

## Part 5: Council Procedure Rules

(December 2024)

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The following Procedure Rules shall apply to meetings of full Council.

### 5.1 Annual Council Meeting

The Annual Council Meeting will take place within 21 days of the retirement of the outgoing councillors, on a date to be decided by the Council as part of its overall programme of meetings.

The agenda for the Annual Council Meeting will be to:-

- receive apologies for absence;
- receive any declarations of interest;
- approve the Minutes of the last meeting;
- receive any announcements from the Chairman;
- elect the Chairman of Council;
- elect the Vice-Chairman of Council;
- note the results of the District Elections, if held, and the constitution of Political Groups and Group Leaders and elect the Leader of the Council if required
- conduct any business concerning the establishment of and appointments to the Executive including receiving confirmation of the appointment of Deputy Leader and the allocation of functions to Portfolio Holders by the Council Leader;
- conduct any business concerning the establishment of and appointments to:
  - the Overview and Scrutiny Committee;
  - the Standards Committee;
  - such other Committees as the Council consider appropriate.
- Consider and appoint to partnerships, joint committees and outside bodies that fall under Council to appoint

- consider any other business set out in the agenda for the meeting;
- if necessary, pass a resolution to exclude the public for any items involving the likely disclosure of exempt or confidential information
- receive any Minutes and reports from the Executive and Committees as appropriate containing exempt or confidential information and receive questions and answers on any of those minutes and reports
- consider any other exempt or confidential business on the agenda

### 5.1.1 Appointment of Committees

The Council shall at the Annual Meeting

- decide which Committees to establish for the municipal year
- decide the number of members to serve on each Committee
- decide allocation of seats to Political Groups
- decide which Committees the Substitute Member scheme will or will not apply to
- except where the appointment to Committees is exercisable only by the Executive, appoint members to Committees in accordance with the wishes of Political Groups subject to statutory requirements
- appoint, as appropriate any Substitute members to Committees

Members appointed to Committees shall hold office to no later than the next Annual Council Meeting.

The Council:-

- may at any time dissolve or, on the nomination of any of the political groups, alter the membership of a Committee;
- may at any time modify or revoke the powers or duties of any Committee.
- shall ensure that every Member serves on at least one Committee unless any Member shall signify their wish to forego such right.
- may, at any time, decide that Members of a particular Committee or Sub-Committee may not serve as Members or Substitutes of another specified Committee or Sub-Committee, in view of the conflict of interest which would arise from serving on both Committees and Sub-Committees.

### 5.2 Agenda for Ordinary Meetings of Council

The agenda for ordinary 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 of the Council and/or the Leader;

- to report any petitions and requests to address the Council on an item on the agenda, or to receive an address, from an organisation, which is of importance to the District;
- consider any other business or motions which the Chairman has decided are urgent and which are not included in the agenda;
- approve the minutes of the last meeting;
- receive minutes from the Executive, a verbal update from the Leader of the Council on Executive key decisions taken since the last meeting which were not included in the published Executive Work Programme; receive a record of decisions made by Executive Portfolio Holders and minutes from Council Committees
- receive questions including written questions and answers submitted by Members, questions to the Leader of the Council (including any matters arising from the minutes of Executive) and questions to Committee Chairmen on Committee minutes
- consider and resolve any issues called in to the Council in accordance with the Constitution;
- receive reports from the Executive and Council's Committees and receive questions and answers on those reports;
- consider any other business on the agenda;
- if necessary, pass a resolution to exclude the press and public for any items involving the likely disclosure of exempt or confidential information
- receive any minutes and reports from the Executive and Committees as appropriate containing exempt or confidential information and receive questions and answers on any of those minutes and reports
- consider any other exempt or confidential business on the agenda
- If necessary, pass a resolution to readmit the press and public
- consider motions of which notice has been given in the order in which they have been received;

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

## **5.2.1 Receiving of Minutes and Executive Portfolio Holder Decisions by Council**

The Minutes of the Executive Committees and Executive Portfolio Holder Decisions shall be submitted to Council at the first opportunity. The Leader of the Council, or in their absence another Member of the Executive, shall formally propose the adoption of the minutes with one proposal to cover all Executive minutes and Portfolio Holder decisions and a further proposal to cover all other committee minutes.

Questions may be asked on the minutes to Committee Chairmen and Executive

Portfolio Holders, and additionally to the Leader of the Council on any matter within the remit of the Council. Such questions shall be clearly stated and will be answered without discussion. The Member putting the question may ask a supplementary question providing it is relevant to the reply and does not introduce any new matter.

No notice is required to ask a question of the Leader or a Committee Chairman on the Minutes.

### **5.2.3 Recommendations from Committees**

Recommendations requiring the approval of Council shall be presented to Council by the way of a report giving the background to the recommendation. Questions may be asked, statements made in debate and amendments proposed.

### **5.2.4 Written Questions**

A Member may ask the Leader of the Council, Executive Portfolio Holder, or Committee Chairman any question or make a statement relating to the business of the meeting or portfolio for which they are responsible

Questions and statements must be received by the Assistant Director Law and Governance before twelve noon on the eighth working day before the meeting. The written question will be published with the agenda for the meeting. A written response to the question will be published as a supplement to the agenda on the afternoon of the working day before the meeting.

A Member who has received a written reply to a question may ask a supplementary question provided it is relevant to the reply and does not introduce any new matter. The Member to which the question was addressed may reply to such supplementary question or may undertake to reply in writing.

## **5.3 Budget Council**

Budget papers will have been available to Members since the meeting of the Executive prior to the Budget Council Meeting.

Prior to the Budget Council Meeting, the Chairman of Council will invite the Political Group Leaders or their duly nominated representatives, together with the Portfolio Holder with responsibility for Finance, to a pre-council briefing to support the effective operation of the Budget Council Meeting.

- The standard items of business shall (only) be to:
  - elect a person to preside if the Chairman or Vice-Chairman of Council is not present;
  - receive apologies for an inability to attend the meeting;

- receive any declarations of interest from Members;
- public questions which must relate to items on the agenda;
- debate the proposed Medium Term Financial Strategy (MTFS);
- debate the proposed Investment Strategy;
- debate the proposed Capital Strategy;
- debate the proposed Revenue Budget.
- debate relevant reports and appendices in relation to the budget.
- Proposed amendments to items on the agenda must be tabled by the Political Groups, and:
  - where there has been no substantive change to the item (for example, excluding any minor grammatical, typographical, etc., amendments) following the meeting of the Executive prior to the Budget Meeting:
    - must be submitted to the S151 Officer by no later than 17:00, nine clear working days before the meeting; and
    - following submission, the S151 Officer will add an opinion to the proposed amendments and will distribute to all Councillors at least three clear working days before the meeting; or
  - where there has been any substantive change to the item following the meeting of the Executive prior to the Budget Meeting:
    - must be submitted to the S151 Officer by no later than 17:00, seven clear working days before the meeting; and
    - following submission, the S151 Officer will add an opinion to the proposed Amendments and will distribute to all Councillors at least two Clear Working Day before the meeting.
- Prior to an amendment being voted upon, the proposer of the amendment may request that the meeting Chairman permit that there be separate votes in respect of parts of the Amendment. Subject to any comments from the Council's Statutory Officers, it shall be within the meeting Chairman's discretion to permit separate votes on items within a proposed amendment.

[The length of speeches is as set out at sections 4.22.10 and 4.22.11 of the Constitution.

In accordance with legislation and as set out at section 4.25 of the Constitution, a recorded vote shall always be taken when the Council is considering a motion to set an annual budget (including any amendment motions) or a motion to set the council tax or issue a precept.]

### 5.3.1 Definitions

#### Motion

Motion to insert or alter or omit words in the resolution under discussion. A direct negative is not an amendment.

#### Budget

The budget agreed by Council for the upcoming financial year at the Budget Meeting as delegated to Budget Holders to manage in accordance with the powers given to them.

#### Budget Meeting of Council

The Ordinary Meeting of the Council taking place in February or March each year which considers the Budget.

### **5.4 Determination of Planning Applications by Council**

A Planning application may be referred to full Council for determination where a notice, or an e-mail from a known or recognised source, signed by one third or more of Members has been received by the Assistant Director Law and Governance.

A Planning application may only be referred to full Council on the grounds that it is of such special significance to the District that it ought to be determined by full Council and if it has already been considered by Planning Committee or an Officer under their delegated authority and no decision notice has been issued.

The Chief Executive shall place the item on the agenda for the next ordinary meeting of Council. If there is no convenient ordinary meeting at which the application could be considered, the Chief Executive, in consultation with the Chairman of the Council, shall call an Extraordinary meeting of Council at which the application will be considered.

Council shall consider a report prepared by the appropriate Officer and circulated to all Members with the agenda. Officers shall be able to address the meeting of Council to present the report, answer any questions and to advise Members on the application of planning policy.

The Chairman of Planning Committee (or in their absence the Vice-Chairman or other committee members) which would have otherwise determined the application shall propose a motion in respect of the referred matter for Council to debate.

The motion proposed as above shall be duly seconded as required by the normal rules of debate. Amendments may be moved on the motion as regulated by the rules of debate, but it shall not be possible to propose or amend a motion so as to refer the planning application in question to any Committee or Sub-Committee.

At the conclusion of the debate upon the motion, the Chairman of Planning

Committee or, in default, the Vice-Chairman of that Committee, shall reply and shall strictly confine themselves to answering the previous speakers, and shall not introduce any new matter.

Where the Council, is minded to approve or refuse an application contrary to policy / recommendation, clear planning reasons for doing so shall be identified at the meeting by the proposer of the motion to the satisfaction of the Chairman before the vote is taken on whether to grant or refuse planning permission.

Any Member of the Council participating in the determination of a planning application by full Council, must receive training in planning matters in accordance with the adopted Planning Code of Conduct prior to the relevant Council meeting.

## **5.5 Finish Time of full Council**

Meetings of Council will finish at 11pm. The meeting will not however conclude mid-way through an item of business.

The Chairman of the Council has discretion to continue the meeting to conclude business, if, in the opinion of the Chairman, this would be appropriate.

Any motions not considered would be carried forward to be considered at the next scheduled Full Council meeting, at which motions are included on the agenda.