

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 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 10% of 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.

Subject to the provisions of this Rule, a member of the Council may submit up to three questions for answer at an ordinary meeting of the Council.

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 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.

5.5 Order of Questions

Supplementary questions shall be taken in the following order:-

- (a) On the first question submitted by each Member;
- (b) On the second question submitted by each Member and
- (c) On the third question submitted by each Member

No member's second supplementary question shall be taken until all Members who have a first supplementary question have had the opportunity to ask their supplementary question (if any).

No member's third supplementary question shall be taken until all Members who have a first supplementary question have had the opportunity to ask their supplementary question (if any).

5.6 Time Limits

The overall time for members questions shall be limited to 30 minutes/45 minutes.

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.

12. Speaking

12.1 A member wishing to speak shall indicate to the Chair.

12.2 Members must address the meeting through the Chair.

12.3 A member must speak to the matter under consideration.

12.4 Members must not:

(a) make personal or abusive comments;

(b) impute improper motives to another member or officer without proper basis;

(c) use discriminatory or offensive language;

(d) disclose confidential or exempt information; or

(e) disregard a ruling of the Chair.

12.5 Unless the Council agrees otherwise:

- mover of a motion or recommendation: **5 minutes**;
- mover of an amendment: **3 minutes**;
- other speakers: **3 minutes**;
- right of reply: **3 minutes**.

13. Motions which may be moved without notice

The following procedural motions may be moved without notice:

- (a) to appoint a Chair for the meeting;
- (b) relating to the accuracy of the minutes;
- (c) to change the order of business;
- (d) to refer a matter to an appropriate body;
- (e) to appoint a committee or member arising from an item on the agenda;
- (f) to receive or note a report;
- (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 the debate;
- (l) to adjourn the meeting;
- (m) to extend the meeting;
- (n) to suspend a Procedure Rule which may lawfully be suspended;
- (o) to exclude the public and press in accordance with the law;
- (p) not to hear further a member named under Rule xx;
- (q) to require a member of the public to leave the meeting under Rule xx; and
- (r) to request or require a recorded vote where permitted by these Rules.
- (s) To carry out an urgent statutory duty of the Council

14. Motions and Amendments

14.1 A motion or amendment must be proposed and seconded before it is debated.

14.2 The Chair may require a motion or amendment to be submitted in writing.

14.3 Amendments

An amendment must be relevant to the motion and may:

- (a) delete words;
- (b) delete words and insert or add others; or
- (c) insert or add words,

provided that the effect is not simply to negate the motion.

14.4 An amendment must not introduce a substantially new proposition unrelated to the motion.

14.5 Only one amendment shall normally be considered at a time.

14.6 If an amendment is carried, the amended motion becomes the substantive motion.

14.7 Further amendments may then be moved.

14.8 Acceptance of an amendment

With the consent of the seconder and the meeting, the mover may accept an amendment. The amended wording shall then become the substantive motion without a separate vote on the amendment.

15. Rules of Debate

The normal order of debate shall be:

- (a) mover presents the motion or recommendation;
- (b) seconder may speak immediately or reserve their speech;
- (c) amendments may be moved and seconded;
- (d) members debate the proposition;

- (e) the mover of an amendment may reply briefly before the vote on the amendment;
- (f) after all amendments have been disposed of, the mover of the original motion has a right of reply; and
- (g) the substantive motion is put to the vote.

A member who has spoken on a motion may not speak again except:

- (a) on an amendment;
- (b) on a point of order;
- (c) on a point of personal explanation; or
- (d) in exercise of a right of reply.

16. Closure Motions

Any member may move:

- (a) “that the question be now put”;
- (b) “that the meeting proceed to the next business”;
- (c) “that the debate be adjourned”; or
- (d) “that the meeting be adjourned”.

The Chair shall only accept the motion if satisfied that sufficient debate has taken place or that the procedural motion is otherwise appropriate.

If the procedural motion is carried, they will give the mover of the original motion a right of reply and then move to the vote on the substantive motion.

17. Points of Order and Personal Explanation

Point of order

17.1 A member may raise a point of order at any time.

17.2 The member must identify the provision of the meeting procedure or law which they consider has been breached, and how they consider it has been broken.

17.3 The Chair’s ruling is final.

Personal explanation

17.4 A member may make a point of personal explanation where something said during the meeting appears materially to misunderstand or misrepresent something they have said.

17.5 The explanation must be confined to correcting the misunderstanding.

PART C – TAKING DECISIONS

18. Voting

18.1 Unless legislation or the Constitution requires otherwise, a matter shall be decided by a simple majority of those members present and voting.

18.2 Voting will normally be by show of hands or by an electronic voting system.

18.3 The Chair shall announce the result.

18.4 Where votes are equal, the Chair may exercise any casting vote available to them by law.

Recorded votes

18.5 A recorded vote shall be taken where required by law.

18.6 In any other case, a recorded vote shall be taken if **10 members** present at the Council meeting request one before the vote is taken. At Committee and Sub-Committee meetings, any **one member** present at the meeting may request a recorded vote before the vote is taken.

18.7 The minutes shall record how each member voting in a recorded vote voted and any abstention.

18.8 Immediately after a vote, a member may require that the minutes record whether they voted for or against the proposition or abstained.

19. Previous Decisions and Motions

19.1 A motion or amendment to rescind a decision made by Council within the previous six months may not be considered unless:

(a) it is moved on the recommendation of the Executive or relevant committee; or

(b) notice is signed by at least **10 members**.

19.2 A motion substantially the same as one rejected within the previous six months may not be considered unless the same requirement is satisfied.

19.3 This Rule does not prevent reconsideration where:

(a) there has been a material change of circumstances;

(b) new legal or professional advice materially affects the decision;

(c) reconsideration is required by law; or

(d) the Monitoring Officer considers that reconsideration is necessary to address an issue of legality or maladministration.

20. Budget Decisions

20.1 Decisions relating to the Council's budget and policy framework shall also comply with the Budget and Policy Framework Procedure Rules.

20.2 Any recorded vote required by legislation relating to the Council's budget or council tax shall be taken and recorded accordingly.

20.3 An amendment which would have material financial implications may be ruled inadmissible for immediate determination where the Chief Finance Officer advises that there is insufficient information to assess its consequences.

20.4 In those circumstances, Council may adjourn consideration or refer the matter for further advice.

PART D – ORDER AND CONDUCT

21. Member Conduct

21.1 If a member persistently disregards the ruling of the Chair, behaves improperly or obstructs the business of the meeting, the Chair may:

(a) warn the member;

(b) direct the member to stop speaking;

(c) propose that the member is not heard further on the item; or

(d) in cases of serious or continuing disorder, propose that the member leave the meeting for a specified period.

21.2 Any motion under (c) or (d) shall be put to the vote without debate.

21.3 Nothing in this Rule affects the operation of the Members' Code of Conduct.

22. Disturbance by the Public

22.1 If a member of the public interrupts' proceedings, the Chair may warn the person concerned.

22.2 If the interruption continues, the Chair may require that person to leave the meeting.

22.3 In the event of general disturbance, the Chair may:

- (a) clear the public gallery or the part affected;
- (b) adjourn the meeting for such period as the Chair considers appropriate.

23. Adjournment

The Chair may adjourn a meeting:

- (a) following a resolution of the meeting;
- (b) to restore order;
- (c) to obtain legal, financial or procedural advice;
- (d) where there is a health, safety or security concern; or
- (e) where otherwise necessary for the effective conduct of the meeting.

24. Duration of Meetings

24.1 An ordinary meeting of Council shall normally end **three hours after its commencement**.

24.2 At that time, the matter currently under consideration shall be completed and the meeting shall then end unless Council resolves to extend the meeting.

24.3 An extension may be for a specified period or until specified business has been completed.

24.4. Any remaining business, other than motions and questions that would need to be submitted again for the next meeting, shall be deferred to a date determined by the Chair in consultation with the Proper Officer.

PART 3 – AFTER THE MEETING

25. Minutes

25.1 Minutes shall record:

- (a) members present;
- (b) apologies where appropriate;
- (c) declarations of interests;
- (d) decisions taken;
- (e) the outcome of votes;
- (f) recorded votes and individual voting records where required;
- (g) any member's request that their vote be recorded; and
- (h) such other matters as are required by law or necessary to provide an adequate formal record.

25.2 Minutes are not intended to be a verbatim record of debate.

25.3 The Chair shall put the question that the minutes of the previous meeting are a correct record.

25.4 Debate on the minutes shall be limited to their accuracy.

25.5 Once approved, the Chair shall sign or otherwise authenticate them.

PART F – GENERAL PROVISIONS

26. Suspension of the Rules

26.1 Council may suspend any of these Rules to the extent permitted by law.

26.2 A motion to suspend a Rule must identify the Rule concerned and the purpose and duration of the suspension.

26.3 A statutory requirement cannot be suspended.

26.4 The following shall not be suspended where their effect derives from legislation:

- requirements concerning notice and access to meetings;
- statutory quorum requirements;
- statutory voting requirements;
- statutory rights relating to minutes; and
- any other requirement imposed by legislation.

27. Amendment of the Rules

These Rules may only be amended in accordance with the provisions of the Constitution governing constitutional change.

28. Application to Committees and Sub-Committees

28.1 Unless the Constitution or legislation provides otherwise, the following Rules also apply to committees and sub-committees:

- Notice and summons;
- quorum;
- interests;
- chairing meetings;
- speaking;
- motions and amendments arising from agenda business;
- rules of debate;
- points of order;
- voting;
- public and member questions
- member conduct;
- public disturbance;
- adjournment; and
- minutes.

28.2 The Rules relating specifically to:

- questions to the Leader and Executive;
- motions on notice to Council;
- the Annual Meeting;
- Council's duration; and
- reconsideration of Council decisions,

do not apply to committees unless expressly stated.

28.3 Regulatory committees may adopt supplementary procedure rules or protocols appropriate to their functions.

29. Advice of Statutory Officers

29.1 The Chair shall permit the Monitoring Officer or their representative to advise the meeting on any matter of law, governance or procedure where they consider it necessary.

29.2 The Chair shall permit the Chief Finance Officer or their representative to advise the meeting where a matter raises significant financial implications or the Council's statutory financial duties.

29.3 The Head of Paid Service or their representative may advise the meeting on matters concerning the proper administration of the Council.

30. Written and Electronic Communications

Where these Rules require a notice, motion, question, request or other communication to be "in writing", this includes email or an approved electronic system.

A requirement for a signature may be satisfied electronically where permitted by law.

31. Interpretation

31.1 In applying these Rules, the Chair shall seek to promote:

- (a) lawful decision-making;
- (b) fairness between members;
- (c) effective democratic debate;
- (d) transparency;
- (e) reasonable participation by members; and
- (f) the efficient conduct of Council business.

31.2 The Monitoring Officer may issue procedural guidance to assist members and officers in applying these Rules, provided that such guidance does not amend the Rules.