

## Part 4. Meeting Procedure Rules

(Reviewed May 2022)

- 4.1 Meetings, Committee and Sub Committee Definition**
- 4.2 Meetings – Dates and Times**
- 4.3 Filming, Recording and Broadcasting Meetings**
- 4.4 Appointment of Special Committees and Sub-Committees**
- 4.5 Membership**
- 4.6 Quorum**
- 4.7 Chairman**
- 4.8 Attendance at Committees and Sub-Committees by those who are not Members**
- 4.9 Substitutes**
- 4.10 Attendance at Committees and Sub-Committees of the Leader of the Council and Leaders of Political groups who are not Members**
- 4.11 Exclusion of the Press and Public to Meetings**
  - 4.11.1 Confidential Information – requirement to exclude public**
  - 4.11.2 Exempt information – discretion to exclude public**
  - 4.11.3 Public Interest Test**
  - 4.11.4 Qualifications**
  - 4.11.5 Exclusion of Public Access to Reports**
- 4.12 Agendas**
  - 4.12.1 Ordinary Meetings**
  - 4.12.2 Special or Extraordinary Meetings**
- 4.13 Urgent Business**
- 4.14 Agendas, Minutes and Reports**
- 4.15 Background papers**
- 4.16 Petitions**
  - 4.16.1 Guidelines**
  - 4.16.2 Paper Petitions**
  - 4.16.3 E-petitions**
  - 4.16.4 Council response to a petition**
  - 4.16.5 Right of Review**
  - 4.16.6 Presenting Petitions to Meetings**
- 4.17 Addresses**
- 4.18 Motions**
  - 4.18.1 Scope**
  - 4.18.2 Motions with Budgetary consequences**
  - 4.18.3 Motions Without Notice**
- 4.19 Rescission of Resolution**

- 4.20 Postponing a Decision to Rescind or vary a Resolution**
- 4.21 Presentations and Presentation of Reports to Council Meetings**
- 4.22 Rules of Debate**
  - 4.22.1 Proposer Speech**
  - 4.22.2 Seconder Speech**
  - 4.22.3 Speeches by Others and Amendments**
  - 4.22.4 Leader of the Council/ Relevant Committee Chairman Right of Reply**
  - 4.22.5 Proposer Rights of Reply**
  - 4.22.6 Withdrawal of Motion**
  - 4.22.7 Point of Order**
  - 4.22.8 Personal Explanation**
  - 4.22.9 Procedural Motions**
  - 4.22.10 Limitations on Speaking**
  - 4.22.11 Length of Speeches as part of Budget Setting**
- 4.23 Chairman's Decision**
- 4.24 Voting**
- 4.25 Recorded Vote**
- 4.26 Voting on Appointments**
- 4.27 Suspension and Amendment of Rules**
- 4.28 Prevention of Disorderly Conduct**
  - 4.28.1 Members**
  - 4.28.2 Members of the Public**
  - 4.28.3 General Disturbance**

#### **4.1 Meetings, Committee and Sub Committee Definition**

In these Procedure Rules the words Meeting, Committee and Sub Committee mean meetings formally constituted under the Local Government Act 1972 as amended.

#### **4.2 Meetings – Dates and Times**

Meetings of Council, Committees or Sub-Committee shall be held each year on such dates and times as decided by the Council.

No alterations to the dates or time of meetings shall take place unless Council, the Committee or Sub-Committee agrees an ad hoc change or the Chairman of the relevant Committee or Sub-Committee, after consultation with the Assistant Director Law, Governance and Democratic Services concurs with either a cancellation, or an alternative date or time.

The Council will give at least five clear days' notice of any meeting to members of that

meeting and to the public by posting details of the meeting at the Council's main offices, except where a meeting is called at shorter notice.

#### **4.3 Filming, Recording and Broadcasting Meetings**

Meetings of the Council, Committees, sub-committees and the Executive and its committees shall for the duration of the public part of the meeting be open to being filmed, recorded and/or broadcast (by social media or otherwise), in accordance with the Openness of Local Government Bodies Regulations 2014 subject to compliance with the Council's procedure for permitting such activity to ensure that this does not disrupt or affect the efficient and effective transaction of business.

#### **4.4 Appointment of Special Committees and Sub-Committees**

Council and Committees may from time to time appoint Committees and Sub-Committees respectively. They may appoint any of their Members to such Committees and Sub-Committees subject to any statutory provision and may co-opt where that is authorised by statute. Such Committees/Sub-Committees shall report to the appointing body but shall not have power to transact any business without express authority from the appointing body or by virtue of this constitution.

Where Special Committees are formed, the Council will decide whether to appoint Substitute members to the Committee at the time it makes the appointments.

#### **4.5 Membership**

The membership and substitute members of Council Committees shall be agreed at Annual Council.

If a casual vacancy arises on a Committee, the Assistant Director Law, Governance and Democratic Services shall notify the relevant Political Group which is responsible for the appointment to the seat which has been vacated. The nomination by the Political Group shall be considered at the next ordinary meeting of Council, with any change in the appointment of Substitute members to the Committee.

#### **4.6 Quorum**

No business shall be transacted at any meeting of the Council, Committees and of Sub-Committees unless one third of the whole number of members of Council, Committee or Sub-Committee is present.

In the case of committees and sub committees this shall not be less than three members. The quorum for the Licensing Sub-Committee shall be in accordance with the Licensing Sub-Committee Procedure Rules.

If at the time set for the start of a meeting there is not a quorum, the meeting shall not

commence until a quorum is present, but if after fifteen minutes there is no quorum the meeting shall be abandoned and a new meeting date shall be arranged.

If during any meeting a quorum is not present the Chairman shall adjourn the meeting for fifteen minutes. If, after fifteen minutes there is still no quorum the meeting shall stand adjourned to a date and time announced by him/her at the time the meeting is adjourned or shall be included on the agenda for the next ordinary meeting.

#### **4.7 Chairman**

Every Council meeting shall at its first meeting elect a Chairman and Vice-Chairman for the year.

In the case of the Executive, the Leader of the Council (Chairman of the Executive) is appointed by Council and the Deputy Leader of Council (Vice Chairman of the Executive) is appointed by the Leader of the Council.

If at any meeting the Chairman is absent, the Vice-Chairman shall preside. If both the Chairman and Vice-Chairman are absent another Member at the meeting shall preside.

Any power or duty of the Chairman in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

In the event of a Chairman resigning or intending to resign notice of resignation shall be given at a meeting of the Committee and an election to fill the vacancy made at the first meeting after that.

#### **4.8 Attendance at Executive, Committees and Sub-Committees by those who are not Members**

A Member of the Council may attend any meeting of Executive or the Council of which they are not a member:

- as an observer, without a right to vote or speak, or
- to make a statement (and answer any resulting questions) on an issue on the agenda that directly affects their ward. At the discretion of the Chairman of the meeting they may also be allowed to participate in any debate.

Such attendance shall not be allowed if the matter is one where the Member would be required to declare a disclosable pecuniary interest. In such a case the Member may ask another Member to attend or address the meeting on their behalf.

Members of the public may attend all meetings subject only to the exceptions in these rules.

#### **4.9 Substitutes**

The Terms of Reference for each Committee and Sub-Committee will state whether Substitute members may be appointed and what eligibility restrictions if any shall apply.

Substitute members will either be named or unnamed:

- **Unnamed substitutes** are any eligible member of the relevant political group.
- **Named Substitutes** must be members of the relevant political group and be appointed by Council.

If a member of a Committee or Sub-Committee is unable to attend a meeting or there is a vacant seat, a duly appointed Substitute from the appropriate political group shall be entitled to attend, speak and vote at the meeting. This substitution shall apply for the whole duration of the meeting.

No Member shall be entitled to act as a Substitute for more than one member at any one meeting.

The name of the Substitute must be notified to the Assistant Director Law, Governance and Democratic Services before the start of the meeting, and shall be reported to the meeting and recorded in the Minutes

#### **4.10 Attendance at Committees and Sub-Committees of the Leader of the Council and Leaders of Political groups who are not Members**

In addition to their rights as elected member under this constitution, the Leader of the Council and Leaders of Political Groups, shall be entitled to attend and speak at Committees and Sub-Committees with the exception of the Licensing, Planning and Standards Committee.

The Leader of the Council and Leaders of Political Groups may arrange for another Member to represent them at any such meeting they are entitled to attend, such attendance shall be notified to the Assistant Director Law, Governance and Democratic Services prior to the commencement of the meeting and shall be recorded in the Minutes of the meeting.

#### **4.11 Exclusion of the Press and Public to Meetings**

##### **4.11.1 Confidential Information – requirement to exclude public**

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

##### **4.11.2 Exempt information – discretion to exclude public**

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

Exempt information means information falling within the categories in the following table. Each of these categories has a paragraph number specified in the table, and are subject to the qualifications and interpretation which follow the table.

Paragraph Number	Category
1	Information relating to any individual
2	Information which is likely to reveal the identity of an individual
3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)
4	Information relating to any consultations or negotiations, or contemplated negotiations, in connection with any labour matters arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority
5	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings
6	Information which reveals that the authority: <ul style="list-style-type: none"> <li>(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</li> <li>(b) to make an order or direction under any enactment.</li> </ul>
7	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

#### 4.11.3 Public Interest Test

Information which falls within any of paragraphs 1 to 7 above, and is not prevented from being exempt by virtue of the following two qualifications is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

#### 4.11.4 Qualifications

##### General

Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

### Paragraph 3

Information falling within paragraph 3 above is not exempt information if it is required to be registered under:-

- the Companies Act 1985;
- the Friendly Societies Act 1974;
- the Friendly Societies Act 1992;
- the Industrial and Provident Societies Acts 1965 to 1978;
- the Building Societies Act 1986; or
- the Charities Act 1993.

### Interpretation

*“employee”* means a person employed under a contract of service.

*“financial or business affairs”* includes contemplated, as well as past or current, activities.

*“labour relations matter”* means any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 [10] (matters which may be the subject of trade dispute, within the meaning of that Act); or any dispute about a matter falling within paragraph (a) above. For the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority.

*“office holder”*, in relation to the authority, means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority.

*“registered”* in relation to information required to be registered under the Building Societies Act 1986, means recorded in the public file of any building society (within the meaning of the Act).

#### **4.11.5 Exclusion of Public Access to Reports**

If the Assistant Director Law, Governance and Democratic Services or any Deputy Monitoring Officer in his/her absence thinks fit, the Council may exclude access by the public to reports which in his/her opinion relate to items during which, the meeting is likely not to be open to the public. Such reports will be marked “Not for publication” together with the category of information likely to be disclosed.

## 4.12 Agendas

### 4.12.1 Ordinary Meetings

In the absence of a specific agenda set out in the relevant Committee Procedure Rules, the agenda for meetings shall be to:-

- elect a person to preside if the chairman and vice-chairman are not present;
- receive any apologies for absence;
- receive any declarations of interest from members;
- receive any announcements from the chairman
- report any petitions and requests to address the meeting on an item on the agenda, or to receive an address, any other business on the agenda (not applicable to Licensing and Standards Committees, petitions not applicable to Planning Committee)
- deal with any business remaining from the last meeting;
- approve the minutes of the last meeting;
- consider any urgent items of business as agreed by Chairman
- consider ordinary business
- pass a resolution to exclude the public for any items involving the likely disclosure of exempt or confidential information
- any other exempt business on the agenda

The Chairman, or the meeting by resolution, may vary the order of business.

### 4.12.2 Special or Extraordinary Meetings

The order of business at a special or extraordinary meeting shall be:-

- (a) To elect a person to chair the meeting if the Chairman and Vice-Chairman are absent.
- (b) To receive apologies for absence.
- (c) To consider the business of the meeting and of any motion or report which it is intended the meeting should consider as set out in the summons,

Those listed below may require the Chief Executive to call a special or extraordinary meeting of the Council:-

- the Council by resolution;
- the Chairman of the Council;
- the Monitoring Officer;
- any five Members of the Council if they have signed a requisition presented to the Chairman of the Council and he/she has failed to call a meeting within seven working days.



Those listed below may require the Chief Executive to call a special or extraordinary meeting of a Committee or Sub-Committee:

- the Chairman of a Committee or Sub-Committee
- a quorum of the Committee or Sub-Committee if they have signed a requisition

#### **4.13 Urgent Business**

No business shall be transacted at a meeting other than that specified in the agenda

Where an urgent matter within the terms of reference of that meeting is notified to the Assistant Director Law, Governance and Democratic Services prior to the start of the meeting, they will inform the Chairman who will decide whether the matter should be considered at the meeting as a matter of urgency

#### **4.14 Agendas, Minutes and Reports**

Any member of a Committee may require the Chief Executive to make sure that an item is placed on the agenda of the next available meeting for consideration, subject to any exclusions as set out in the procedure rules.

The Council will make copies of the agenda and reports open to the public available for inspection at the designated office at least five clear days before the meeting, except where a meeting is called at shorter notice. If an item is added to the agenda later, the Chief Executive will make each such report available to the public as soon as the report is completed and sent to Members.

All agendas, minutes, reports and other documents of the Council, Committees and Sub-Committees shall be available on request to all Members of Council and to any other person on payment of a charge for postage and any other costs for at least six years, or in the case of background papers four years, following the date of the meeting. The Chief Executive may supply to the public any other documents supplied to Members in connection with an item

They shall be treated as confidential in so far as they may relate to meetings or parts of meetings which are not open to the public, unless and until such a time as they may become public in the ordinary course of the Council's business.

After any meeting of the Council or of its committees, the Chief Executive or, where no Officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting as soon as practicable.

The minutes of every meeting shall be sent to each Member of the meeting before the next meeting and shall be taken as read. No discussion shall take place upon the minutes (including matters arising) except upon their accuracy, and any question of their accuracy shall be considered and voted upon.

Minutes of meetings shall be signed at the next ordinary meeting. Members may ask

questions on Minutes relating to their accuracy, Members cannot use this facility as a means to re-open debate on an issue or to alter a previous decision.

#### **4.15 Background papers**

The Officer producing a report will set out in that report a list of background papers relating to the subject matter of the report which in his opinion, have been relied on to a material extent in preparing the report.

Background papers do not include published works or in respect of Executive reports, the advice of a political advisor.

Background papers which disclose exempt or confidential nature will be marked as such and will not be publicly available.

The Council will make background papers available for four years after the date of the meeting, and all background papers shall be published at the same time as the report in which they are referred to

#### **4.16 Petitions**

The Council welcomes petitions and recognises them as a way in which people can let us know their concerns or the strength of public feeling.

##### **4.16.1 Guidelines**

Petitions may be submitted regarding any matter which relates to an improvement in the economic, social or environmental well-being of the authority's area and/or to which its partner authorities could contribute.

The following issues are excluded and outside the scope of petitions as defined above:

- matters under any other enactments e.g. petitions requesting and elected Mayor
- any matter relating to a planning decision, including about a development plan document or the community infrastructure levy
- any matter relating to an alcohol, gambling or sex establishment licensing decision
- any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to review or right of appeal conferred by or under any enactment.

Petitions which are considered to be vexatious, abusive or otherwise inappropriate by the Monitoring Officer will not be accepted.

The Monitoring Officer shall determine whether a petition is valid.

The Monitoring Officer or Full Council may at their discretion decide to instruct officers to verify the signatures on a petition, in order to ensure that they are genuine.

In the period immediately before an election or referendum the Monitoring Officer may

decide that petitions will be dealt with differently in order to comply with guidance on purdah.

#### **4.16.2 Paper Petitions**

Petitions submitted to the council must:

- consist of 10 or more signatures
- include a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the council to take
- include the name and address and signature of any person supporting the petition

Petitions should be accompanied by the contact details including an address, for the petition organiser. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.

The council will acknowledge receipt of a petition to the petition organiser within 10 working days and details of received petitions will be published on the council's website.

#### **4.16.3 E-petitions**

The council welcomes e-petitions which are created and submitted through our website. E-petitions will follow the same guidelines as paper petitions.

E-petition organisers will need to provide their name and contact details.

When an e-petition is created it may take five working days before it is published online. This is because we have to check that the content of the e-petition is suitable before it is made available for signature. Once published, the e-petition will be available online for signature for 28 calendar days.

When an e-petition has closed for signature, it will automatically be deemed to be submitted and dealt with according to the number of signatures. The e-petition organizer will receive an acknowledgement and be advised of the process to be followed.

#### **4.16.4 Council response to a petition**

The council will inform the petition organiser if the council can do or has done what is requested or what steps the council plans to take.

The response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- taking the action requested in the petition
- considering the petition at a council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners

- referring the petition for consideration by the council's Overview and Scrutiny Committee
- calling a referendum
- writing to the petition organiser setting out our views about the request in the petition

In addition to these steps, the council will consider all the specific actions it can potentially take on the issues highlighted in a petition.

#### Full Council Debates and Officer Evidence

Petitions that have 1500 or more signatures will trigger a debate at full Council. This will normally take place at the first available meeting. Petition organisers will be given 5 minutes to present their petition and the petition will be discussed by council for a maximum of 15 minutes. Council may decide:

- to take the action as set out in the petition
- not to take the action for the reasons put forward in the debate
- to commission a further investigation
- to make recommendations to the Executive

Petition organisers will receive written confirmation of decisions which will also be published on the council website.

#### Evidence to the Overview Scrutiny Committee

Petitions that request a senior officer (Assistant Directors, Directors, Corporate Directors and Chief Executive) to give evidence to the Overview and Scrutiny Committee must receive 750 or more signatures. The Overview and Scrutiny Committee may decide to ask a more appropriate officer as well as a relevant Member to attend. Up to three working days before the meeting, Petition organisers may submit questions to the Chairman of the meeting.

#### **4.16.5 Right of Review**

The petition organiser has the right to request the Council's Overview and Scrutiny Committee to review the way the council has dealt with a petition if they feel this has not been appropriate. This review will normally take place at the first available meeting.

The Overview and Scrutiny Committee may decide to:

- take no further action
- instigate an investigation
- make recommendations to the Executive
- refer the issue to Council for consideration

The petition organiser will be informed of the results within 5 working days.

#### **4.16.6 Presenting Petitions to Meetings**

Petitions may be presented to all Council meetings except Appeals, Joint Appeals,

Planning, Licensing and Standards Committees and their Sub-Committees.

A request to present a petition must be received by the Assistant Director Law, Governance and Democratic Services at least 10 working days before the meeting.

Any question as to the relevance of any petition shall be determined by the Chairman of the meeting without debate.

When petitions are presented the presenter shall have the right to briefly announce the subject of the petition and address the meeting upon it for a maximum of 5 minutes.

If the petition is directly relevant to an item before the meeting or that is due to come before the meeting it shall be referred without debate for consideration to a relevant council meeting or officer, who shall respond to the petition and report back to the referring body:

- taking the action requested in the petition
- considering the petition at a Council meeting.
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by the council's Overview and Scrutiny committee
- calling a referendum (where legislation permits)
- writing to the petition organiser setting out our views about the request in the petition.

In the case of referral to another council meeting the person who presented the petition shall be able to address the meeting when the matter referred to in the petition is considered.

#### **4.17 Addresses**

Addresses may be presented to all meetings of Council except Appeals, Joint Appeals, Planning, Licensing and Standards Committees and their Sub-Committees by:

- A Local Government elector for the area,
- A person who is wholly or mainly resident in the area,
- A Council Taxpayer or National Non-Domestic Ratepayer for the area

Addresses must be on an item on the Agenda before the meeting and not exceed 5 minutes. No person will be allowed to address more than one meeting on any particular issue, except in the case where a Planning decision has been referred to Council for

consideration.

Requests to address and the reasons for the address must be received by the Assistant Director Law, Governance and Democratic Services not later than noon on the working day before the meeting.

The Chairman of the meeting shall determine where on the agenda the address shall be made. The Chairman may require that where there are a number of persons wishing to present similar views on the same issue that an address is made by a single spokesperson, on behalf of all such persons. The Assistant Director Law, Governance and Democratic Services will notify persons who are not allowed to address a meeting of that fact and of the reasons for the decision.

Addresses shall not be permitted on the following matters:

- planning applications or any other planning, licensing or standards committee matter involving an individual or applicant for any permission;
- any matter involving negotiations which the Council is engaged in;
- any matter where the Council is involved in negotiation or litigation;
- any matter involving exempt or confidential information as set out in the introduction to this constitution
- any other matter which the Assistant Director Law, Governance and Democratic Services considers is inappropriate following consultation with the Chairman

Public speaking on planning applications being considered by Planning Committee is permitted in certain circumstances. Details of how to address Planning Committee are set out in Part 14 of this Constitution, Planning Committee Procedure Rules.

#### **4.18 Motions**

Motions may be submitted by Members for debate at a Council meeting on any issue over which the meeting has power or which affects the District.

Motions must be received in writing, including from a known or recognised e-mail address, by the Assistant Director Law, Governance and Democratic Services by noon on the eighth working day before the meeting. Motions will be published on the agenda for which they have been submitted.

Notwithstanding the deadline for motions, Members are encouraged to submit motions early and to discuss potential motions with officers to enable a review in case of any budgetary implications.

If a submitted motion is not proposed either by the Member who has given the notice or by some other Member with his/her written authority it shall be abandoned and must be submitted afresh if it is to be considered at any future meeting.

If a motion is referred to the Executive or any Committee or Sub-Committee of which the

proposer is not a Member, he/she shall be given notice of the meeting at which it is proposed to consider the motion and shall have an opportunity of explaining it, but shall not have a right to vote on it.

Motions will be dealt with at the meeting in the order that they are received. The Chairman will determine whether motions can be considered consecutively where they cover similar matters.

#### **4.18.1 Scope**

A motion should not exceed 250 words. It shall include nothing that is vexatious or frivolous and must be factually accurate.

#### **4.18.2 Motions with Budgetary consequences**

Any motion on notice or amendment which would require an additional significant expenditure (significant is defined as expenditure of £10,000 or more) in the current budget of the council or capital expenditure of the Council, or would involve capital expenditure, shall, when formally proposed and seconded, be immediately adjourned.

The motion will be considered at the next ordinary meeting of the Council in order that the Executive, relevant Committee and/or statutory officers may report on the potential impact and consequences.

Where a motion has been deferred for budgetary reasons, the Member who submitted the motion, may amend the motion before it is considered by Council.

An urgent motion which cannot wait till the next ordinary meeting of the Council, may, be debated at the meeting of the Council at which it is proposed. The Chairman of the Council will decide whether the item is of an urgent nature after consulting with the Chief Executive and Leader of the Council.

#### **4.18.3 Motions Without Notice**

The following motions may be moved without notice:-

- The appointment of a Chairman in the absence of the Chairman and Vice-Chairman.
- A motion relating to the accuracy of the Minutes of the meeting
- The referral of an issue to the Executive, a Committee or Sub-Committee
- The appointment of a Committee, a representative of the Council on any body or at any meeting, in relation to any agenda item or on the recommendation of any Committee.
- Adoption of recommendations of the Executive, Committees and any consequent resolutions.
- That the meeting be adjourned.
- That a Procedure Rule or Rules be suspended
- That a Procedure Rule or Rules be reinstated
- That the press and public be excluded



- That the press and public be re-admitted
- That a Member be not further heard
- That the order of the agenda items be varied.
- That a motion be withdrawn.
- A motion which is deemed urgent by Chairman under Section 100B(4) of the Local Government Act 1972 be considered.
- That a motion be taken in specified parts
- A procedural motion

#### **4.19 Rescission of Resolution**

No motions to rescind or vary an agreed decision or a motion which has been voted on and lost within the preceding six months shall be allowed, except in the following circumstance:

A motion to rescind or vary an agreed decision or a motion which has been voted on and lost within the preceding six months shall be allowed, if it has the signature or e-mail from a known or recognised source of 8 Members and is received by Assistant Director Law, Governance and Democratic Services by noon on the eighth working day before the meeting.

When such a motion has been considered, it shall not be open to any Member to propose a similar motion for a further period of six months.

The above provision shall not apply to motions which are moved following consideration by the Executive or a Committee, nor shall it prevent the Executive or a Committee or Sub-Committee varying or rescinding a decision which has been taken under delegated authority within the preceding six months.

#### **4.20 Postponing a Decision to Rescind or vary a Resolution**

When a Council meeting has passed a motion to vary or rescind a resolution, it may be postponed by a notice signed or by e-mail from a known or recognised source by 8 Members of the Council, which shall be received by the Assistant Director Law, Governance and Democratic Services by noon on the day following the meeting at which the resolution to rescind or vary the decision was passed.

Upon receipt of such a notice the decision referred to and to be subject to variation or rescission shall be suspended and the issue referred to Council for resolution.

#### **4.21 Presentations and Presentation of Reports to Council Meetings**

A Council meeting (with the exception of meetings of Council where the suspension of the Meeting Procedure Rules shall be required), may, prior to entering debate on any



issue, receive a report presented by an officer, Member or presentation from an officer or other invited stakeholder. Members may then ask questions of the presenter through the Chairman.

## **4.22 Rules of Debate**

At Council every Member shall be seated except the one who is addressing Council. When the Chairman rises no one else shall continue standing, or rise from his/her seat.

At Committees and Sub-Committees all Members shall be seated and only one Member at a time, as directed by Chairman, shall speak. When the Chairman wishes to speak no one else shall continue speaking.

### **4.22.1 Proposer Speech**

The proposer of a motion or amendment shall first state the precise wording or effect of the motion or amendment which shall not be further explained or discussed unless it has been formally seconded.

Motions and amendments must be submitted in advance of the Council meeting in line with the deadlines in this Constitution. Any amendments to recommendations shall, if required by the Chairman, be reduced to writing, handed to the Chairman and read before it is moved.

### **4.22.2 Seconder Speech**

Every motion shall be formally seconded before it is discussed or put to the meeting. The seconder of a motion may reserve his/her speech for a later period in the debate and can speak at any point in the debate by raising their hand. This does not however mean they must be the penultimate speaker before the proposer sums up and other speakers can address the meeting after the seconder.

### **4.22.3 Speeches by Others and Amendments**

A Member who speaks shall address the Chairman and direct his/her speech strictly to the motion or amendment under discussion or to a point of order relating to procedure. A Member shall not speak more than once on any motion or amendment.

“Friendly amendments process”: A Member may alter a Motion of which s/he has given notice to accept an amendment to their motion with the consent of Council. The meeting’s consent will be signified without discussion. Only alterations which can be made as an amendment may be made.

No Member shall propose or second more than one amendment on any one motion. The seconder of an amendment may reserve his/her speech for a later period in the debate on the amendment.

Any Member of the Council wishing to propose an amendment to a submitted motion for consideration at a meeting of Council must give notice to the Assistant Director Law, Governance and Democratic Services as to the proposed wording of the amendment to the motion in writing or from a known

or recognised email address before 12noon on the second working day before the Council meeting. Amendments will be published in the afternoon of the working day before the meeting.

An amendment must be relevant to the motion on which it is moved and may only:

- leave out words.
- leave out words and insert or add others.
- insert or add words.
- refer any motion, issue, or part of an issue, to an appropriate body, meeting or individual for consideration or reconsideration. No further amendment may be moved, if this amendment is agreed

An amendment may not amount to a direct negative of the motion or nullify the motion.

It shall include nothing that is vexatious or frivolous and must be factually accurate.

The amendment must not take the original Motion over 250 words.

If an amendment is rejected, other amendments submitted may be debated on the original motion.

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 amendments submitted may be moved.

No further amendment shall be moved until the Council has disposed of any amendment previously moved.

#### **4.22.4 Leader of the Council/ Relevant Committee Chairman Right of Reply**

The Leader of the Council (in respect of motions concerning Executive functions) or relevant Committee Chairman (in respect of motions concerning non-executive functions) shall be entitled to a right of reply.

#### **4.22.5 Proposer Rights of Reply**

In a debate upon a motion the proposer of the original motion may reply at the close of the debate upon the motion and shall strictly confine him/herself to answering the previous speakers and shall not introduce any new matter.

In a debate upon an amendment, the proposer of the amendment and the proposer of the original motion may both reply at the close of the debate upon the amendment, the proposer of the amendment shall reply first before the proposer of the original motion. Both shall, in replying, confine themselves to answering previous speakers and shall not introduce any new matter.

Once the proposer of an amendment commences speaking, only the proposer of the motion may subsequently speak.

Once the proposer of the motion commences speaking, no further speakers will be heard.

In all cases a decision shall be taken without further discussion after the reply of a proposer of a motion.

#### **4.22.6 Withdrawal of Motion**

A Member may withdraw a motion which s/he has moved, with the consent of both the meeting and the Seconder. The consent of the meeting will be signified without discussion. No Member may speak on the motion after the proposer has requested permission to withdraw it, unless permission is refused.

#### **4.22.7 Point of Order**

A Member may raise a point of order at any time. The Chairman shall hear it 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 s/he considers it has been broken. The ruling of the Chairman (to be made after the taking of advice from the Chief Executive or in his/her absence the most senior officer present) on the matter shall be final.

#### **4.22.8 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 (to be made after the taking of advice from the Chief Executive) on the admissibility of a personal explanation shall be final.

#### **4.22.9 Procedural Motions**

A Member who has not spoken on the question before the meeting may, with the consent of the Chairman, propose without comment, any one of the following procedural motions:-

- that the meeting move straight to the vote.
- that the debate be adjourned
- that the meeting proceed to next business

Once seconded, the Chairman shall immediately put the procedural motion to the vote.

If a procedural motion that the meeting move straight to the vote is carried the Chairman shall first call upon the proposer of the amendment (if any), and then on the proposer of the original motion under discussion to reply, and shall then put the motion under discussion to the vote.

If the procedural motion that the debate be adjourned or that the meeting be adjourned is carried, the motion under discussion shall be adjourned to the next meeting, or the meeting shall stand adjourned as the case may be, without the proposer of the motion, or the proposer of the amendment if any being called upon to reply.

If the procedural motion to proceed to next business is carried the Chairman shall call upon the proposer of the amendment (if any), and then on the proposer of the motion

under discussion to reply, and shall then put the motion under discussion to the vote.

#### 4.22.10 Limitations on Speaking

Motion of which Notice has been given	(1) Proposer	5 minutes
	(2) Seconder (Right to Reserve)	3 minutes
	(3) Others	3 minutes
	(4) Leader of the Council in respect of motions concerning Executive functions, or the Chairman of the relevant Committee in respect of motions concerning non-executive functions.	3 minutes
	(5) Proposer	3 minutes
Amendment to a motion	(1) Proposer of Amendment	5 minutes
	(2) Seconder (Right to Reserve)	3 minutes
	(3) Others	3 minutes
	(4) Proposer of Amendment	3 minutes
	(5) Proposer of Original Motion	3 minutes

#### 4.22.11 Length of Speeches as part of Budget Setting

At the Full Council meeting at which the budget for the forthcoming financial year is set, the length of speeches for the proposer of the budget, Group Leaders and proposers of amendments shall be 10 minutes. This is applicable only when introducing and proposing the budget, Group Leaders responding to the budget and proposer of amendments.

The length of speeches at all other times and for all other speakers is as set out a paragraph 4.22.10.

#### 4.23 Chairman's Decision

The decision of the Chairman on any matter upon which it is necessary for him/her to

rule in respect to the rules of debate or any other matter relating to the conduct of meetings shall be final and shall not be open to discussion.

#### **4.24 Voting**

Every matter will be decided by a simple majority, except in the case of voting on appointments. Every question shall be determined by a show of hands of those Members present and voting. Members must be seated in their places in the meeting room when voting. Individual Members shall have the right to have their votes for or against a motion, or the fact that they have abstained from voting recorded in the Minutes of the meeting at which the vote is taken, provided they request that this be done immediately after the vote is taken.

#### **4.25 Recorded Vote**

If, before the vote is taken, two Members request a recorded vote the names for and against the motion or amendment and the names of Members abstaining shall be taken down in writing and entered in the Minutes. A recorded vote shall always be taken when the Council is considering a motion to set an annual budget (including any amendment motions in connection therewith) or a motion to set the council tax or issue a precept.

#### **4.26 Voting on Appointments**

Where there is a vote on the appointment of representatives, nominees or delegates of the Council, a separate vote shall be taken on each appointment.

Where there are more than two persons nominated for any position to be filled by the Council and of the votes given there is not an overall majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken and so on until a majority of votes is given in favour of one person.

#### **4.27 Suspension and Amendment of Rules**

Any Meeting Procedure Rules (with the exception of the right for a Member to have the details of their vote or abstention recorded in the minutes) may, by a simple majority be suspended at any meeting with regard to any item of business to be transacted. The duration of the suspension shall be clearly stated.

#### **4.28 Prevention of Disorderly Conduct**

##### **4.28.1 Members**

At a meeting of the Council if any Member persistently:

- disregards the ruling of the Chairman and/or

- behaves irregularly, improperly or offensively and/or
- wilfully obstructs the business of the meeting

the Chairman may adjourn the meeting for such a period as is considered appropriate to resolve the issue, alternatively,

the Chairman of the Council or any other Member at the discretion of the Chairman may propose that the Member named be not further heard. Upon being seconded it shall be immediately put to the meeting and decided without discussion. If it is carried the Member named shall not speak further at the meeting.

#### **4.28.2 Members of the Public**

If a Member of the public interrupts the proceedings at any meeting or causes disruption or disturbance while filming, recording or broadcasting the meeting, the Chairman shall warn him. If he continues the interruption, the Chairman shall request him to leave the Meeting Room. If he does not leave, the Chairman shall either adjourn the meeting or order his removal from the meeting room.

In case of general disturbance in any part of the meeting room open to the public, the Chairman shall order that part to be cleared.

#### **4.28.3 General Disturbance**

In the event of a general disturbance which in the opinion of the Chairman renders the due and orderly dispatch of business impossible, the Chairman may adjourn or suspend the meeting of the Council until the disturbance is brought under control, or for such period of time as he shall deem appropriate and the meeting shall thereupon be adjourned or suspended accordingly.