLE PECUNIARY INTERESTS AND PECUNIARY INTERESTS–
WITHDRAWAL FROM MEETINGS**

A Member or Co-opted Member must withdraw from the meeting room, including from the public gallery, during the whole of consideration of any item of business in which he/she has a Disclosable Pecuniary Interest (DPI) or Pecuniary Interest except where he/she is permitted to remain as a result of the grant of a dispensation or the Code.

27. **APPLICATION TO COMMITTEES AND SUB-COMMITTEES**

All of the Procedure Rules apply to meetings of full Council. None of the Rules apply to meetings of the Cabinet. Only Rules 5 to 13 and 15 to 26 (but not Rule 20.1) apply to meetings of committees and sub-committees with the substitution of the word 'Chairman' where the word 'Mayor' appears.