COUNCIL PROCEDURE RULES

1. Purpose and application

1.1 These Council Procedure Rules regulate the conduct of meetings of the Council and, where specified, its committees and sub-committees.

1.2 The Rules should be read with the remainder of the Constitution, in particular the Access to Information Procedure Rules, Budget and Policy Framework Procedure Rules, Executive Procedure Rules, Overview and Scrutiny Procedure Rules and the Members' Code of Conduct.

1.3 These Rules are subject to any statutory requirement. Where there is any conflict between these Rules and legislation, the legislation shall prevail.

1.4 The Chair of the meeting shall interpret and apply these Rules at the meeting, having regard to any advice given by the Monitoring Officer or their representative. The Chair's ruling at the meeting shall be final.

1.5 References in these Rules to the "Chair" include the person presiding at the meeting.

1.6 A reference to a "clear working day" excludes the day on which notice is given and the day of the meeting and excludes Saturdays, Sundays and bank holidays.

PART A – BEFORE THE MEETING

2. Meetings of the Council

2.1 Annual Meeting

In a year in which there is an ordinary election of councillors, the Annual Meeting will take place within 21 days of the retirement of the outgoing councillors.

In any other year the Annual Meeting will take place in March, April or May on a date determined by the Council.

2.2 Business at the Annual Meeting

The Annual Meeting shall:

(a) elect the Chair of the Council;

(b) appoint the Vice-Chair;

(c) approve the minutes of the last meeting where appropriate;

(d) receive any declarations of interest;

(d) receive any announcements from the Chair and/or Chief Executive;

(e) elect the Leader where required;

(f) receive notification from the Leader of the appointment of the Deputy Leader and Cabinet;

(g) establish those committees as are required by statute and such others it considers appropriate to establish;

(i) determine the allocation of seats and appointments to committees in accordance with the political balance requirements;

(j) appoint chairs and vice-chairs of those committees where the Constitution provides for Council to make those appointments;

(k) appoint representatives to outside bodies where responsibility rests with Council; and

(l) consider any other business specified in the summons.

2.3 Ordinary Meetings

Ordinary meetings of the Council will take place in accordance with the calendar of meetings approved by the Council.

2.4 Agenda and Order of Business

2.4.1 The normal order of business at an ordinary meeting of Council shall be:

(a) election of a person to preside, if necessary;

(b) apologies for absence;

(c) approval of minutes;

(d) declarations of interests;

(e) announcements by the Chair;

(f) announcements by the Chief Executive;

(g) receive any announcements from the Leader of the Council (or an Executive member nominated by the Leader) for a maximum time of three minutes;

(g) public questions or participation for up to 30 minutes;

(h) petitions where the Constitution provides for them to be considered;

(i) questions from members for up to 30 minutes;

(j) reports and recommendations requiring a decision by Council;

(k) reports from committees and other bodies;

(l) motions on notice;

(m) appointments and other constitutional business; and

(n) other business included on the agenda.

2.4.2 The Chair may, with the consent of the meeting, vary the order of business where this will facilitate the effective conduct of the meeting.

2.4.3 Items whose order is prescribed by statute shall be dealt with in the required order.

2.5 Extraordinary Meetings

2.5.1 An extraordinary meeting of full Council may be convened at other times:
(a) by the Chair; or
(b) by the Monitoring Officer or Chief Finance Officer to consider a report in the discharge of their statutory duties; or
(c) by five Councillors only as set out below.

2.5.2 Five Councillors may present a requisition to the Chair to hold an extraordinary meeting. A requisition must:
(a) be in writing;
(b) signed by at least five Councillors and identifying a Councillor to whom the Chair should respond (the "lead Councillor"); and
(c) state the purpose of the meeting including a motion which must be made in accordance with these rules.
(d) requisitions may also be submitted in electronic format but must include signatures

2.5.3 If the Chair either refuses to call an extraordinary meeting or fails to call a meeting within seven days of the presentation of the requisition, the ten Councillors may call an extraordinary meeting. No other business may be transacted at an extraordinary meeting except with the agreement of the Chair.
2.5.4 The Chair may hold an extraordinary Council meeting on the same day as an ordinary Council meeting.
2.5.5 The Monitoring Officer may cancel an extraordinary meeting at any time if requested to do so in writing by the lead Councillor.

3. Notice and Summons

3.1 The Proper Officer will give notice of meetings and send a summons and agenda to every member in accordance with statutory requirements.

3.2 Unless legislation provides otherwise, the agenda and reports will normally be published at least five clear days before the meeting.

3.3 A summons, electronically signed by the Proper Officer, will be sent electronically to a member's official email account.

3.4 The summons will specify:

(a) the date, time and place of the meeting;

(b) the business to be considered;

(c) whether reports or appendices contain exempt or confidential information; and

(d) any other information required by law or the Constitution.

3.5 An item of business which has not been included on the agenda may only be considered where this is permitted by law.

4. Questions by Members

4.1 Questions on Notice

A member may ask a question of:

(a) the Chair of the Council;

(b) the Leader;

(c) an Executive Member; or

(d) the chair of a committee,

about a matter for which the Council has responsibility or which affects the Council's area.

At any one meeting no member of the Council may submit more than one question/Any member submitting more than one question in writing may indicate the priority of importance of each question.

If a Member who has submitted a question is unable to be present, the question will be answered in writing.

4.2 Notice

Notice of the question must be given to the Monitoring Officer by email by 12 noon, five clear working days before the meeting. The question must give the name of the Member asking the question and should name the Member to whom the question is to be put. If not so named, it shall be allocated to the most appropriate Member by the Monitoring Officer. If the question relates to an Executive matter, it shall be allocated to the Leader who may promptly re allocate to any other Executive Member.

Questions will be taken in the order in which they were received by the Proper Officer, except that the Mayor may group similar questions together.

4.3 Urgency

Where a question relates to a matter of urgency, a member must have the agreement of the Chair of the Council and the member to whom the question is to be put that they are prepared to accept the question as a matter of urgency. The content of the question must be given in writing to the Monitoring Officer by midday on the day of the meeting. A matter of urgency will be an item that not could appear on the agenda and cannot reasonably be deferred until the next meeting of the Council.

4.4 Relevance and admissibility

The Monitoring Officer, following consultation with the Chair where appropriate, may reject a question which:

(a) does not relate to a matter for which the Council has responsibility or which affects the Council's area;

(b) is substantially the same as a question considered within the previous six months;

(c) is defamatory, discriminatory, offensive or otherwise unlawful;

(d) relates to an individual staffing, disciplinary or confidential matter;

(e) would disclose exempt or confidential information;

(f) relates to an individual regulatory decision where consideration would prejudice that process; or

(g) would otherwise be inappropriate for consideration at a public Council meeting.

The member shall be informed of the reason for rejection.

The length of any such question is limited to a maximum of 150 words.

Questions in writing will not be read out at Council meetings and the answers will be taken as read.

4.5 Response

A written response will be provided to all Member Questions, other than those raised under CPR xxx. The question and answer will be included in the supplementary agenda pack and published by 5pm the working day prior to the day of the meeting. The question and any written response, as published in the supplementary agenda pack, will be taken as read at the meeting and there shall be no discussion upon it.

All questions from Members, whether raised under CPRxx, and the responses shall be summarised in the minutes of the meeting.

5.5 Supplementary question

The member asking the original question may ask one supplementary question arising directly from the answer.

A supplementary question must be concise and must not introduce a substantially new matter.

The Chair may reject or stop a supplementary question which does not comply with this Rule.

5.4 Answer

An answer may be:

(a) given orally, up to a maximum of two/three minutes;

(b) given in writing;

(c) contained in another published document; or

(d) referred to another body where that is the appropriate means of providing a response.

6. Motions on Notice

6.1 Notice

Except for motions which may be moved without notice under Rule xx, notice of every motion must be sent by email to the Monitoring Officer by 12 noon, seven clear working days before the meeting.

The notice must:

(a) state the motion in full;

(b) identify the member proposing it; and

(c) identify a seconder.

6.2 Scope

A motion must relate to:

(a) a matter for which the Council has responsibility; or

(b) a matter which directly affects the Council’s area or its residents.

6.3 Admissibility

The Monitoring Officer may, after consultation with the Chair, decline to place a motion on the agenda where it:

(a) would be unlawful;

(b) is defamatory, discriminatory or otherwise improper;

(c) relates to an individual staffing, disciplinary, complaints or regulatory matter;

(d) would disclose confidential or exempt information;

(e) is substantially the same as a motion considered within the previous six months unless Rule xx applies; or

(f) is not appropriate business for Council.

The member shall be informed of the reason.

6.4 Withdrawal

A member may withdraw their motion at any time before it is moved at the meeting.

After it has been moved at the meeting, it may only be withdrawn with the consent of the seconder and the meeting.

6.5 Referral of a motion

Council may refer a motion to the Executive, a committee or another appropriate body for consideration.

Where the motion relates to an executive function, Council may express a view or make a recommendation to the Executive but cannot itself exercise the executive function unless the law permits.

7. Amendments submitted in advance

7.1 Members are encouraged to submit substantive amendments to published recommendations or motions to the Monitoring Officer before the meeting. All such amendments will be kept confidential.

7.2 An advance amendment should identify:

(a) the words to be deleted;

(b) the words to be inserted; and

(c) the resulting amended proposition.

7.3 Advance submission does not prevent an amendment being moved at the meeting in accordance with these Rules.

7.4 The Monitoring Officer may advise that an amendment is not admissible where it is unlawful, outside the Council's functions, inconsistent with the Budget and Policy Framework Procedure Rules or is not a genuine amendment to the original proposition.

PART B – AT THE MEETING

8. Quorum

8.1 The quorum for Council shall be one quarter of the whole number of members rounded up.

8.2 The quorum for a committee or sub-committee shall be one quarter of its membership rounded up, subject to a minimum of three members unless legislation requires otherwise.

8.3 If there is no quorum at the time the meeting is due to commence, the Chair may allow a reasonable period, being no more than 15 minutes, for a quorum to be achieved.

8.4 If during a meeting the number of members present falls below the quorum, the meeting shall be adjourned.

8.5 Remaining business shall be considered at a time and date determined by the Chair or, if no date is determined, at the next ordinary meeting.

9. Chairing the Meeting

9.1 The Chair shall:

(a) uphold these Rules;

(b) facilitate fair and orderly debate;

(c) ensure that members have an appropriate opportunity to participate;

(d) maintain order;

(e) decide questions of procedure, having regard to advice from the Monitoring Officer; and

(f) ensure that the meeting reaches clear decisions.

9.2 The Chair's ruling on the conduct of the meeting shall be final.

9.3 When the Chair intervenes to give a ruling or to restore order, the member speaking must stop.

10. Interests

10.1 Members must declare interests and act in accordance with:

(a) the Localism Act 2011;

(b) the Council's Code of Conduct; and

(c) any dispensations granted.

10.2 The Chair may invite members to declare interests at the beginning of the meeting but the responsibility for making an appropriate declaration remains with the individual member.

10.3 Where an interest becomes apparent during consideration of an item, the member must declare it at that point.