

# **CAB74: Constitution update refers**

## **Council Procedure Rules**

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## **1. Interpretation**

- 1.1 These Council Procedure Rules are to be read in conjunction with the remainder of the Constitution. In the event of any inconsistency between the Council Procedure Rules and the remainder of the Constitution, the Council Procedure Rules take precedence.
- 1.2 The purpose of these Council Procedure Rules is to set out in one location the procedure rules that apply to meetings of the Full Council.
- 1.3 Definitions shall have the meaning set out within these Council Procedure Rules or in Standing Orders.
- 1.4 The ruling of the Mayor as to the construction or application of these Council Procedure Rules or as to any proceedings of any Full Council Meeting will be final for the purposes of the meeting at which it is given.

## **2. Types of meetings of the Full Council**

- 2.1 There are four types of Full Council meetings:
  - 2.1.1 Annual Meeting (usually held in May)
  - 2.1.2 Ordinary Meetings (6 each year)
  - 2.1.3 Extraordinary Meetings (whenever called)
  - 2.1.4 Budget Meeting (usually in February)
- 2.2 The four types of meeting set out above shall be collectively referred to as Full Council Meetings.
- 2.3 All Members are entitled to attend Full Council Meetings.
- 2.4 A Full Council Meeting shall be held at the location specified in the published agenda for the Full Council Meeting.
- 2.5 The quorum of all Full Council Meetings will be one quarter of the 55 Members rounded up, equating to 14 Members.

## **3. Annual Meeting**

### Timing and business

- 3.1 In a year when there is an ordinary election of Members, the Annual Meeting will take place within 21 days of the retirement of the outgoing Members (retirement happening on the on the fourth day after the ordinary day of election, including Saturday, Sunday and any bank holidays).

- 3.2 In any other year, the Annual Meeting will take place in May.
- 3.3 The order of business for the Annual Meeting shall be:
- 3.3.1 elect a Person Presiding if the outgoing Mayor or Deputy Mayor is not present
  - 3.3.2 prayers, declarations of interest and Mayor's communications and announcements
  - 3.3.3 the election of the Mayor and the Deputy Mayor, who shall be respectively Chair and Vice Chair of the Council
  - 3.3.4 conveying the Council's thanks and appreciation of the work carried out by the retiring Mayor and Deputy Mayor and their consorts
  - 3.3.5 (where required in accordance with Article 7.08) receiving the resignation of the Chair of Cabinet and Leader of the Council OR receiving a report on the disqualification of the Chair of Cabinet and Leader of the Council as a Member of the Council OR considering a resolution to remove the Chair of Cabinet and Leader of the Council
  - 3.3.6 (where required in accordance with Article 7.06 or 7.07) appointing the Chair of the Cabinet and Leader of the Council for a four year period or such period between the Annual Meeting and the next post-election Annual Meeting
  - 3.3.7 (where 3.3.6 is on the agenda) noting the Members appointed to Cabinet by the Chair of Cabinet
  - 3.3.8 agree the proportional allocation of seats to Council Bodies (other than Cabinet)
  - 3.3.9 appoint Members to Council Bodies (other than the Cabinet)
  - 3.3.10 appoint the Chairs and Vice Chairs of other Council Bodies save for Committees/Panels that appoint their own Vice-Chairs under Standing Order 29
  - 3.3.11 make appointments to non-executive Outside Bodies (this item may be deferred to the following Ordinary Meeting either with or without the previous appointments continuing until the next Ordinary meeting)
  - 3.3.12 considering such other Urgent Motion (Rule 12) or urgent business as the Chief Executive has to report.
- 3.4 The order of business under Rule 3.3 may be varied by way of a resolution passed under Rule 10 (Motions Without Notice).

#### Procedure at Annual Meetings

- 3.5 The outgoing Mayor, Deputy Mayor or appointed Person Presiding shall chair the Annual Meeting up to and including the agenda item at 3.3.3 above whereupon the newly appointed Mayor or in their absence, the Deputy Mayor, shall chair the Annual Meeting.
- 3.6 The Proposer and Secunder of the election of a Mayor and Deputy Mayor may respectively speak for up to 5 minutes in support of their nomination. There shall be no other speakers and the item shall move to the vote.
- 3.7 The Leader of the Council or their nominee shall propose a conveyance of thanks and appreciation of the work carried out by the retiring Mayor and Deputy Mayor and their consorts.
- 3.8 In respect of all other nominations made at the Annual Meeting, the Proposer and Secunder shall not speak to their nomination. Once all nominations with a Secunder have been received, the item shall move to a vote.
- 3.9 In the exceptional case there is a debate item at the Annual Meeting, the Rules of Debate at Council Procedure Rule 13 shall apply.

#### **4. Ordinary Meetings**

##### Timing and business

- 4.1 There will be 6 Ordinary Meetings in a municipal year.
- 4.2 The order of business for the Ordinary Meeting shall be:
  - 4.2.1 elect a Person Presiding if the Mayor and/or Deputy Mayor are not present
  - 4.2.2 prayers
  - 4.2.3 to approve the minutes of the preceding Full Council Meeting(s)
  - 4.2.4 declarations of interest
  - 4.2.5 any formal announcement or communications written or received by the Mayor
  - 4.2.6 Urgent Motions as defined by Rule 12
  - 4.2.7 any business expressly required by statute to be done
  - 4.2.8 any business that remains from the previous meeting
  - 4.2.9 questions and petitions submitted by members of the public under Rules 20 and 21

4.2.10 reports and recommendations from Council Bodies (including business referred to the Council under the “call-in” procedures of Standing Order 12)

4.2.11 any other matters considered by the Chief Executive in consultation with the Mayor needing immediate consideration

4.2.12 Notice of Motions made in accordance with Rule 7

4.2.13 Questions to Cabinet Members under Rule 8

4.2.14 Questions to Chairs of Council Bodies under Rule 9

4.3 The order of business under Rule 4.2 may be varied by way of a resolution passed under Rule 10 (Motions Without Notice).

#### Procedure at Ordinary Meetings

4.4 The Mayor shall chair the Ordinary Meeting if they are present at the Ordinary Meeting.

4.5 If the Mayor is absent from the Ordinary Meeting, the Deputy Mayor shall chair the Ordinary Meeting.

4.6 If it is necessary to choose a Member of the Council as the Person Presiding in the absence of the Mayor and Deputy Mayor, the Chief Executive shall call for nominations for a Member of the Council, who is not a member of the Cabinet, to be appointed as the Person Presiding.

4.7 The Rules of Debate at Rule 13 below shall apply to debate items.

4.8 Any nominations to positions shall be moved by the Proposer and Secunder without speaking to their nomination. Once all nominations with a Secunder have been received, the item shall move to a vote.

### **5. Extraordinary Meetings**

#### Timing and business

5.1 Extraordinary Meetings can only be called as follows:

5.1.1 by resolution of the Full Council;

5.1.2 the Mayor; or

5.1.3 any five Members of the Council if they have signed a requisition presented to the Mayor (or Deputy Mayor in the Mayor’s absence or the Chief Executive in the Mayor and Deputy Mayor’s absence) and they have refused to call an Extraordinary Meeting or have failed to call an Extraordinary Meeting within seven days of the presentation of the requisition.

- 5.2 The date, time and place of any Extraordinary Meeting will be determined by the Chief Executive, but will in any event be held within 21 days of the Extraordinary Meeting being called.
- 5.3 The order of business for the Extraordinary Meeting shall be:
- 5.3.1 elect a Person Presiding if the Mayor and/or Deputy Mayor are not present
  - 5.3.2 prayers
  - 5.3.3 declarations of interest
  - 5.3.4 Urgent Motions as defined by Rule 12
  - 5.3.5 any business expressly required by statute to be done
  - 5.3.6 the extraordinary business set out in the agenda.

#### Procedure at Extraordinary Meetings

- 5.4 The Mayor shall chair the Extraordinary Meeting if they are present at the Extraordinary Meeting.
- 5.5 If the Mayor is absent from the Extraordinary Meeting, the Deputy Mayor shall chair the Extraordinary Meeting.
- 5.6 If it is necessary to choose a Member of the Council as the Person Presiding in the absence of the Mayor and Deputy Mayor, the Chief Executive shall call for nominations for a Member of the Council, who is not a member of the Cabinet, to be appointed as the Person Presiding.
- 5.7 The Rules of Debate at Rule 13 shall apply.
- 5.8 Any nominations to positions shall be moved by the Proposer and Seconder without speaking to their nomination. Once all nominations with a Seconder have been received, the item shall move to a vote.

## **6. Budget Meeting**

#### Timing and business

- 6.1 Budget Meetings shall be held in February of each year. Only in exceptional circumstances where Full Council has failed to set the Budget in February can a Budget Meeting be held later than February.
- 6.2 The order of business for the Budget Meeting shall be:
- 6.2.1 elect a Person Presiding if the Mayor and/or Deputy Mayor are not present;
  - 6.2.2 prayers;

- 6.2.3 declarations of interest;
- 6.2.4 any formal announcement or communications written or received by the Mayor;
- 6.2.5 Urgent Motions as defined by Rule 12;
- 6.2.6 any business expressly required by statute to be done, aside from setting the Budget;
- 6.2.7 any other matters considered by the Chief Executive in consultation with the Mayor needing immediate consideration;
- 6.2.8 questions submitted by members of the public under Rule 20 only insofar as they relate to the Budget or Associated Budget Items below;
- 6.2.9 setting of the Budget: Financial Plan and Council Tax Resolution, referred to as the "Budget"; and
- 6.2.10 consideration of the following items which are collectively referred to as the "Associated Budget Items":
  - 6.2.10.1 Capital Strategy;
  - 6.2.10.2 Treasury Management Strategy;
  - 6.2.10.3 Capital Programme; and
  - 6.2.10.4 Any other document identified by the Chief Finance Officer as requiring approval as part of the budget setting process.

#### Procedure at Budget Meetings

- 6.3 The Mayor shall chair the Budget Meeting if they are present at the Budget Meeting.
- 6.4 If the Mayor is absent from the Budget Meeting, the Deputy Mayor shall chair the Budget Meeting if they are present at the Budget Meeting.
- 6.5 If it is necessary to choose a Member of the Council as the Person Presiding in the absence of the Mayor and Deputy Mayor, the Chief Executive shall call for nominations for a Member of the Council, who is not a member of the Cabinet, to be appointed as the Person Presiding.
- 6.6 Any nominations to positions shall be moved by the Proposer and Secunder without speaking to their nomination. Once all nominations with a Secunder have been received, the item shall move to a vote.
- 6.7 The Rules of Debate at Rule 13 shall apply, as amended by this Rule 6:
  - 6.7.1 Amendments to the Budget:

- 6.7.1.1 A Budget Amendment is an amendment to the proposed Budget approved by Cabinet and moved in accordance with this Rule. A Budget Amendment may consist of any number of individual proposals to amend the proposed Budget approved by Cabinet, but which will be taken altogether to form one Budget Amendment. The Budget Amendment must be moved as one motion to amend;
- 6.7.1.2 any Leader of an opposition Political Group or in their absence their deputy may move one Budget Amendment in accordance with this Rule 6. Members in a Political Group cannot move amendments themselves; this must be done through their Political Group Leader;
- 6.7.1.3 any non-aligned Members may move one Budget Amendment in accordance with this Rule 6;
- 6.7.1.4 a Leader of an opposition Political Group, their deputy or a non-aligned Member wishing to move a Budget Amendment must submit their proposed Budget Amendment in writing to the Council's Chief Finance Officer no later than ten clear working days before the Budget Meeting;
- 6.7.1.5 all Budget Amendments submitted will be shared with all Members, the Chief Finance Officer, the Chief Executive, the Monitoring Officer and all other relevant Chief Officers;
- 6.7.1.6 the Chief Finance Officer and Monitoring Officer will assess each Budget Amendment to ensure that it complies with the following criteria:
- a. it would deliver a balanced Budget without requiring any further reliance on reserves over and above that which is set out in the Budget approved by Cabinet;
  - b. be within the Council's powers; and
  - c. not trigger any legal requirement for consultation.
- 6.7.1.7 the Chief Finance Officer and Monitoring Officer or their nominated deputies will jointly confirm to each relevant Political Group Leader and non-aligned Member no later than seven clear working days before the Budget Meeting whether the criteria at Rule 6.7.1.6 has been complied with in relation to each proposed Budget Amendment;
- 6.7.1.8 where 6.7.1.6 has been complied with, the approved Budget Amendments shall be published on the Council's website with the Budget Meeting agenda;
- 6.7.1.9 where 6.7.1.6 has not been complied then the proposed Budget Amendment cannot be moved at the Budget Meeting save that where the non-compliance can be rectified by way of a non-material alteration to the Budget Amendment identified by the Chief Finance Officer or the Monitoring Officer, the relevant Leader of a Political Group, their deputy or non-aligned Member may request their Budget Amendment



be altered to render it compliant. Such request must be made at least six clear working days before the Budget Meeting and Rule 6.7.1.8 must then be complied with;

6.7.1.10 no amendments from the floor at the Budget Meeting may be moved unless they have been approved in accordance with this Rule 6.7 unless it is with the written consent of the Chief Finance Officer and serves to:

- a. correct an error(s) in the Budget; or
- b. address developments that have arisen since the Budget was published with the agenda for the Budget Meeting.

6.7.1.11 no amendment to a published Budget Amendment shall be moved from the floor at the Budget Meeting unless it is with the consent of the Full Council. A request to move an amendment to a Budget Amendment shall be moved under Rule 10.1.16 as a motion to obtain any consent of the Full Council. If this motion is carried, the proposed amendment may be moved;

6.7.1.12 the timeframes set out in this Rule 6.7.1 can be extended by the Chief Executive.

6.7.2 Speaking on the Budget:

6.7.2.1 the Leader of the Council or their nominated representative shall propose the Budget. The Proposer of the Budget may speak for up to 15 minutes. Any time not used may be allocated to their Secunder;

6.7.2.2 the Secunder of the Budget may speak for up to 5 minutes plus any of remaining time allocated by the mover of the Budget under 6.7.2.1 above;

6.7.2.3 the Leaders of the opposition Political Groups shall then be invited by the Mayor to speak in turn, in the order of their respective Political Group size in descending order. Each Leader of an opposition Political Group may speak for up to 10 minutes;

6.7.2.4 After being invited to speak, but before commencing speaking on the Budget, if that Leader of an opposition Political Group has an approved Budget Amendment that has been published in accordance with Rule 6.7.1 above, they shall move their Budget Amendment;

6.7.2.5 Once each Leader of an opposition Political Group has proposed their Budget Amendment with a Secunder and a debate and vote has taken place, the Leader of the opposition Political Group shall

Speak to the substantive Budget item (as amended, where the Budget Amendment is passed);

- 6.7.2.6 Once all Political Group Leaders have spoken, the non-aligned Members who have an approved Budget Amendment that have been published in accordance with Rule 6.7.1 above will be invited by the Mayor to propose their Budget Amendment;
- 6.7.2.7 Once all non-aligned Member Budget Amendments have been moved with a Secunder, and a debate and vote has taken place, the Budget item is open for debate to the remainder of Members.

#### Agenda Papers:

- 6.7.3 The full set of papers for the Budget and Associated Budget items shall be published with the agenda for the Budget Meeting.

#### Votes:

- 6.7.4 Any vote (including procedural and on amendments) relating to the Budget item must be undertaken by a recorded vote in accordance with Rule 16
- 6.7.5 Section 106 of the Local Government Finance Act 1992 bars a Member from voting on the Budget item if they have an outstanding council tax debt of over two months. If section 106 applies to any Member present at the Budget Meeting, the Member must declare under the declaration of interest item that section 106 applies to them. Failure to comply with this requirement is a criminal offence and a Code of Conduct matter.

## **7. Notice of Motion**

### Scope

- 7.1 A Member may propose a motion on notice for debate by Full Council at an Ordinary Meeting provided it is relevant to some matter in relation to which this Council has powers or duties or which affects the Borough (Notice of Motion).
- 7.2 Members are encouraged to consider whether there is an alternative to submitting a Notice of Motion which will achieve the same outcomes prior to doing so, which may include:
  - 7.2.1 referring the matter to Policy Review and Development Panel for consideration;
  - 7.2.2 requesting the matter be put on the forward work programme for a relevant Council Body; or
  - 7.2.3 request that the relevant Portfolio Holder explore the issue and report back to the requesting Member.

### Notice requirements

- 7.3 A Member who wishes to propose a Notice of Motion must provide such notice of their proposed motion in accordance with this Rule 7.3. The notice shall:-
- 7.3.1 be in writing and limited to no more than 250 words;
  - 7.3.2 state the motion that the Member desires to move in such a way that it is clear what the Member is proposing;
  - 7.3.3 be delivered to the Chief Executive at least seven clear working days before the date of the meeting of the Ordinary Meeting at which it is proposed to debate the motion;
  - 7.3.4 state the date of the meeting at which Council is to be invited to debate the motion if it is not the next Ordinary Meeting for which it is eligible; and
  - 7.3.5 not contravene Rule 7.4 below.
- 7.4 A proposed motion will be rejected if in the view of the Chief Executive, or in their absence the Monitoring Officer, or in their absence their deputy, in consultation with the Mayor or Deputy Mayor, the proposed motion:
- 7.4.1 makes a proposal which would be unlawful, defamatory or frivolous;
  - 7.4.2 does not comply with Rule 7.1;
  - 7.4.3 is substantially the same as a motion which has been put at a Full Council Meeting in the past six months; or
  - 7.4.4 requires the disclosure of confidential or exempt information.
- 7.5 Upon the Chief Executive (or Monitoring Officer or their deputy in the Chief Executive's absence) being satisfied that the proposed motion complies with Rule 7.3, the full text shall be entered as a Notice of Motion in a register of motions, which shall be open to inspection by any Member of the Council or the public. Motions shall be entered in the register in the order in which they are received by the Chief Executive.
- 7.6 A Notice of Motion will be shared with all Leaders of Political Groups, the relevant Portfolio Holder and all relevant Chief Officers.
- 7.7 The Chief Executive shall advise a Member who has submitted a proposed motion that does not comply with this Rule, in what way it fails to do so.

At the Ordinary Meeting

- 7.8 A Member may alter their own Notice of Motion with the consent of the Full Council. If the alteration is after the seconding of the Motion, then the Seconder must first consent to the alteration. Thereafter, Full Council's consent will be sought and signified without debate.
- 7.9 There will be a maximum time limit of 30 minutes allocated per Notice of Motion with a total of 60 minutes allocated in total for the Notices of Motion item on the agenda. The Mayor may agree to extend and/or vary these times.

- 7.10 Notices of Motion will be listed on the agenda in the order of one per Political Group and non-aligned Member (starting with the largest opposition Political Group and descending to non-aligned Members and ending with the administration Group last, then repeating). Leaders of Political Groups are to confirm the order in which Notices of Motion submitted by Members of their Political Group are to be taken.
- 7.11 Any Notices of Motion that are not moved and/or concluded by the end of the 60 minutes shall roll to the Notice of Motion item at the next Ordinary Meeting and will be listed first before any Notice of Motions listed in accordance with 7.10.
- 7.12 After a formal seconding, and before the debate of any Notice of Motion, the Leader of the Council may propose and the Full Council shall, following debate, decide whether the Notice of Motion notified under this Rule will be:
- 7.12.1 debated by Full Council at a later date;
  - 7.12.2 referred to a specified Council Body for consideration and referred back to Full Council for determination; or
  - 7.12.3 referred to a specified Council Body for determination.
- 7.13 If a Notice of Motion is referred to a Council Body under Rule 7.12, the Proposer of the Notice of Motion shall be permitted to speak in support of the Notice for Motion at the Meeting of the Council Body at which it is debated. If they are a Member of that Council Body the Proposer must consider whether they should vote on the item with reference to the Councillor's Code of Conduct.
- 7.14 If a Notice of Motion is referred to a Council Body under Rule 7.12.2, notwithstanding that Council Body being empowered by the Constitution to make a decision, it will in any event return the matter to Full Council for determination.
- 7.15 If the Proposer of the Notice of Motion is not present at the Ordinary Meeting at which the Notice of Motion appears in the agenda, the Notice of Motion shall be deemed withdrawn.
- 7.16 The Proposer of the Notice of Motion may withdraw the Motion with the permission of the Mayor at the Ordinary Meeting at which the Notice of Motion appears. The request to withdraw shall be made when the Proposer of the Notice of Motion is invited to move their Notice of Motion and the minutes of the Ordinary Meeting shall record that the Notice of Motion was withdrawn.

## **8 Questions to Cabinet Members**

- 8.1 Every Member of the Cabinet shall submit a report to each Ordinary Meeting of the Council on matters of interest for which they have responsibility that have arisen since the last Ordinary Meeting of the Council.
- 8.2 At the Ordinary Meeting, the Leader of the Council shall move all Cabinet Member reports en bloc and if notified, the Mayor will invite any Cabinet Member to speak who has an update for Full Council on their report since the agenda was published or who requires to correct an error in their report.

- 8.3 A Member of the Council may then, without first giving notice, ask up to a total of four questions of Cabinet Members.
- 8.4 The Member asking the question may indicate to whom they wish to ask their question, however the question will be answered by the Cabinet Member identified to the Mayor by the Leader of the Council (or the Deputy Leader in their absence) as the appropriate responder to the question. If the identified Cabinet Member is not present then it shall be answered in accordance with Rule 8.12.
- 8.5 Questions under Rule 8.3 above must be directly related to:
- 8.5.1 any report submitted to the Council under Rule 8.1;
  - 8.5.2 any other matter within the remit of the Cabinet Member;
- 8.6 The period of time for putting questions and receiving responses under this Rule shall not exceed 60 minutes.
- 8.7 No single question and its response shall exceed a period of 5 minutes.
- 8.8 There shall be no right to a supplementary question.
- 8.9 Questions cannot be asked that would necessitate revealing exempt or confidential information.
- 8.10 The order of putting questions shall commence with a Member from the largest opposition Political Group, proceeding in descending order to the smallest opposition Political Group, followed by a non-aligned Member and finally a Member from the administration Political Group. This order shall repeat until the time for questions has elapsed or there are no more questions to be put.
- 8.11 The Mayor may disallow, re-direct or postpone any question asked under this Rule.
- 8.12 A Cabinet Member who is asked a question under this Rule may decline to answer it and instead make a written answer which shall be provided to every Member within 5 clear working days of the Ordinary Meeting and included as an attachment to the minutes of the Ordinary Meeting.
- 8.13 Every question arising under Rule 8 shall be asked and answered without debate.
- 8.14 If this item on the Ordinary Meeting agenda has not commenced or completed by the end of the Ordinary Meeting, it shall be deemed as complete on the closing of the Ordinary Meeting. It shall not carry over to the next Ordinary Meeting.

## **9 Questions to Chairs of Council Bodies**

- 9.1 A Member of the Council may, without first giving notice, ask up to a total of two questions of the Chair of any Council Body or Informal Working Group, excluding

Cabinet, about the work of that Council Body or Informal Working Group. The number of questions that can be asked by each Member is two in total; not two per Chair.

- 9.2 Questions cannot be asked that would necessitate revealing exempt or confidential information.
- 9.3 The period of time for putting questions and receiving responses under this Rule shall not exceed 20 minutes.
- 9.4 No single question and its response shall exceed a period of 5 minutes.
- 9.5 Every question arising under Rule 9 shall be asked and answered without debate.
- 9.6 There shall be no right to a supplementary question.
- 9.7 If this item on the Ordinary Meeting agenda has not commenced or completed immediately before the end of the Ordinary Meeting, it shall be deemed commenced and complete on the closing of the Ordinary Meeting. It shall not carry over to the next Ordinary Meeting.

## **10 Motions Without Notice**

- 10.1 Motions may be moved without notice provided that they relate to:
  - 10.1.1 the appointment of a Person Presiding if neither the Mayor or Deputy Mayor are present
  - 10.1.2 the accuracy of a minute
  - 10.1.3 the order of item(s) of business
  - 10.1.4 the referral of any matter to an appropriate Council Body for consideration and/or determination including under Rule 7.12
  - 10.1.5 the appointment of Members to position(s) that arises from any item of business on the agenda
  - 10.1.6 the amendment of a motion
  - 10.1.7 permission to withdraw or alter a motion or amendment by the Proposer
  - 10.1.8 permission to extend the length of a speech
  - 10.1.9 a Procedural Closure Motion under Rule 11
  - 10.1.10 an Urgent Motion under Rule 12
  - 10.1.11 a motion to suspend any Standing Orders under Standing Order 2

- 10.1.12 a motion to exclude the press and public under section 100A and Schedule 12A of the Local Government Act 1972
  - 10.1.13 a motion proposing that a Member, who is named for disorderly conduct under Rule 19 be not further heard or do leave the Full Council Meeting.
  - 10.1.14 a motion that authorises the exercise of any statutory duty or power which in the opinion of the Full Council ought to be exercised as a matter of urgency
  - 10.1.15 that the Meeting continues beyond three hours in duration under Rule 18
  - 10.1.16 a motion to obtain any consent of the Full Council that may be required under these Rules.
- 10.2 The motions moved under Rule 10.1 shall be proposed, seconded and voted on without debate, save where otherwise indicated in these Rules and with the exception of Rules 10.1.4, 10.1.6, 10.1.10, 10.1.11 and 10.1.14, which shall be subject to the usual Rules of Debate.

## **11 Procedural Closure Motions**

- 11.1 The following Procedural Closure Motions may be moved during a debate in order to close the debate:
- 11.1.1 A motion “that the question now be put”, which, if passed, will curtail the debate and cause a vote to be held on the motion or amendment under consideration.  
  
A motion “that the question now be put” may only be moved by a Member who has not spoken previously on the item of business that would be affected or alternatively the motion may be moved by the Mayor.  
  
If such a motion is passed, before any “question” is put to the vote as a consequence, the Mayor shall invite the Member whose substantive motion would be affected to reply to the debate on the Substantive Motion before their motion is put to the vote. If the Secunder reserved their right to speak, they will lose the right to speak.
  - 11.1.2 A motion “that the Council proceed to next business”, which, if passed, will cause the Full Council Meeting to proceed to the next item of business without completing the item under debate.  
  
A motion “that the Council proceeds to next business” may only be moved by a Member who has not spoken previously on the item of business that would be affected. Before this Procedural Motion is put to the vote, the Mayor shall invite only the Member whose motion or amendment would be left undecided to speak on the Procedural Closure Motion.
  - 11.1.3 A motion to “adjourn the debate”, which, if passed, postpones further debate on the motion under consideration to a later date.

11.1.4 A motion “that the meeting be adjourned”, which, if passed, will result in the Meeting being adjourned to a time later the same day (no more than two hours later than the time of the adjournment) or on another date. Any matter that is being debated but has not been voted on when this motion is passed, plus any other remaining business, will be considered when the Full Council Meeting is reconvened.

11.2 Any of the Procedural Motions may be disallowed by the Mayor if they consider the motion to have been moved prematurely so that, if passed, it would operate to curtail proper debate.

## **12 Urgent Motions**

12.1 Items of business may be considered at a Full Council Meeting notwithstanding that five clear working days’ notice of that business has not been given if in the opinion of the Mayor, special circumstances exist which require that the item should be considered as a matter of urgency. The urgent item of business must have been added to the agenda as soon as reasonably practicable with the agreement of the Mayor, and the Full Council Meeting when convened must, without debate, consent.

12.2 Whenever business is transacted in accordance with Rule 12.1, the Mayor shall be required to specify the special circumstances that require the item to be considered as a matter of urgency, and those matters shall be recorded in full in the minutes of the Full Council Meeting.

## **13 Rules of Debate**

### Moving a Motion

13.1 In these Rules, “the Substantive Motion” means any motion under debate that appears on the agenda or arises from it. Where the motion contains more than one recommendation, all recommendations are to be moved en bloc as one motion unless specified otherwise on the agenda.

13.2 The debate of a motion shall begin by the Substantive Motion being proposed. The Proposer of the motion has up to 5 minutes to propose the motion.

13.3 After the Proposer has proposed the Substantive Motion, it must be seconded. The Secunder may speak on the motion for up to 5 minutes when they second it or reserve their right to speak later in the debate.

### Debating a Motion

13.4 Once the Substantive Motion has been proposed and seconded, it is open for debate and amendment. No Substantive Motion shall be debated or amended unless and until it has been proposed and seconded.

13.5 A Member of Full Council (other than the Proposer and Secunder, where the latter exercises their right to speak when seconding) may speak once for up to 5 minutes on the Substantive Motion.



- 13.6 A Member who wishes to speak on the Substantive Motion shall indicate so by raising their hand for the attention of the Mayor and/or Deputy Mayor where appropriate. The Mayor has full discretion on who to call to speak and in which order.
- 13.7 Members shall speak to the Substantive Motion only. The debate is not a question and answer session.
- 13.8 The Mayor may call the attention of the Full Council to continued irrelevance, tedious repetition and may disallow, re-direct or postpone consideration of any matter raised during the debate.
- 13.9 Subject to a Procedural Closure Motion having been passed, once all those Members wishing to speak have spoken, the Mayor will confirm with the Secunder whether they wish to exercise their right to speak where they have not already done so. The Secunder may speak for up to 5 minutes.
- 13.10 The Mayor shall then invite the Proposer to exercise a right of reply (sum up). The Proposer can speak for up to 5 minutes.
- 13.11 The Substantive Motion then proceeds to the Vote.

#### Amendments to Motions

##### Moving an Amendment

- 13.12 Any Member who wishes to propose an amendment to a Substantive Motion which has already been seconded shall make this known to the Mayor. The Mayor will invite the Member to state the exact wording of their proposed amendment.
- 13.13 An amendment to a Substantive Motion shall:
- 13.13.1 not introduce a new issue
  - 13.13.2 be limited to omitting words from, adding words to or substituting words in the Substantive Motion;
  - 13.13.3 shall not have the effect of negating the substantive motion.
- 13.14 If the Monitoring Officer or their nominated substitute is satisfied that the wording of the proposed amendment complies with Rule 13.13, this will be indicated to the Mayor. If the Monitoring Officer or their nominated substitute is not satisfied the wording complies with Rule 13.13, the Mayor may disallow the amendment and the debate shall return to the Substantive Motion.
- 13.15 If the amendment is compliant with Rule 13.13, the Mayor will invite the Proposer of the amendment to propose and speak on the amendment. The Proposer of the amendment may speak for up to 5 minutes.
- 13.16 The amendment must be seconded. The Secunder may speak on the amendment for up to 5 minutes when they second it or reserve their right to speak later in the debate.

13.17 The Proposer and Secunder of the amendment cannot be the Proposer or Secunder of the Substantive Motion. The Proposer of a Substantive Motion may propose to alter the Substantive Motion under Rule 10.1.7.

Accepting the Amendment

13.18 Once the amendment has been proposed and seconded, the Proposer and Secunder of the Substantive Motion will be asked by the Mayor whether they agree to accepting the amendment. This is not an opportunity for the Proposer and Secunder of the Substantive Motion to speak on the proposed amendment. They shall indicate either 'yes' or 'no' to the Mayor.

13.19 If the Proposer and Secunder both accept the amendment, then the Substantive Motion is duly amended without the need to debate or vote on the amendment. The debate then returns to the Substantive Motion (as amended).

13.20 If the Proposer and Secunder do not both accept the amendment, then the amendment is open for debate.

Debating the Amendment

13.21 The Proposer of the Substantive Motion does not have the right to speak on the amendment. They will have the right of reply at the end of the debate on the amendment. The Proposer of the amendment will not have a right of reply or right to sum up at the end of the debate on their amendment.

13.22 A Member who wishes to speak on the amendment shall indicate so by raising their hand for the attention of the Mayor and/or Deputy Mayor where appropriate. The Mayor has full discretion on who to call to speak and in which order.

13.23 Members must speak to the amendment; not the Substantive Motion.

13.24 No amendment to an amendment may be moved. The Mayor shall not permit a further amendment to be moved or debated until a preceding amendment has been dealt with.

13.25 The Mayor may call the attention of the Council to continued irrelevance, tedious repetition and may disallow, re-direct or postpone consideration of any matter raised during the debate.

13.26 Subject to a Procedural Closure Motion having been passed, once all those Members wishing to speak on the amendment have spoken, the Mayor will confirm with the Secunder of the amendment whether they wish to exercise their right to speak where they have not already done so. The Secunder of the amendment may speak for up to 5 minutes.

13.27 The Mayor shall then invite the Proposer of the Substantive Motion to exercise a right of reply (sum up). The Proposer of the Substantive Motion can speak for 5 minutes.

13.28 The amendment then proceeds to the Vote.

### Following the Vote on an Amendment

- 13.29 If an amendment is passed the debate returns to the Substantive Motion (as amended).
- 13.30 If the amendment is not passed the debate returns to the Substantive Motion.

### Summary of who can Speak

- 13.31 A Proposer of a Substantive Motion may speak:
- 13.31.1 to propose the Substantive Motion for up to 5 minutes
  - 13.31.2 to exercise a right of reply at the close of the debate on the Substantive Motion for up to 5 minutes
  - 13.31.3 to exercise a right of reply at the close of any debate on any amendment to the Substantive Motion for up to 5 minutes
  - 13.31.4 to call for a Point of Order
  - 13.31.5 to call for a Point of Personal Explanation
  - 13.31.6 to move a Motion without Notice under Rule 10
- 13.32 A Member other than the Proposer of the Substantive Motion may speak:
- 13.32.1 to second and/or or speak on the Substantive Motion
  - 13.32.2 to speak on any amendment (including proposing or seconding an amendment, save that the Secunder of the Substantive Motion cannot second an amendment)
  - 13.32.3 to call for a Point of Order
  - 13.32.4 to call for a Point of Personal Explanation
  - 13.32.5 to move a Motion without Notice under Rule 10

## **14 Points of Order**

- 14.1 A Member may raise a Point of Order if they become aware of any breach of these Rules, the Council's Constitution or the law. The Point of Order must specify which Rule or provision in the Council's Constitution has been breached or the point of law that has arisen. The ruling of the Mayor on a Point of Order, or as to the conduct of the Full Council Meeting, shall not be challenged during that Full Council Meeting.

## **15 Points of Personal Explanation**

- 15.1 A Member may raise and pursue a point of personal explanation if, and only so far as, it is necessary to remedy any manifest misunderstanding by another speaker of any part of a statement they have made on the matter under debate.

## **16 Voting**

- 16.1 Unless otherwise prescribed by statute, decisions will be made by a simple majority of those Members voting and present at the Full Council Meeting at the time the motion is proposed.
- 16.2 If there are equal numbers of votes for and against, the Mayor will have a second or casting vote. There will be no restriction on how the Mayor chooses to exercise a casting vote.
- 16.3 Unless a recorded vote or ballot is requested, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the Full Council Meeting.
- 16.4 A Member of the Council, with the support of at least three other Members, may request to the Mayor immediately before a vote is taken that the vote be recorded to show whether each Member present voted for or against the item or abstained from voting (a recorded vote).
- 16.5 A ballot may be used where the item relates to the appointment of Members to positions and there is more than one position to be filled. The results of the ballot shall be included in the minutes of the Full Council Meeting as if it were a recorded vote.
- 16.6 Where a vote is required on a motion to appoint or elect to a position and there are more candidates than positions, and a ballot is not being used, then for each position the names of the candidates shall be read out to all Members present and Members will then be invited to indicate their chosen candidate by calling out the chosen candidate's name. The numbers of votes for each candidate shall be read out and the candidate(s) with the most votes shall be appointed.
- 16.7 Immediately after a vote on any matter, a Member may require that the way in which they voted on that matter is recorded in the minutes of the meeting.
- 16.8 At meetings of a Regulatory Council Body a Member shall not vote on an item unless they have been present at the commencement of the debate on that item and have remained present throughout the totality of the debate.

## **17 Rescinding a Previous Resolution**

- 17.1 No motion to or which would have the effect to rescind or reverse a Resolution of the Full Council shall be considered by the Council, within a period of six months from the date of that Resolution, unless it is moved with the support in writing by at least seventeen Members of the Council.

- 17.2 The Resolutions covered by Rule 17.1 include decisions in respect of any Notice of Motion, or any amendment of a Notice of Motion (whether or not such motion or amendment was passed), as well as any other decision taken in exercise of the Council's functions.
- 17.3 Once a motion has been moved with the support required in Rule 17.1, no further motion shall be introduced by that means, in respect of substantially the same subject matter, for a period of six months from the day when the motion was moved.

## **18 Duration of Full Council Meetings**

- 18.1 Unless the majority of Members present vote for the Full Council Meeting to continue, any Full Council Meeting that has lasted for 3 hours will adjourn immediately. Remaining business will be carried over to the next Ordinary Meeting.
- 18.2 The motion for voting to continue a Full Council Meeting above shall be for an extension of the duration of the Full Council Meeting for a period of one hour, unless the Mayor proposes a different period of time. Upon the expiry of this or any other extension, the Full Council Meeting shall adjourn immediately unless the majority of Members vote for a further extension of the Full Council Meeting. Any such motion to further extend the duration of the Full Council Meeting beyond the first extension shall be limited to no more than one hour, as determined by the Mayor.

## **19 Disorderly Conduct**

### Disorderly conduct by Members of the Council

- 19.1 A Member who persistently disregards the ruling of the Mayor, or who behaves irregularly, improperly, or offensively, or who wilfully obstructs the business of any such Full Council Meeting, shall be guilty of disorderly conduct.
- 19.2 If a motion under Council Procedure Rule 10.1.13 is put and passed at a Full Council Meeting, any Member who is so named shall not be heard further in any debate during the remainder of that Full Council Meeting.
- 19.3 If a Member does not comply with a motion that is passed under the Rule above, the Mayor shall:
- 19.3.1 if the motion was for the Member not to be further heard, move "that the Member do leave the meeting" and that motion shall be put and determined without being seconded and without debate;
  - 19.3.2 ask the Member to leave the Full Council Meeting room for the remainder of the Full Council Meeting; or
  - 19.3.3 adjourn the Meeting for such period as they think fit.

- 19.4 If a Member does not comply with any motion that is passed under the Rules above, or continues to disrupt a Full Council Meeting that reconvenes after a motion under the Rules above has been passed, the Mayor may order such action as is necessary to be taken to secure the removal of that Member from the Meeting and prevent their re-entry.
- 19.5 The Mayor shall report to the Standards Committee any motion that is passed under the Rules above and any action occurring under the Rules above.

#### Disorderly conduct in meetings by members of the public

- 19.6 No member of the public shall interrupt proceedings, behave in a disorderly manner or breach the Protocol relating to the Openness Regulations during a Full Council Meeting.
- 19.7 Any member of the public who interrupts a meeting behaves in a disorderly manner or breaches the Protocol relating to the Openness Regulations shall be warned by the Mayor to stop that behaviour and, if they do not, the Mayor may, without any motion being put or seconded or debated:
- 19.7.1 Adjourn the Full Council Meeting for as long as they consider necessary; and/or,
- 19.7.2 Order such action as is necessary to be taken to remove the offending person from the meeting and prevent their re-entry.

#### General disturbance of any meeting

- 19.8 The Mayor may adjourn a Full Council meeting, for as long as they consider necessary, without any motion being put or seconded and without debate if, in their opinion, the behaviour of persons who are present (whether Members of the Council or not) makes it impossible to carry on business in an orderly manner.
- 19.9 Where the Mayor invokes this Rule because of the conduct of any Member of the Council, they may report the matter to the Standards Committee

## **20 Public question time at Ordinary Meetings**

### Public Question Time

- 20.1 At each meeting of the Council, a period not exceeding 30 minutes shall be allowed for persons not being Members of the Full Council having an interest in the Borough to ask questions about:-
- (a) the Council's policies; or
- (b) the work of the Council in respect of any matter or issue affecting the Borough.
- 20.2 The Chief Executive shall not allow any questions that, in their opinion:

- 20.2.1 relate solely to the questioner or their family
  - 20.2.2 contain any defamatory, confidential or exempt material or would require a response that might be defamatory or require the disclosure of confidential or exempt material
  - 20.2.3 relate to specific applications for planning permission or for licences;
  - 20.2.4 relate to individual Members or officers of the Council or an individual member of the public.
- 20.3 Members of the public who wish to ask questions under this Rule must submit them in writing to the Chief Executive before 5pm two clear working days before the day of the meeting at which they are to be put or presented.
- 20.4 The receipt of questions under this Standing Order shall be recorded in a register in the order in which they are received and they will be presented to the Council in that order. The register shall be open to inspection by members of the public.
- 20.5 The Chief Executive shall confirm to each person whose question is entered into the register kept in accordance with paragraph 14.4 and confirm:
- (a) whether their question may be asked
  - (b) the date, time and place of the Meeting at which the question may be asked
  - (c) the procedure for asking their question and receiving an answer
  - (d) their position in a list of the persons whose questions have been accepted.
- 20.6 The questions that may be asked under this Rule shall not appear on the agenda of the meeting at which they are to be asked, but will be published on the Council's website with the agenda papers before the Ordinary Meeting.
- 20.7 The person who submits a question under this Rule shall normally ask it. However, the Mayor may allow that person to be accompanied by a friend and allow the friend to ask the question. The person who submits the question also has the option of asking their question remotely if they are able to connect to the Meeting and can be heard by the Meeting. The Mayor may suspend the question being asked and/or answered due to the quality of the audio not being sufficient to enable Members to hear, in the opinion of the Mayor.
- 20.8 A question that is asked under this Rule shall be addressed to the Mayor and shall be answered by any Member of the Council nominated by them. An answer may take the form of:
- (a) a direct oral response; or
  - (b) in exceptional cases, where an oral reply cannot be given conveniently, by a written answer, which shall be given to the questioner within 7 clear working days of the date of the meeting or such longer period as the Mayor may allow.

In every case where an oral response is not given, the Mayor will state that an oral response would be inconvenient and the reasons for this, which will be minuted. A copy of the written answer shall be included as an attachment to the minutes of the Meeting.

- 20.9 Every questioner may ask a supplementary question once their first question has been answered but no exchange (including the time taken to ask and answer a supplementary question) shall be permitted to exceed a total of 5 minutes.
- 20.10 Any question that is accepted but cannot be asked at the meeting because of lack of time, shall be answered in writing by a Member or Officer of the Council within 7 clear working days of the meeting. The person responsible for answering the question shall be announced by the Mayor at the end of each Public Question Time. A copy of the written answer shall be included as an attachment to the minutes of the Meeting
- 20.11 Every question shall be asked and answered without there being any debate of that matter by the Council.

## **21 Petitions at Ordinary Meetings**

- 21.1 The Council will accept:
- 21.1.1 paper Petitions either sent or presented to it;
  - 21.1.2 online Petitions, using our petition tool on the Council's website;
  - 21.1.3 Petitions which are emailed to the Council, or created using other petition software, but only if the names, addresses and the email addresses of the people who have signed the Petition are attached.
- 21.2 In order to meet the requirements of the Council's Petition scheme, a petition must contain a minimum of 250 signatures.
- 21.3 The Council will not deal with Petitions that:
- 21.3.1 Include a matter which in the Chief Executive's opinion is vexatious, abusive or contains otherwise inappropriate comments e.g. containing swearing or other insults or anything that is false or potentially defamatory.
  - 21.3.2 Do not comply with data protection, libel, equalities and anti-discrimination legislation.
  - 21.3.3 Concern employment matters for Borough Council staff.
  - 21.3.4 For issues, such as planning and licensing decisions or council tax banding and nondomestic rates, there is already an established way for communities to have their say, so these are not included in the Petition scheme.
  - 21.3.5 Are substantially the same as a similar Petition considered by the Council in the preceding 12 months.
- 21.4 The Council reserves the right not to take action on:
- 21.4.1 Party political material.
  - 21.4.2 Information which may be protected by an injunction or court order.
  - 21.4.3 Material which is potentially confidential, commercially sensitive, or which may cause personal distress or loss.
  - 21.4.4 Any commercial endorsement, promotion of any product, service or publication.



- 21.4.5 The names of individual officials of public bodies, unless they are part of the senior management of those organisations.
  - 21.4.6 The names of family members of elected representatives.
  - 21.4.7 The names of individuals, or information where they may be identified, in relation to criminal accusations.
  - 21.4.8 Language which is intemperate, provocative, racist, sexist, homophobic etc.
  - 21.4.9 Petitions that are similar to and/or overlap with an existing Petition or Petitions.
  - 21.4.10 Has previously been dealt with as a Petition within the last 12 months.
  - 21.4.11 Statements that don't actually request any action.
  - 21.4.12 Wording that is impossible to understand.
  - 21.4.13 Statements that amount to advertisements.
  - 21.4.14 Petitions which are solely intended to be humorous.
  - 21.4.15 Issues for which Petition is not the appropriate channel (e.g. correspondence about a personal issue).
  - 21.4.16 Freedom of Information or Environment Information requests or requests that may result in a breach of the Data Protection Act 2018.
  - 21.4.17 During politically sensitive periods, such as just before an election, if it is considered that a Petition contains politically controversial material, the Council may decide not to accept a Petition, or defer its consideration until after the election. If this is the case, the Council will explain the reasons and the revised timescale which will apply.
- 21.5 Where a Petition contains more than 2,500 signatures, the person who presented the Petition or such other person as signatories to the Petition may nominate by agreement ('the Petition Organiser') may request that a relevant Chief Officer attends a meeting of an Overview and Scrutiny Committee relevant to the subject matter of the Petition to give evidence and answer questions. Panel members will ask the questions at the Meeting, but the Petition Organiser will be able to suggest questions to the Chair of the Panel by contacting the relevant Democratic Services Officer at least 2 clear working days before the Meeting.
- 21.6 Where a Petition presented to the Council contains more than 5,000 signatures, it will be debated by Full Council ('the Petition Debate'). The Petition Debate, which will last for a maximum of 30 minutes, will usually take place at the meeting when the Petition is first presented to Full Council, although on some occasions this may not be possible and the Petition Debate will then take place at the following meeting.
- 21.7 If a Petition is required to be debated by full Council under Standing Order 9.3.6 and the Petition Organiser wants to present their Petition to the meeting at which the Petition Debate will take place, or would like to nominate their Councillor or someone else to present it on their behalf, they should contact the Democratic Services Office at least 10 clear working days before the meeting to arrange this.
- 21.8 If the Petition Organiser wishes their Petition to be presented to the Petition Debate then, immediately before the Petition Debate, the Petition Organiser (or their nominee) shall be entitled to speak in support of the Petition, for up to 5 minutes. At

the conclusion of the Petition Debate a decision will be made on how to respond to the Petition. This could be:

- 21.8.1 To take the action the Petition requests.
  - 21.8.2 Not to take the action requested for reasons put forward in the Petition Debate.
  - 21.8.3 To commission further investigation into the matter, for example by a relevant panel or committee.
  - 21.8.4 Where the issue is one on which the Cabinet is required to make the final decision, the Council will decide whether to make recommendations to inform that decision.
- 21.9 The Petition Organiser will receive written confirmation of this decision. This confirmation will also be published on the Council's website. (Scheme approved by Council 24 June 2010)

**END OF COUNCIL PROCEDURE RULES**