

## **Part 4**

# **Rules of Procedure (Standing Orders)**

**March 2018**

# **Council Procedure Rules**

## **1. Annual Meeting of the Council**

### **1.1 Timing And Business**

In a year when 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.

The annual meeting will:

- (i) elect a person to preside if the Chairman of Council is not present;
  - (ii) elect the Chairman of Council;
  - (iii) elect the Vice-Chairman of Council;
  - (iv) approve the minutes of the last meeting;
  - (v) receive any announcements from the Chairman.
  - (vi) elect the Leader;
  - (vii) agree the number of Members to be appointed to the District Executive and appoint those members of the Executive;
  - (viii) appoint a Scrutiny Committee, a Standards Committee and such other committees as the Council considers appropriate - to deal with matters which are neither reserved to the Council nor are District Executive functions (as set out in Part 3 of this Constitution);
  - (ix) agree the scheme of delegation (as set out in Part 3 of this constitution);
  - (x) approve a programme of ordinary meetings of the Council for the year;
- and
- (xi) consider any business set out in the notice convening the meeting.

### **1.2 Selection Of Councillors On Committees And Outside Bodies**

At the annual meeting, the council meeting will:

- (i) decide which committees to establish for the municipal year;
- (ii) decide the size and terms of reference for those committees;
- (iii) decide the allocation of seats to political groups in accordance with the political balance rules;
- (iv) receive nominations of Councillors to serve on each committee and outside body; and
- (v) appoint to those committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the District Executive.

## **2. Ordinary Meetings**

2.1 Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. Ordinary meetings will:

- (i) elect a person to preside if the Chairman and Vice-Chairman are not present;
- (ii) approve the minutes of the last meeting;
- (iii) receive any declarations of interest from Members;
- (iv) receive any announcements from the Chairman, Leader, or Portfolio holders.
- (v) deal with any business remaining from the last Council meeting;
- (vi) receive reports from the District Executive and the Council's Committees including the Area Committees and receive questions and answers on any of those reports;
- (vii) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (viii) consider motions; and
- (ix) consider any other business specified in the summons to the meeting, including consideration of proposals from the District Executive in relation to the Council's budget and policy framework and reports of the Portfolio holders, Policy Commissions and the Scrutiny Committee for debate.

## **2.2 Items for Early Debate**

Party Group Leaders may request an item, including motions be brought forward in the agenda. Requests to be received by the Specialist - Democratic Services by no later than 12 noon on the day of the Council meeting. In the event of competing requests the decision on varying the order of agenda items shall be taken by the Chairman.

## **3. Extraordinary Meetings**

### **3.1 Calling Extraordinary Meetings.**

Those listed below may request the Specialist - Democratic Services to call Council meetings in addition to ordinary meetings:

- (i) the Council by resolution;
- (ii) the Chairman of the Council;
- (iii) the Monitoring Officer; and
- (iv) any five members of the Council if they have signed a requisition presented to the Chairman of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

#### **4. Time and Place of Meetings**

The time and place of meetings will be determined by the Specialist - Democratic Services Specialist and notified in the summons.

#### **5. Notice of and Summons to Meetings**

The Specialist - Democratic Services Specialist will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the Specialist - Democratic Services Specialist will send a summons signed by the Director (Support Services) by post to every Member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

#### **6. Chair of Meeting**

The person presiding at the meeting may exercise any power or duty of the Chairman. Where these rules apply to Committee and Sub-Committee meetings, references to the Chairman also include the Chairman of Committees and Sub-Committees.

#### **7. Quorum**

The quorum of a meeting will be one quarter of the whole number of members except where authorised by the Council. In no case shall the quorum of a Committee be less than three members. The Council has decided that the quorum of the Regulation Committee shall be seven members (half the membership). During any meeting if the chairman counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

#### **8. Duration of Meeting**

Unless the majority of members present vote for the meeting to continue, any meeting of the Full Council that has lasted for 3 hours will adjourn immediately. Remaining business will be considered at a time and date fixed by the chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

#### **9. Public Participation**

##### **9.1 Public Question Time**

Questions, statements or comments from members of the public will be allowed at the beginning of each scheduled meeting of the Council and Committees. Questions should be directed to Executive Portfolio holders who may where appropriate ask an officer to reply.

##### **9.2 Time for Public Questions**

The period allowed for participation shall not exceed 15 minutes except with the consent of the Council or Committee. Each individual speaker shall be restricted to a total of three minutes.

##### **9.3 Notice**

Questions need not be submitted in advance, in writing, but questions presented in that form are likely to receive a more detailed reply.

#### **9.4 Asking The Question At The Meeting**

Speakers will be asked to stand when they address the meeting and, where a question is asked, the answer may take the form of:-

- (a) a direct oral response; or
- (b) where the desired information is contained in a publication of the Council, reference to that publication; or
- (c) where the reply to the question cannot conveniently be given orally, a written answer will be provided.

Every question shall be put and answered without discussion although the questioner may be permitted to ask supplementary questions relating to the question.

#### **9.5 Scope Of Questions**

The Chairman may disallow any question, statement or comment if it:

- is not about a matter for which the local authority has a responsibility or which affects the district;
- is defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- requires the disclosure of confidential or exempt information.

#### **9.6 Number Of Questions**

At any one meeting no person may submit more than 2 questions and no more than 2 such questions may be asked on behalf of one organisation.

#### **9.7 Written Answers**

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Member to whom it was to be put, will be dealt with by a written answer.

#### **9.8 Reference Of Question To The District Executive Or A Committee**

Unless the Chairman decides otherwise, no discussion will take place on any question, but any Member may move that a matter raised by a question be referred to the District Executive or the appropriate Committee or Panel. Once seconded, such a motion will be voted on without discussion.

#### **9.9 Comments on Agenda Items**

Members of the public who wish to speak on specific agenda items, such as planning applications, will be allowed to do so at the discretion of the Chairman of the meeting. The detailed rules in relation to public participation at committees are included in Part 5 of this Constitution.

#### **9.10 Petitions**

Petitions may be received at any meeting of the Council or appropriate Committee (and which shall include any Area Committee) in accordance with the Council's Petition Scheme set out in Part 8 of the Constitution.

## **10. Questions by Members**

### **10.1 On Reports of the District Executive Or Committees**

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

### **10.2 Questions on Notice At Full Council**

Subject to Rule 10.3, a member of the Council may ask:

- the Chairman;
  - the Executive Portfolio Holder;
  - the Chairman of any Committee or Sub-Committee;
- a question on any matter in relation to which the Council has powers or duties or which affects the district.

### **10.3 Notice of Questions**

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

- (a) they have given at least 3 working days notice in writing of the question to the Specialist - Democratic Services Specialist; or
- (b) the question relates to urgent matters, they have the consent of the chairman to whom the question is to be put and the content of the question is given to the Specialist - Democratic Services Specialist by 12 noon on the day of the meeting.

### **10.4 Response**

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

### **10.5 Supplementary Question**

A member asking a question under Rule 10.2 may ask one supplementary question without notice of the member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

## **11. Motions on Notice**

### **11.1 Notice**

Except for motions which can be moved without notice under Rule 12, written notice of every motion, signed by the Member or Members giving notice, must be delivered to the Specialist - Democratic Services Specialist not later than seven days before the date of the meeting. These will be entered in a book open to public inspection.

### **11.2 Motion Set Out In Agenda**

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the Member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

### **11.3 Scope**

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

11.4 Motions for which notice has been duly given, the subject matter of which comes within the province of any Committee, Committees or Portfolio Holder, shall, upon being moved and seconded stand referred without discussion to such Committee or Committees or Portfolio Holder, or to such other Committee, Committees Portfolio holder as the Council may determine, for consideration and report. Provided that the Chairman may, if he/she considers it convenient and conducive to the dispatch of business, allow such motions to be dealt with at the meeting at which they are brought forward.

## **12. Motions Without Notice**

The following motions may be moved without notice:

- (a) to appoint a Chairman of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a Committee or Member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of Committees or Officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;

- (l) to adjourn a meeting;
- (m) that the meeting continue beyond 3 hours in duration.
- (n) to suspend a particular council procedure rule;
- (o) to exclude the public and press in accordance with the Access to Information Rules;
- (p) to not hear further a member named under Rule 20.3 or to exclude them from the meeting under Rule 20.4; and
- (q) to give the consent of the Council where its consent is required by this Constitution.

## **13. Rules of Debate**

### **13.1 No Speeches Until Motion Seconded**

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

### **13.2 Right To Require Motion In Writing**

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

### **13.3 Secunder's Speech**

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

### **13.4 Content And Length Of Speeches**

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed 5 minutes without the consent of the Chairman.

### **13.5 When a Member May Speak Again**

A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another Member;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;
- (c) if his/her first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

### 13.6 Amendments to Motions

- (a) An amendment to a motion must be relevant to the motion and will either be:
  - (i) to refer the matter to an appropriate body for consideration or reconsideration;
  - (ii) to leave out words;
  - (iii) to leave out words and insert or add others; or
  - (iv) to insert or add words.

as long as the effect of (ii) to (iv) is not to negate the motion.

- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

### 13.7 Alteration of Motion

- (a) A member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

### 13.8 Withdrawal of Motion

A Member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

### 13.9 Right of Reply

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.

- (c) The mover of the amendment has no right of reply to the debate on his or her amendment.

#### 13.10 Motions Which May Be Moved During Debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) that the meeting continue beyond 3 hours in duration.
- (h) to exclude the public and press in accordance with the Access to Information Rules; and
- (i) to not hear further a member named under Rule 20.3 or to exclude them from the meeting under Rule 20.4.

#### 13.11 Closure Motions

- (a) A member may move, without comment, the following motions at the end of a speech of another Member:
  - (i) to proceed to the next business;
  - (ii) that the question be now put;
  - (iii) to adjourn a debate; or
  - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Chairman thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded and the Chairman thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

### **13.12 Point of Order**

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

### **13.13 Personal Explanation**

A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the Chairman on the admissibility of a personal explanation will be final.

## **14. State of the District Debate**

### **14.1 Calling of Debate**

The Leader may call a state of district debate annually on a date and in a form to be agreed with the Chairman.

### **14.2 Form of Debate**

The Leader will decide the form of the debate with the aim of enabling the widest possible public involvement and publicity. This may include holding workshops and other events prior to or during the state of district debate.

### **14.3 Chairing of Debate**

The debate will be chaired by the Chairman.

### **14.4 Results of Debate**

The results of the debate will be:

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

## **15. Previous Decisions and Motions**

### **15.1 Motion To Rescind A Previous Decision**

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

### **15.2 Motion Similar To One Previously Rejected**

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least one third of the Council Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

## **16. Voting**

### **16.1 Majority**

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members who are entitled to vote, voting and present in the room at the time the question was put. Other than as provided for in Procedure Rule 16.2 members shall only be entitled (if they are firstly entitled to vote) to a maximum of one vote in relation to any business.

### **16.2 Chairman's Casting Vote**

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

### **16.3 Show Of Hands**

Unless a recorded vote is demanded or required under Rule 16.4 or 16.4A, the Chairman will take a vote by show of hands, with the numbers for and against the motion or amendment or abstaining from voting being recorded in the minutes. However, should it appear to the Chairman that there is general agreement he/she may call only for those dissenting and those abstaining. Those numbers to be recorded in the Minutes.

### **16.4 Recorded Vote**

If ten members (or one half of a committee membership) present at a meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing by roll-call and entered into the minutes.

#### **16.4A At a Budget Decision Meeting of the Council:-**

- a) Immediately after any vote is taken at a budget decision meeting of the Council there must be recorded in the minutes of the proceedings of that meeting the names of the Members who cast a vote for or against the decision or who abstained from voting.
- b) Reference to a "budget decision meeting" for the purposes of Rule 16.4A means a meeting of the Council at which it makes a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, or 52ZJ of the Local Government Finance Act 1992 and includes a meeting where making the calculation was included as an item of business on the agenda for that meetings.
- c) Reference to a "vote" for the purposes of Rule 16.4A are references to a vote on any decision related to the meeting or calculation as the case may be.

### **16.5 Right to Require Individual Vote to be Recorded**

Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

### **16.6 Voting on appointments**

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

## **17. Minutes**

### **17.1 Signing The Minutes**

The Chairman will sign the minutes of the proceedings at the next suitable meeting. The Chairman will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

### **17.2 No Requirement To Sign Minutes Of Previous Meeting At Extraordinary Meeting**

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

## **18. Record of Attendance**

All members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

## **19. Exclusion of Public**

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

## **20. Members' Conduct**

### **20.1 Standing To Speak**

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

### **20.2 Chairman Standing**

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

### **20.3 Member Not To Be Heard Further**

If a member persistently disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructs business, the Chairman may move that the member be not heard further. If seconded, the motion will be voted on without discussion.

#### **20.4 Member To Leave The Meeting**

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

#### **20.5 General Disturbance**

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

#### **20.6 Disclosable Pecuniary Interests**

20.6.1 A Member with a Disclosable Pecuniary Interest in a matter to be considered, or being considered at a meeting must:

- (a) disclose the interest; and
- (b) explain the nature of that interest at the commencement of that consideration or when the interest becomes apparent (subject to Rule 20.6.2 below);

and unless he/she has been granted a dispensation:

- (c) not participate in any discussion of, or vote taken on, the matter at the meeting; and
- (d) withdraw from the meeting room completely whenever it becomes apparent that the business is being considered; and
- (e) not seek improperly to influence a decision about that business.

20.6.2 Where a Disclosable Pecuniary Interest, has been agreed by the Monitoring Officer as being a Sensitive Interest, the Member need only disclose the existence of the interest but not its nature.

### **21. Disturbance by Public**

#### **21.1 Removal Of Member Of The Public**

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

#### **21.2 Clearance Of Part Of Meeting Room**

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

## **22. Suspension and Amendment of Council Procedure Rules**

### **22.1 Suspension**

All of these Council Rules of Procedure except Rule 16.6 and 17.2 may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council are present. Suspension can only be for the duration of the meeting.

### **22.2 Amendment**

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, unless the motion is moved in pursuance of a recommendation of a committee.

## **23. Application to Committees and Sub-Committees**

23.1 All of the Council Rules of Procedure apply to meetings of full Council. All the Rules of Procedure shall also apply to meetings of committees including the Area Committees and Sub-Committees with the exception of Rules 8 and 20.1 and rules relating to public speaking. See public participation protocol at Part 5 of this Constitution.