

**1 November 2017**

Report of	Monitoring Officer	Author	Andrew Weavers ☎ 282213
Title	Revised Council Procedure Rules		
Wards affected	Not applicable		

### Executive Summary

The Full Council is required to have rules that govern proceedings at its meetings. This report requests Full Council to agree revised Council Procedure Rules to change some of its procedures to improve its ability to deal with its required business

## 1. Decision(s) Required

- 1.1 To agree the revised Council Procedure Rules attached at Appendix 1 to this report and that they come into effect from the next Full Council meeting on 7 December 2017.

## 2. Background

- 2.1 Following the Council meeting on 26 July 2017 a meeting of Group Leaders was convened to review Council Procedure Rules and examine how they could be modified to improve Council meetings ability to deal with its business more effectively within the time available without curtailing the opportunity for proper debate.
- 2.2 The discussions led to a revised Council Procedure Rules being produced which are attached to this report at Appendix 1 which are being submitted to this meeting for ratification.

## 3. Proposals

- 3.1 The proposed changes to Council Procedure Rules are as follows:
- Rule 8 (j) – (l) amended to remove potential ambiguity with Rule 11;
  - Rule 11 (5) introduction of requirement for the Mayor to consult Group Leaders prior to publication of the meeting agenda on the order that submitted motions will be debated;
  - Rule 11 (6) introduction of provision that no motions shall be accepted at the annual budget meeting;
  - Rule 14 (3) introduction of amended time limits for speaking i.e. report of Leader and cabinet members, proposer of a motion or main amendment up to 5 minutes , reply to discussion on motion / main amendment, reply to debate by proposer of motion / main amendment up to 3 minutes and all other cases up to 3 minutes;
  - Rule 14 (5) new provision to introduce maximum time period of 80 minutes to deal with submitted motions;
  - Rule 19 (1) new provision to confirm breaks every 90 minutes; and

- Rule 19 (2) new provision to provide that if the meeting is still proceeding at 10pm the Mayor shall ensure that the item under debate is concluded then close the meeting and automatically defer any items not dealt with to the next ordinary meeting .

3.2 All of the above proposals are subject to the Mayor as chairman of the meeting agreeing to vary the Rules in the event of urgency or necessity to ensure that required business is transacted.

#### **4. Strategic Plan References**

4.1 The manner in which the Council governs its business is an underpinning mechanism in the Council's Strategic Plan aims to set out the direction and future potential for our Borough.

#### **5. Financial, Equality, Diversity and Human Rights, Consultation, Community Safety, Health, Publicity and Safety and Risk Management Implications**

5.1 None identified.

## Council Procedure Rules

### INTRODUCTION

The Council is required by law to have procedural rules that govern proceedings at meetings of the Full Council.

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# **Council Procedure Rules**

## **1. Meetings of the Council**

- (1) The Annual Meeting of the Council shall be held on a day in May to be determined by the Cabinet.
- (2) Other meetings of the Council shall be held at intervals of approximately eight weeks on Wednesdays commencing at 6pm or upon such other day or at such other hour as the Cabinet may determine.
- (3) The Proper Officer shall summon meetings of the Council.
- (4) The summons to an extraordinary meeting shall set out the business to be considered and no business other than that set out in the summons shall be considered at that meeting.

## **2. Order of Business at the Annual Meeting of the Council**

The order of business at the Annual Meeting of the Council shall be:

- (a) To elect the Mayor;
- (b) To deal with any business required by law to be done before any other business;
- (c) To approve as a correct record the minutes of the last meeting of the Council;
- (d) To deal with any other business expressly required by law to be done;
- (e) To elect the Deputy Mayor;
- (f) To give a vote of thanks to the retiring Mayor;
- (g) Participation by the public (Have Your Say!) (Reconvened meeting only);
- (h) To appoint the Leader of the Council (only in the year where the Leader's term of office expires)
- (i) To receive notification from the Leader of the Council (only in the year where the Leader's term of office expires) of:
  - (a) the appointment of the Deputy Leader
  - (b) the appointments to the Cabinet and the extent of their delegated authorities
- (j) To appoint the Panels and Committees;
- (k) To give a vote of thanks to former Councillors;
- (l) Other business, if any, specified in the summons;

- (m) Other business, if any, not specified in the summons which by reasons of special circumstances, the Mayor determines should be considered at the meeting as a matter of urgency;

unless in the exercise of absolute discretion, the Mayor shall direct otherwise.

### **3. The Mayor and the Deputy Mayor**

The Mayor and Deputy Mayor shall be elected annually by the Council from amongst the Councillors. If the Mayor or Deputy Mayor resign they shall continue in office until their successors are elected. If the Mayor or Deputy Mayor cease to be qualified, become disqualified or are removed from office, the Council shall elect a successor to hold office until the next Annual Meeting.

### **4. Chairman of Meetings of the Council**

The Mayor shall, if present, take the Chair at meetings of the Council. In the absence of the Mayor, the Deputy Mayor shall take the Chair. In the absence of both the Mayor and the Deputy Mayor, a Chairman for the meeting shall be elected by the Council from amongst the Councillors present. Any power or duty of the Mayor in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

### **5. Appointment of the Leader of the Council, Panels and Committees**

- (1) The Council shall, at the appropriate Annual Meeting, elect the Leader of the Council from amongst the Councillors. If the Leader of the Council resigns he/she shall continue in office until a successor is elected by the Council. If the Leader of the Council, ceases to be qualified, becomes disqualified or is removed from office, the Council shall elect a successor.
- (2) The Council shall, at the Annual Meeting, appoint such Panels and Committees as it is required to appoint by or under any statute or otherwise as it thinks fit and may, at any time, appoint such other Panels and Committees as are necessary to carry out the work of the Council but, subject to any statutory provision in that behalf:
  - (a) shall not appoint any member of a Panel or a Committee so as to hold office later than the next Annual Meeting of the Council.
  - (b) casual vacancies which arise on any Panel or any Committee shall be filled by the Cabinet as it, in its discretion, thinks fit subject to the requirements for achieving a political balance of members on the Panels and Committees.

### **6. Public Participation at all Public Meetings (Have Your Say!)**

- (1) Any member of the public may ask a question or address a meeting of the Council on a matter which is on the agenda for the meeting or is within the terms of reference of the Council except in cases where the Council is acting in a quasi-judicial capacity or similar or in relation to planning applications, subject to the following procedure.

- (2) Subject to the absolute discretion of the Mayor to extend or limit the time available for public participation, a period of up to fifteen minutes shall be available at the start of a meeting for public participation on issues within the remit of the meeting not otherwise appearing on the agenda for the meeting.
- (3) Where public participation relates to an item on the agenda for the meeting, the Mayor shall invite the participation immediately prior to the consideration of the item by the meeting. The amount of time afforded to public participation on any single item shall be at the absolute discretion of the Mayor but should not normally exceed fifteen minutes.
- (4) At the absolute discretion of the Mayor the order of business for the meeting may be changed for the convenience of the public who wish to participate.
- (5) A member of the public may ask questions or make a statement for a period not exceeding three minutes. When a speaker has one minute of the allotted time remaining, a bell will be rung. At the end of the period of time, the bell will be rung again and the speaker will stop speaking whether or not the speech has been concluded.
- (6) An answer to a question posed or statement made by a member of the public may take the form of:-
  - (a) a direct oral answer; or
  - (b) where the desired information is contained in a publication of the Council, a reference to that publication; or
  - (c) where the reply to the question cannot conveniently be given orally, a written answer which will be reported to a future meeting.
- (7) Following the conclusion of the answer the member of the public may, if they wish, have a further period of up to one minute to ask a supplementary question or comment on the answer provided. At the end of that period of time, the bell will be rung and the speaker will resume their seat whether or not their comments have been concluded. A further response to the speaker's comments may be made.
- (8) In the exercise of absolute discretion, the Mayor may disallow or terminate any public participation which is scurrilous, vexatious, improper, irrelevant or otherwise objectionable.
- (9) Public participation at meetings must be made orally at the meeting. Written statements may not be submitted instead of personal attendance and documents including photographs may not be circulated by a member of the public participating in the meeting, except for a petition which may be presented to the Mayor.

## **7. Quorum for all Meetings of the Council**

- (1) A quorum is one quarter of the total membership of the Council.
- (2) If during any meeting of the Council the Mayor, after counting the number of Councillors present, declares that there is not a quorum present, the meeting shall stand adjourned.
- (3) The consideration of any business not transacted shall be adjourned to a time fixed by the Mayor at the time the meeting is adjourned or if a time is not fixed by the Mayor, to the next ordinary meeting of the Council.

## **8. Agenda and Order of Business at Ordinary Meetings of the Council**

- (1) The agenda and order of business for every ordinary meeting of the Council will be determined by the Proper Officer in consultation with the Mayor or in the Mayor's absence, the Deputy Mayor:
- (2) The order of business may be altered at the meeting;
- (3) Business at every ordinary meeting of the Council will consist of:
  - (a) The election of a Chairman for the meeting if the Mayor and Deputy Mayor are both absent;
  - (b) Prayers at the discretion of the Mayor;
  - (c) Participation by the public (Have Your Say!);
  - (d) To approve as a correct record, the Minutes of the last meeting of the Council;
  - (e) Mayor's announcements;
  - (f) To receive declarations of Members Interests;
  - (g) To dispose of business (if any) remaining from the last meeting;
  - (h) To receive matters (if any) referred under the Call-In Procedure;
  - (i) To receive recommendations/resolutions from the Cabinet, Panels and Committees;
  - (j) To deal with any business expressly required to be dealt with at that meeting;
  - (k) To receive motions the subject matter of which comprise an executive function or an executive decision and of which Council has been requested to advise Cabinet of its view, in the order in which has been agreed in accordance with Rule 11 (5);
  - (l) To receive motions the subject matter of which comprise a non-executive function in the order in which has been agreed in accordance with Rule 11 (5);

- (m) Questions from Councillors to the Leader of the Council, Cabinet Members and Chairmen (or in their absence Deputy Chairman) of Panels and Committees and replies given;
- (n) To note schedule of decisions taken by Portfolio Holders under delegated powers since the last meeting of the Council
- (o) Other business, if any, specified in the summons;
- (p) Other business, if any, not specified in the summons which by reason of special circumstances, the Mayor determines should be considered at the meeting as a matter of urgency;

unless in the exercise of absolute discretion, the Mayor shall direct otherwise.

## **9. Members' Interests**

### **Disclosable Pecuniary Interests**

- (1) A Councillor has a disclosable pecuniary interest in any business if it is of a description set out in Rule 9(2) below and is either:
  - (a) an interest of his/hers
  - (b) an interest ( of which the Councillor is aware) of a spouse, civil partner or a person he/she is living with as a spouse or civil partner (“known as a Relevant Person”)
- (2) A Pecuniary Interest is an interest which relates to or is likely to affect:
  - (a) any employment, office, trade, profession or vocation carried on by the Councillor or a Relevant Person for profit or gain;
  - (b) any payment or provision of any other financial benefit (other than from the authority) made or provided (within the period of 12 months ending with the day on which the Councillor gave notification to the Monitoring Officer of any disclosable pecuniary interests he/she had at the time of the notification) in respect of any expenses incurred in carrying out his/her duties as a Councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992;
  - (c) Any contract for goods, services or works which has not been fully discharged between a Councillor or a Relevant Person and the authority or a body in which the Councillor or a Relevant Person has a beneficial interest;
  - (d) A beneficial interest in any land in the Borough of Colchester;
  - (e) Any tenancy where to the Councillors knowledge (i) the landlord is the Authority and (ii) the tenant is a body in which a Councillor or a Relevant Person has a beneficial interest;



- (f) A licence of any land in the Borough of Colchester (alone or jointly with others) that a Councillor or a Relevant Person occupy for a month or longer.
- (g) Any beneficial interest in securities of a body where-
  - (i) that body (to the Councillor's knowledge) has a place of business or land in the Borough of Colchester and
  - (ii) either:
    - (aa) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
    - (bb) the beneficial interest exceeds one hundredth of the total issued share capital of the share capital of that body, if of more than one class, the total nominal value of the shares of any one class.

### **Other Pecuniary Interests**

- (2) A Councillor has a pecuniary interest in any business where either it relates to or is likely to affect:
  - (a) any person or body who employs or has appointed the Councillor;
  - (b) any contract for goods, services or works made between the Council and a Councillor or a firm in which he/she is a partner, a company of which he/she is a remunerated director, or a person or body of the description specific in paragraph 9.2.(g) which has been fully discharged within the last 12 months;

### **Non-Pecuniary Interests**

- (3) A Councillor has a non-pecuniary interest in any business where either it relates to or is likely to affect:
  - (a) any body of which a Councillor is a member or in a position of general control or management and to which he/she are appointed or nominated by the Council;
  - (b) any body-
    - (i) exercising functions of a public nature;
    - (ii) directed to charitable purposes; or
    - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union);
 of which a Councillor is a member or in a position of general control or management;
  - (c) the interests of any person from whom a Councillor has received a gift or hospitality with an estimated value of at least £50;

- (d) a decision in relation to that business which might reasonably be regarded as affecting a Councillor's wellbeing or the wellbeing of a Relevant Person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision.

### **Disclosure of Interests**

- (5) Subject to Rules 9(6) to 9(7), where a Councillor has a disclosable pecuniary interest, other pecuniary interest or a non-pecuniary interest in any business of the Council and he/she is present at a meeting of the Council at which the business is considered, the Councillor must disclose to that meeting the existence and nature of that interest whether or not such interest is registered on his/her register of Interests or for which he/she has made a pending notification.
- (6) Rule 9(5) only applies where the Councillor is aware or ought reasonably to be aware of the existence of the Relevant Person's interest.
- (7) Where a Councillor has an interest in any business of the Council which would be disclosable by virtue of Rule 9(5) but by virtue of paragraph 14 of the Members Code of Conduct (sensitive interests) details of the interest are not registered in the Council's published Register of Members' Interests and that the interest is a disclosable pecuniary interest (if that is the case) but the Councillor need not disclose the nature of the interest to the meeting.
- (8) Where a Councillor has a pecuniary interest in any business of the Council and a function of the Council may be discharged by a Councillor acting alone in relation to that business, he/she must notify the monitoring officer of the existence and nature of that interest within 28 days of becoming aware that he/she will be dealing with the matter even if more than 28 days before he/she will actually deal with the business.
- (9) Where a Councillor has an interest in any business of the Council which would be disclosable by virtue of Rule 9(5) and he/she has made an executive decision in relation to that business he/she must ensure that any written statement of that decision records the existence and nature of that interest (in this Rule "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000 (as amended)).

### **Disclosure of Interests generally**

#### **Effect of Disclosable Pecuniary Interests on participation**

- (10) A Councillor may not-
  - (a) if present at a meeting of the Council or of any committee, sub-committee, joint committee or joint sub-committee of the authority and
  - (b) he/she has a Disclosable Pecuniary Interest in any matter to be considered, or being considered, at the meeting and

(c) the Councillor is aware that Rule 9(10) (b) is met:

- (i) participate, or participate further, in any discussion of the matter at the meeting, or
- (ii) participate in any vote, or further vote, taken on the matter at the meeting

and must withdraw from the room or chamber where the meeting considering the business is being held unless the Councillor has received a dispensation from the Monitoring Officer (or from an officer authorised by the Monitoring Officer)

(d) exercise executive functions in relation to that business and

(e) seek improperly to influence a decision about that business.

(11) If a function of the Council may be discharged by a Councillor acting alone and he/she has a disclosable pecuniary interest in any matter to be dealt with or being dealt with in the course of discharging that function he/she may not take any steps or any further steps in relation to the matter (except for the purpose of enable the matter to be dealt with otherwise than by him/herself).

(12) If a Councillor has another pecuniary interest in any business of the Council which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice his/her judgement of the public interest and he/she is present at a meeting of the Council at which such business is to be considered or is being considered the Councillor must:-

- (a) disclose the existence and nature of the interest in accordance with Rule 9(5) (but subject to Rule 9(7))
- (b) withdraw from the room or chamber where the meeting considering the business is being held unless he/she has obtained a dispensation from the Monitoring Officer (or an officer authorised by the Monitoring Officer).

#### **10. Questions to the Leader, Cabinet Members and Chairmen of Panels and Committees**

(1) There shall be a period not exceeding 60 minutes during which Pre-notified Questions and other questions may be put by Councillors to the Leader of the Council or to Cabinet Members on any aspect of matters within a portfolio or Chairmen of Panels and Committees (or in their absence the Deputy Chairman) on any aspect of matters within the Panels or Committees remit. Pre-notified Questions will be dealt with first and any Pre-notified Questions that are not dealt with during the time allocated will receive a written reply.

(2) A Councillor may, provided that notice in writing has been given to the Proper Officer no later than by 10am on the day before the meeting, ask up to three questions of the Leader of the Council, Cabinet Members or Chairmen of Panels and Committees (a Pre-notified Question).

- (3) Following the conclusion of Pre-notified Questions, each Councillor may ask no more than one oral question of the Leader of the Council and of each Cabinet Member and Chairmen of Panels and Committees. In the exercise of absolute discretion, the Mayor may disallow any question which is scurrilous, vexatious, improper, irrelevant or otherwise objectionable.
- (4) At the expiration of 60 minutes, any questions which Councillors have indicated to the Mayor a desire to ask, but which have not been asked shall be deemed to have lapsed and shall not be carried forward to any future meeting.
- (5) Every question asked shall be put and answered without discussion but the person to whom a question has been put may decline to answer.
- (6) An answer may take the form of:-
  - (a) a direct oral answer; or
  - (b) where the desired information is contained in a publication of the Council, a reference to that publication; or
  - (c) where the reply to the question cannot conveniently be given orally, a written answer circulated to Councillors with the Minutes of the meetings at which the question has been asked.
- (7) Where either a Pre-notified Question or an oral question asked has been put and answered, the Councillor who has asked the question may ask one supplementary question of the Leader of the Council, appropriate Cabinet Member or Chairmen of Panels and Committees who has answered the question, provided the supplementary question is on a point arising from the Leader of the Council's, appropriate Cabinet Member's or Chairmen of Panels and Committees' answer. The Leader of the Council, appropriate Cabinet Member or Chairmen of Panels and Committees may decline to answer a supplementary question or may answer it in one of the forms mentioned in the previous Rule.

## **11. Notices of Motion**

- (1) Except for a Motion that may be proposed without notice, notice of every motion shall be either given in writing, signed by the Councillor giving it, or electronically via e-mail and delivered to the Proper Officer at least Ten clear working days before the meeting to which it is intended to be submitted.

The Monitoring Officer in consultation with the Proper Officer shall determine whether the subject matter of the motion comprises an executive or non-executive function or an executive decision.

- (2) Any motion the subject matter of which relates to an executive function shall, on being formally proposed by the councillor moving the motion set out on the Agenda in their name but without speaking upon it, stand referred without discussion to the Cabinet for consideration and determination.

(NB: All executive decisions are required by law to be taken by the Cabinet. The Council may, however, advise the Cabinet of its view on a matter which amounts to an executive decision.)

- (3) Any motion the subject matter of which comprises a non-executive function shall be considered and determined by the Council.
- (4) Every motion of which notice has been given shall be relevant to some matter in relation to which the Council has powers or duties or which affects the Borough.
- (5) The Mayor shall consult the Group Leaders prior to publication of the meeting agenda on the order in which motions submitted for the meeting will be debated
- (6) No motions shall be accepted at the annual budget meeting under this Procedure Rule Provided always that the Mayor may vary this Rule in the case of urgency.

## **12. Motions and Amendments which may be proposed without Notice**

- (1) The following motions and amendments may be proposed without notice:-
  - (a) Appointment of a Chairman of the meeting at which the motion is made.
  - (b) Motions relating to the accuracy of the Minutes, closure, adjournments, order of business, next business or disorderly conduct.
  - (c) Remission to the Cabinet, a Panel or a Committee or that the matter be considered forthwith.
  - (d) Appointment of, or changes to, the membership of a Panel or Committee.
  - (e) Adoption of reports and recommendations of the Cabinet, Panels, Committees or Officers and any consequent resolutions.
  - (f) That leave be given to withdraw a motion.
  - (g) Secondary amendments to motions.
  - (h) Extending the time limit for speeches.
  - (i) That an item of business specified in the summons has precedence.
  - (j) Suspending the Council Procedure Rules.
  - (k) Motion under Section 100 A (4) of the Local Government Act 1972 (as amended) to exclude the public (including the press) from the meeting to prevent the disclosure to them of exempt information as defined in the Act.

## **13. Previous Determinations by the Council**

- (1) No matter on which a decision has been reached within the previous six months by the Council, shall be further considered unless the Leader of the Council or the Proper Officer is satisfied that circumstances reasonably justify the matter being re-opened.
- (2) Motions relating to business considered previously by the Council shall be subject to the following requirements:

- (a) No motion to rescind any resolution of the Council passed within the preceding six months shall be proposed unless the notice bears the names of at least fifteen Councillors.
- (b) No motion or amendment to the same or similar effect as any motion or amendment which has been proposed and lost at a Council meeting within the preceding six months shall be proposed unless the notice bears the names of at least fifteen Councillors.

The above shall not apply to motions proposed in pursuance of a recommendation of the Cabinet.

#### **14. Rules of Debate at all meetings of the Council**

##### **Speaking**

- (1) A Councillor shall stand when speaking and shall address the Mayor. If two or more Councillors rise, the Mayor shall call on one to speak. The other Councillors shall remain seated unless rising to a point of order or in personal explanation.
- (2) Councillors shall, in speaking to or of each other, employ the title of "Mayor", "Deputy Mayor" or "Councillor" as the case may be.
- (3) A Councillor's speech shall be directed to the question under discussion or to a personal explanation or to a point of order. Speeches shall be addressed to the Mayor. No speech shall exceed the following time limits except by consent of the Council.
  - (a) Report of the Leader of the Council and of Cabinet Members up to 5 minutes
  - (b) Proposer of a Motion up to 5 minutes
  - (c) Proposer of a main amendment up to 5 minutes
  - (d) Reply to discussion on a motion or main amendment up to 3 minutes
  - (e) Reply to debate by proposer of a main amendment up to 3 minutes
  - (f) Any other case up to 3 minutes.

When a speaker has one minute of the allotted time remaining, a bell will be rung. At the end of the period of time, the bell will be rung again and the speaker will resume his/her seat whether or not he/she has concluded the speech.

- (4) Whenever the Mayor rises during a debate, a Councillor then speaking or standing shall be seated and the Council shall be silent.
- (5) The maximum length of time for the consideration of all such motions shall be 80 minutes. In the event that a motion is still being debated when the 80 minutes have elapsed the Mayor shall invite the proposer of the motion to

respond to the debate and the move straight to the vote.

### **Recommendations made to Council**

- (5) Recommendations made to the Council by the Cabinet shall be proposed by the Leader of the Council or other appropriate Cabinet Member. Matters which are referred to the Council pursuant to the Call-In Procedure shall be the subject of a recommendation proposed by the Leader of the Council or in the absence of the Leader by an appropriate Cabinet Member.

Recommendations of the Cabinet shall be proposed collectively with the exception of:-

- (a) Recommendations in respect of which a main amendment has been submitted.
- (b) Where the Councillor who would otherwise propose the recommendations has declared a Members Interest.
- (c) Where a Councillor declines to propose a recommendation, it may be proposed by another Councillor who shall have the same rights to speak as the proposer of a recommendation.
- (d) Recommendations upon which in the opinion of the proposer there are grounds for reconsideration by the Cabinet on the basis of new information which has become available and which was not available when the Cabinet considered the matter. The proposer shall explain why the new information is sufficient for the matter to be reconsidered whereupon the recommendation shall be referred back without further discussion or vote unless it is proposed that the recommendation be considered by the Council forthwith and without further discussion the Council so resolves.

### **Amendments**

- (6) If a proposed amendment is submitted in writing or electronically via e-mail to the Proper Officer not later than by 10am on the day before the meeting, it shall be considered to be a main amendment. All other amendments shall be considered to be secondary amendments.

[NB. a main amendment is subject to full debate by the Council. A secondary amendment may only be debated by the Council if the meeting agrees.]

- (7) No Councillor other than the proposer of the amendment or of the original motion shall be entitled to speak on a secondary amendment provided that any Councillor may request the Mayor and, if the Council agree, a secondary amendment may be treated as a main amendment.
- (8) Any Cabinet recommendation for which a main amendment has been submitted shall be proposed separately by the Leader of the Council or other appropriate Cabinet Member after the other recommendations of the Cabinet have been dealt with.
- (9) An amendment shall be relevant to the motion and shall be either to:-
- (a) leave out words; or

- (b) leave out words and insert or add others; or
- (c) insert or add words; or
- (d) refer a Minute back to the Cabinet for further consideration;

but such omission, insertion or addition of words shall not have the effect of introducing a new proposal or of negating the motion before the Council.

- (10) Immediately after an amendment has been proposed, the Mayor shall ask the proposer of the original motion if the amendment is accepted and if the proposer and the Council signify acceptance, the original motion shall be deemed amended accordingly and be debated as the substantive motion.
- (11) A motion and any amendments relating thereto shall be moved individually and shall be debated (but not voted upon) together. All amendments (subject to rule 14 (10)) shall be voted upon in the order that they were received.
- (12) If the amendment is lost, other amendments not substantially to the same effect as the amendment already lost, may be proposed on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be proposed.
- (13) No Councillor shall speak more than once on the same motion or amendment.
- (14) A motion or amendment may be withdrawn by the proposer with the consent of the Council which shall be signified without discussion and, after the proposer has sought permission to withdraw the motion or amendment, no other Councillor shall speak upon it unless such permission shall have been refused.

### **Alterations of Motions/Amendments**

- (15) The proposer of a motion may, with the consent of the Council, signified without discussion, alter that motion.

### **Replies to Motions/Amendments**

- (16) The proposer of a motion has a right of reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is proposed, the proposer of the original motion shall also have a right of reply at the close of the debate on the amendment and shall not otherwise speak on the amendment. The proposer of an amendment shall have a right of reply to the debate on that amendment, which shall not exceed 5 minutes and which shall be exercised immediately prior to the right of reply of the proposer of the motion.

### **Points of Order and Personal Explanation**

- (17) A Councillor may rise on a point of order or in personal explanation and shall be entitled to be heard forthwith. A point of order shall relate only to:-
  - (a) an alleged breach of these Rules, or



- (b) an alleged breach of a statutory provision

The Councillor rising on a point of order shall specify the Rule or the statutory provision and the manner in which the Councillor considers it to have been breached.

A Councillor rising in personal explanation shall be confined to some material part of a former speech by the Councillor which may appear to have been misunderstood in the present debate.

- (18) The ruling of the Mayor on a point of order or on the admissibility of a personal explanation shall be final and binding and shall not be open to discussion.

### **Extraordinary Meetings of the Council**

- (19) Where an extraordinary meeting of the Council has been convened in accordance with Paragraph 3 of Part 1 of the 12<sup>th</sup> Schedule to the Local Government Act 1972 (meeting called by the Mayor) for the purpose of considering a motion or recommendation from individual Councillors, the rules of debate applicable to main amendments shall apply to the motion or recommendation.

## **15. Voting**

- (1) Subject to Rule 15(2) - (5) below, every determination by the Council shall be by a show of hands.
- (2) On the request of any Councillor supported by two other Councillors, the voting on any determination by the Council shall be recorded ("a Named Vote"). The record shall show how each Councillor present and voting, voted and also the names of any Councillors present but not voting. The demand for the vote to be recorded must be made before the vote is taken.
- (3) At any meeting at which the Council is taking a budget setting decision as specified in the Local Authorities (Standing Orders) (Amendment) Regulations 2014, the voting shall be recorded by means of a Named Vote.
- (4) On the request of any Councillor supported by two other Councillors, the number of votes cast for and against any determination, together with the number of Councillors present but not voting, shall be recorded. The demand for the vote to be recorded must be made before the vote is taken. A vote so recorded shall be called a "recorded vote".
- (5) Where immediately after a vote is taken and any Councillor so requires there shall be recorded in the minutes of the meeting whether that Councillor voted for or against the determination or whether that Councillor abstained from voting.
- (6) When any position or positions is/are to be filled by the Council, nominations shall be sought and if, after nominations have closed there are more nominees than positions to be filled, a vote shall be taken, each Councillor having one vote only. The nominee(s) with the greatest number of votes shall be appointed to the position(s).
- (7) At the close of any speech two Councillors may propose and second without comment, "that the vote be taken", which motion, if accepted by the Mayor,

shall be voted upon immediately, without discussion. If the motion is carried, the Mayor shall put the question under consideration provided that such closure shall not prevent a proposer of a motion having the right of reply or preventing the moving of a motion or main amendment.

## **16. Disorderly Conduct**

- (1) If at a meeting of the Council any Councillor, in the opinion of the Mayor notified to the Council, is guilty of misconduct by persistently disregarding the ruling of the Mayor or by behaving irregularly, improperly or offensively or by wilfully obstructing the business of the Council, the Mayor or any Councillor may propose:-

- (a) that the Councillor named may not speak further on that item or for the duration of the meeting ;or
- (b) that the Councillor named be excluded from the meeting forthwith.

The motion, if seconded, shall be put and determined without discussion.

- (2) If a member of the public interrupts the proceedings at any meeting, the Mayor shall issue a warning. If the member of the public continues the interruption the Mayor shall order the removal of the member of the public from the Council Chamber. In the case of general disturbance in any part of the Chamber open to the public, the Mayor shall order that part to be cleared.
- (3) In the event of general disturbance which, in the opinion of the Mayor renders the due and orderly dispatch of business impossible, the Mayor, may without question, adjourn the meeting of the Council for such period as the Mayor in the exercise of absolute discretion shall consider expedient

## **17. Removal from Office**

The Mayor, the Deputy Mayor, the Leader of the Council, Chairmen of Panels, Committees and Sub-Committees, members of Panels, Committees and Sub-Committees and any Councillor appointed to an office or to membership of any body, may be removed from such office or membership by resolution of the Council following a vote upon which at least two thirds of the Council (ie 34 Councillors or more) have voted in favour.

## **18. Matters of Urgency**

- (1) Where the Proper Officer considers that a matter of urgency has arisen in connection with a non-executive function and requires a decision before the next regular meeting of the Council, the Proper Officer after consultation with the Chairman of the Scrutiny Panel , or in whose absence, the Deputy Chairman of the Scrutiny Panel, shall have the power to act and shall report the action to the next ordinary meeting of the Council; provided that no action shall be taken under this provision in any matter which cannot be delegated by the Council.
- (2) Where in the opinion of the Chairman of the Scrutiny Panel a matter has arisen in connection with a non executive function which cannot reasonably be postponed until the next ordinary meeting of the Council, then, if the

Chairman of the Scrutiny Panel and the Proper Officer following consultation with Group Leaders concur, a meeting of the council shall be held and such a meeting shall have power to reach a decision in the matter provided it is on which the Council would, in law, have power to decide.

## **19. Adjournment of Discussions and Closure of Council Meetings**

(1)

- (1) The Mayor shall ensure that there are short breaks every 90 minutes during the meeting.
- (2) If the meeting is still proceeding at 10pm, the Mayor shall ensure that the item under debate is concluded and then close the meeting and automatically defer any items not dealt with to the next ordinary meeting of the Council.
- (2) When any Councillor is called by the Mayor to speak that Councillor may propose, without discussion, the adjournment of the meeting and no amendment shall be proposed to it unless it relates to the time of adjournment, and it shall be voted on without discussion.

## **20. Conduct of Meetings**

- (1) The Proper Officer or nominee may, at any time, advise the Council on a matter of procedure.
- (2) No Councillor shall leave a meeting during a sitting of the Council without notice to the Mayor.
- (3) There shall be no smoking at Council meetings.
- (4) Discreet use of devices during public Council meetings for photography and filming is permitted but no flash photography will be permitted.
- (5) Audio recording of all public Council meetings by members of the public is permitted. The Council will audio stream meetings and make them available on the Council's website.
- (6) Discreet use of devices by Councillors during Council meetings for receiving messages and accessing papers and information via the internet is permitted.
- (7) The use of devices by Councillors for social media purposes during Council meetings shall be at the discretion of the Mayor.
- (8) All mobile telephones shall be turned to silent for the duration of Council meetings.

## **21. Interpretation**

Following consultation with the Proper Officer, the ruling of the Mayor as to the construction or application of any of these Rules, or as to any proceedings of the Council, shall not be challenged at any meeting of the Council.