

North East Derbyshire District Council

Standards Committee

26 January 2017

Review of the Constitution – Council Procedure Rules

Report of the Solicitor to the Council and Assistant Director of Governance & Monitoring Officer

This report is public

Purpose of the Report

- To recommend proposed amendments to the Council Procedure Rules section of the Constitution for consideration by the Standards Committee prior to submission as part of the Annual Review of the Constitution to Council for adoption.

1 Report Details

- 1.1 The Council is required by law to prepare and keep up to date a constitution which explains how the Council operates, how decisions are made and the procedures which are to be followed to ensure that these are efficient, transparent and accountable to local people.
- 1.2 Article 1 of the Constitution stipulates that the Monitoring Officer must monitor and review how it is working to make sure it gives full effect to its purpose.
- 1.3 Each Council has its own Constitution. These are two different but largely similar constitutions with some elements (such as the Delegation Scheme) being identical but others having differences. Both Constitutions are comprehensive and have excellent elements, however, the difference in some rules and layout make it more complicated to differentiate between the two documents. As the regular review of the Constitution has been commissioned by both Authorities, it was deemed worthwhile to continue making them as similar as possible whilst maintaining the separate identities of the two Councils. Where differences occur, a crib sheet would assist in simply identifying that difference.
- 1.4 As Council Procedure Rules (CPRs) have been identified as a priority for both Authorities, this is the section selected for a first review. This section is attached to this report as Appendix 1.
- 1.5 The table below sets out the main proposed amendments for consideration along with the rationale for each. These are changes to improve how the CPRs work. There are no substantive changes.

Ref	CPR Ref	Amendment Required	Reason for Amendment
1	Throughout	Unifying the term either Chair or Chairman	To assist with the creation of a reflective document. Chairman is more highly used throughout the UK, often with 'Madam' inserted before in speech when used for a female Member.
2	1.2	Removal of 1.2 and reinsertion at 2.2 under Ordinary Council Meetings	As Committees are established at the meeting of Annual Council, it shouldn't be necessary at that meeting to dissolve or review anything only just established. This should happen at any meeting of Council – Ordinary or Extraordinary.
3	3.1	To include the Chief Finance Officer within the list of those who may require the Chief Executive Officer to call extraordinary meetings of Council.	Each authority differs on this point, it would be ideal to have a consensus across the two authorities.
4	4.1	Removal of a commencement time for meetings	In order to bring the constitutions in line in terms of wording. Specification of start times will be in the meeting schedules agreed separately by each authority.
5	5.2	5.2 amended to include electronic mail as a destination for receiving summons to meetings.	In line with legislation, and to facilitate more paperless working by both authorities.
6	5.3	5.3 relevant reports added to the wording	To reflect best practice on complete packs being distributed to members, improving transparency to the public and more efficiency within Governance.
7	8.1	8.1 wording changes	To provide clarity around public questions.
8	8.9	8.9 reflective format for Members Questions and Public Questions	To provide clarity around the process.
9	9.3(b)	Notice of Questions on urgent to be received by 9am on the day of the meeting.	In order to bring the constitution rules in line with each other.
10	14.4	14.4 Recorded Vote - number of Members required to request.	At Bolsover it's 10, and NED it's 3. A suggestion would be to agree a proposal of 5, which seems to be common amongst other local authorities.
11	25	Inclusion of information around attendance at Committee Meetings	To provide clarity.

- 1.6 Identified differences that will still exist between the two sets of Council Procedure Rules are:
- Differentiating between Cabinet and Executive.
 - Number of signatures that are required for a petition to be debated by Council.

1.7 Further changes to other areas of the constitution will be submitted in future reports

2 Conclusions and Reasons for Recommendation

2.1 if the CPR rules are brought into line with each other, management and use of both constitutions would be more effective whilst still retaining individuality for each Council.

2.2 Work is ongoing to review the entire Constitution. However, as this area has now been reviewed, it was considered that Members should discuss this in advance of the rest of the review.

3 Consultation and Equality Impact

3.1 The review of Council Procedure Rules has been undertaken using a variety of methods:

- a) attending meetings of Council in order to review proceedings;
- b) Seeking the views of Senior Officers and Managers who work within the Constitution (specifically Governance in relation to Council Procedure Rules)
- c) Reviewing other Council's Constitutions; and
- d) the views of Members through meetings of the Standards Committee.

3.2 The review of Council Procedure Rules has no impact on equalities.

4 Alternative Options and Reasons for Rejection

4.1 The Council may wish to retain their current format and wording of Council Procedure Rules and continue to review the constitution in line with previous practice.

5 Implications

5.1 Finance and Risk Implications

There are no identified financial implications in reviewing the Constitution.

5.2 Legal Implications including Data Protection

There are no legal implications, the current constitution and any proposed changes comply with current legislation.

5.3 Human Resources Implications

There are no staffing implications.

6 Recommendations

- 6.1 That Members consider the proposed changes to the Council Procedure Rules as set out in Appendix 1 to this report and make recommendations to Council for adoption.
- 6.2 That Members note the ongoing work to review the Constitution which will be presented to a future meeting of the Standards Committee.

7 Decision Information

Is the decision a Key Decision? (A Key Decision is an executive decision which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	N/A
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	N/A
District Wards Affected	N/A
Links to Corporate Plan priorities or Policy Framework	N/A

8 Document Information

Appendix No	Title
1	Council Procedure Rules
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
N/A	
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BOLSOVER AND NE DERBYSHIRE DISTRICT

Council Procedure Rules

These rules set out how meetings of the Council and most committees will be conducted, for example who can speak, when and how proposals are debated.

1. Annual Council Meeting

TIMING AND BUSINESS

- 1.1 In a year when there is an ordinary election of *Councillors*, the annual meeting will take place within 21 days of the retirement of the outgoing *Councillors*. In any other year, the annual meeting will take place in March, April or May.

The annual meeting will:

- (a) elect a person to preside if the *Chairman of the Council* is not present;
- (b) elect the *Chairman of the Council*;
- (c) elect the *Vice Chairman of the Council*;
- (d) receive any declarations of interest;
- (e) approve the minutes of the last meeting;
- (f) receive any announcements from the *Chairman of the Council* and/or the *Chief Executive*;
- (g) elect the *Leader of the Council*;

- (h) receive the announcement of the appointment of the Deputy Leader and Members of the Executive / Cabinet;
- (l) consider any other business as set out in the notice of the meeting.

COMMITTEES AND OUTSIDE BODIES

- (j) appoint at least one *Scrutiny Committee* and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the *Council Meeting* nor are *Executive Functions*
- (k) decide the size and terms of reference for those committees;
- (l) decide the allocation of seats to political groups in accordance with the political balance rules set out in Appendix A;
- (m) receive nominations of *Councillors* to serve on each committee and outside body; and
- (n) appoint to those committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the [Executive / Cabinet](#);
- (o) agree the scheme of delegation set out in Part 3 of this Constitution; and
- (p) approve the financial threshold for Key Decisions.

2. Ordinary Meetings

- 2.1 Ordinary meetings of the Council will take place in accordance with the agreed calendar of meetings. Ordinary meetings will:
- (a) elect a person to preside if the *Chairman of the Council* or *Vice Chairman of the Council* is not present;
 - (b) approve the minutes of the last meeting and sign them as a correct record;
 - (c) receive any declarations of interest from Members;
 - (d) receive any announcements from the *Chairman of the Council*, *Leader*, Members of the *Executive* / [Cabinet](#) or the *Chief Executive*;
 - (e) receive any *Deputations* or consider petitions submitted in accordance with the Council's Petitions Scheme
 - (f) receive any questions from, and provide answers to, the public;
 - (g) receive any questions from Members of the Council;
 - (h) deal with any business from the last Council meeting;
 - (i) receive reports from the *Executive/Cabinet* and the Council's committees and receive questions and answers on any of those reports as required by law or specifically referred by those bodies;
 - (j) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
 - (k) consider motions on notice;
 - (l) receive Minutes of Committees which have been previously circulated;

(m) consider any business as required by statute; and

(n) consider any other business specified in the summons to the meeting.

2.2 It is the right of Council at any ordinary or extraordinary meeting to establish or dissolve any board or committee (apart from Cabinet / Executive) or to review its size and terms of reference giving regards to existing rules around proportionality.

2.3 If a meeting of Council is to be cancelled before the notice and summons has been sent out, this is to be agreed with the Chairman and Vice Chairman of the Council and the Leader of the Council, or Deputy Leader in their absence.

2.4 No meeting of Council shall be cancelled if the notice and summons has already been sent out.

3. **Extraordinary Meetings**

3.1 The people or bodies listed below may require the *Chief Executive* to call Council meetings in addition to ordinary meetings:

(a) the Council by resolution;

(b) the *Chairman of the Council*;

(c) the *Monitoring Officer*; or

(d) the Chief Finance Officer; and

(e) any five Members of the Council if they have signed a requisition presented to the *Chair of the Council* and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

3.2 When requested, the *Chief Executive* shall call a meeting of the Council unless he or she is of the opinion that the business to be discussed at the proposed meeting can conveniently wait until the next ordinary meeting of the Council.

3.3 No business may be conducted at an extraordinary meeting other than that specified in the resolution, request or requisition which led to it being called.

4. **Time and Place of Meetings**

4.1 All Council meetings will be in accordance with the agreed Meetings Schedule. or at such other time and/or place as may be determined by the Chairman or, in the Chairman's absence, the Vice-Chairman in advance of the summons to the meeting being despatched.

5. **Notice of Meetings**

5.1 The *Monitoring Officer* or other authorised officer will give notice to the public of the time and place of any meeting in accordance with the *Access to Information Procedure Rules*.

5.2 At least five clear working days before a meeting, the Monitoring Officer will send a summons signed by him/her by post or electronic mail to every Member of the Council or by leaving it at their usual place of residence. Members may provide details in writing of an alternative address or email to which he/she wishes summons to be sent to.

5.3 The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by any relevant reports.

6. **Chairman of Meeting**

6.1 The person presiding at a meeting of the Council may exercise any power or duty of the *Chairman of the Council*. Where these rules apply to meetings of boards or committees, references to the *Chairman of the Council* also include the chair of boards or committees.

7. **Quorum**

- 7.1 Subject to any specific statutory requirement, the quorum of a meeting will be one quarter of the whole number of members or three voting members, whichever is the greater.

- 7.2 If a quorum is not reached 15 minutes after the time appointed for the start of the meeting, the meeting will stand adjourned.

- 7.3 During any meeting if the person chairing the meeting counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the person chairing the meeting. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

8. Questions by the Public

8.1 General.

- a) Members of the public may ask questions of members of the [Cabinet/Executive](#) at ordinary meetings of the Council.
- b) Time allowed for questions and answers shall not, without the consent of the Council, exceed 15 minutes, or in the case of one questioner, 5 minutes.
- c) Questions and responses shall not be a matter for debate.

8.2 Notice of Questions.

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Monitoring Officer no later than midday seven clear working days before the day of the meeting. Each question must give the name and address of the questioner and must name the Member of the Council to whom it is to be put.

8.3 Number of Questions.

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

8.4 Scope of Questions.

The Monitoring Officer may reject a question if:

- (a) it is not about a matter for which the Council has a responsibility or which affects the district;

- (b) it is defamatory, frivolous or offensive;
- (c) it is substantially the same as a question which has been put at a meeting of the Council in the past six months;
- (d) it requires the disclosure of confidential or exempt information;
- (e) it breaches any procedure rule;
- (f) it relates to an item on the agenda for that Council meeting; or
- (g) it relates to a District Council planning application that is in the process of being determined.

If a question is rejected the person who submitted it will be notified in writing before the meeting and given the reasons for the rejection.

8.5 Record of Questions.

The Monitoring Officer will enter each question in a book open to public inspection and will immediately send a copy of the question to the member to whom it is to be put. Rejected questions will include reasons for rejection. Copies of all questions will be circulated to all members and will be made available to the public attending the meeting.

8.6 Order of Questions.

Questions will be asked in the order of which notice of them was received, except that the *Chairman of the Council* may group together similar questions.

8.7 Asking the Question at the Meeting.

The *Chairman of the Council* will invite the questioner to put the question to the member named in the notice. If a questioner who has submitted a written question is unable to be present, the question will not be dealt with.

8.8 Supplementary Question.

A questioner who has put a question in person may also put one brief supplementary question without notice to the member who has replied to his or her original question. A supplementary question must arise directly out of the original request or reply. The *Chairman of the Council* may reject a supplementary question on any of the grounds in rule 8.5 above or if the question takes the form of a speech.

8.9 Response

An answer may take the form of:

- a) a direct oral answer;
- b) where the desired information is in a council publication or another published work, a reference to that publication; or
- c) a written answer circulated later to the questioner.

8.10 Reference of Question to the *Executive / Cabinet* or a Committee.

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

9. **Questions By Councillors**

9.1 On Reports of the *Executive / Cabinet* or Committee.

A *Councillor* may ask the *Leader, Chairman of the Council* or a Committee Chairman questions without notice about an item in a report of the *Executive / Cabinet* or of that Committee when it is being considered.

9.2 Questions on Notice at Council Meetings.

Subject to rule 9.3, a *Councillor* may ask the *Chairman of the Council*, the *Leader*, any *Executive / [Cabinet](#)* Members or the *Chairman of* any Committee a question about any matter in relation to which the Council has powers or duties or which affects the District.

9.3 Notice of Questions.

A Councillor may only ask a question under Rule 9.2 if either:

- (a) they have given at least seven clear working days notice in writing of the question to the Monitoring Officer; or
- (b) the question relates to urgent matters, they have the consent of the Councillor to whom the question is to be put and the content of the question is given to the Monitoring Officer by 9am on the day of the meeting.

9.4 Response.

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) a written answer circulated to the questioner.

9.5 Supplementary Question.

A Councillor asking a question under Rule 9.2 may ask one supplementary question without notice. A supplementary question must arise directly out of the original question or reply.

9.6 Number of Questions.

Questions on notice are limited to one per Councillor per meeting, plus one supplementary question.

9.7 Time for Questions.

There will be an overall time-limit of fifteen minutes on Councillors' questions with no extension of time and questions not dealt with in this time will be dealt with by written response.

9.8 Format of Questions.

Councillors must confine their contributions to questions and answers and not make statements or attempt to debate. The *Chairman of the Council* will decide whether a Councillor is contravening this rule and stop the Councillor concerned. The *Chairman of the Council's* ruling will be final.

10. Motions - on Notice

10.1 Notice.

Except for motions which can be moved without notice under Rule 11, written notice of every motion, signed by at least one Councillor, must be delivered to the Monitoring Officer not later than midday on the day seven clear working days before the date of the meeting. These will be entered in a book open to inspection by the public.

10.2 Scope.

Motions must be about matters for which the Council has a responsibility or which affect the area. The *Chairman of the Council* may, on the advice of the *Chief Executive*, refuse a motion which is illegal, scurrilous, improper or out of order.

10.3 Motions Set Out in the Agenda.

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

11. **Motions and Amendments - Without Notice**

11.1 The following motions and amendments may be moved without notice:

- (a) to appoint a *Chairman* of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the Minutes;
- (c) to change the order of business in the Agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a Committee or Councillor arising from an item on the summons for the meeting;
- (f) to receive reports and recommendations of Committees or officers and to make any decisions necessarily arising;
- (g) to withdraw a motion;
- (h) to amend a motion;

- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) to suspend a particular Procedure Rule;
- (n) to exclude the public in accordance with the Access to Information Procedure Rules;
- (o) not to hear a Councillor further or to require a Councillor to leave the meeting; (rules 22.2 and 22.3) and
- (p) to give the consent of the Council where its consent is required by this Constitution.

12. Rules Of Debate

12.1 No Speeches to be Made Until Motion Seconded.

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

12.2 Right to Require a Motion in Writing.

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

12.3 Secunder's Speech.

When seconding a motion or amendment, a Councillor may reserve his or her speech until later in the debate.

12.4 Content and Length of Speeches.

Speeches must be directed to the question under discussion or to a personal explanation or point of order. A Member presenting a report of the Cabinet or other Member Group or moving a motion, of which notice has been given under Rule 10, may speak for up to ten minutes. No other speech may exceed 5 minutes. The *Chair of the Council* may consent to extend the time limit on speeches.

12.5 When a Councillor May Speak Again.

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

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

12.6 Amendments to Motions

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

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

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

12.7 Alteration of Motion

- (a) A Councillor may alter a motion of which he or she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.

- (b) A Councillor may alter a motion which he or she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

- (c) Only alterations which could be made as an amendment may be made.

12.8 Withdrawal of Motion.

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

12.9 Right of Reply

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

12.10 Motions Which may be Moved During Debate

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

- (a) to withdraw the motion;
- (b) to amend the motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (h) to exclude the press and public in accordance with the access to information rules; or

- (i) that a Councillor be not further heard or to exclude the Councillor from the meeting (under rules 22.2 and 22.3).

12.11 Closure Motions

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

12.12 Point of Order.

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

12.13 Personal Explanation.

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

13. Previous Decisions and Motions

13.1 Motion to Rescind a Previous Decision.

A motion to rescind a decision arising from a motion moved and adopted at a Council meeting within the past six months cannot be moved unless the notice of motion is signed by at least one third of all Councillors.

13.2 Motion Similar to one Previously Rejected.

A motion or amendment in similar terms to one which has been rejected at a Council meeting within the past six months cannot be moved unless notice of motion or amendment is given signed by at least one third of all Councillors.

Once a motion or amendment to which this Rule applies has been dealt with, no Councillor can propose a similar motion or amendment within the next six months.

14. Voting

14.1 Majority.

Unless this Constitution (or the law) provides otherwise any matter will be decided by a simple majority of those Councillors present and voting in the room at the time the question was put.

14.2 Chairman of the Council's Casting Vote.

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

14.3 Show of Hands.

Unless a recorded vote is demanded (under rule 14.4) the *Chairman of the Council* will take the vote by a show of hands, or if there is no dissent, by the affirmation of the meeting.

14.4 Recorded Vote.

If three Councillors present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

Where matters affecting the Council's budget or Council Tax are considered by Council then a recorded vote will take place as a matter of course.

14.5 Right to Require Individual Vote to be Recorded.

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

14.6 Voting on Appointments.

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

The number of votes each Member has is restricted to the number of vacancies to be filled.

15. Minutes

15.1 Signing the Minutes.

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

15.2 No Requirement to Sign Minutes of Previous Meeting at an Extraordinary Meeting.

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

15.3 Recording Attendance

An attendance register shall be circulated at each meeting of the Council and Members shall record their attendance at the meeting by signing the Register, and the names of Members attending the meeting will be recorded in the Minutes.

Any Member leaving a meeting before it's conclusion must first indicate to the Chairman thier intention to leave.

16. Petitions

- 16.1 The Council welcomes petitions and recognises that they are one way in which people can let us know their concerns. All petitions submitted under the Council's Petitions Scheme will receive an acknowledgement from the Council within 10 working days of receipt.
- 16.2 That acknowledgement will set out what the Council plans to do with the petition.
- 16.3 If a petition contains more than 700 / 1000 signatures it will be debated by the full Council unless it is a petition asking for a senior Council officer to give evidence at a public meeting. This means that the issue raised in the petition will be discussed at a meeting which all Councillors can attend.
- 16.4 The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting.
- 16.5 The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by Councillors for a maximum of up to 30 minutes.
- 16.6 The Council will decide how to respond to the petition at this meeting.

[Please refer to the Petition Scheme **appended to the Constitution** for full details.]

17. Deputations

- 17.1 *Deputations* may be received at any meeting of the Council following five clear working days written notice to the *Monitoring Officer*. They must be about matters for which the Council has a responsibility or which affect the area. The notice must be signed by at least five persons and set out the subject which the deputation wishes to raise and how it relates to the Council's functions or affects the area. The *Chair of the Council* may, on the advice of the *Chief Executive*, refuse a *Deputation* which is illegal, scurrilous, improper, out of order or relates to a specific planning application or relates to a matter on which there has been a previous similar deputation within the preceding six months.
- 17.2 A maximum of two *Deputations* only will be permitted at any meeting and they will be selected in the order notice is received. Only one *Deputation* will be permitted if the *Monitoring Officer* receives notice of a petition under Rule 16.
- 17.3 A *Deputation* may consist of up to five people, of whom no more than two may speak, except to answer Councillors' questions.
- 17.4 The *Deputation* may address the meeting for no more than five minutes and Councillors may then question the deputation for a further five minutes.
- 17.5 The relevant portfolio holder or appropriate Council member may, if he or she chooses, then address the meeting for up to three minutes.
- 17.6 No vote will be taken on a *Deputation*. A Councillor may propose that the subject matter be placed on the agenda of the next ordinary meeting of the relevant committee, such a motion to be moved and seconded formally and put without discussion. If no such motion is moved or carried, the *Deputation* will be referred to the relevant *Director* or *Assistant Director* who will respond to it in writing within 28 days.

18 Requirements for Members to Withdraw from Meetings

- 18.1 Where a member has a disclosable pecuniary interest in any business of the authority they must withdraw from the meeting room (including the public gallery) whenever it becomes apparent that the business is being considered, unless the member has been granted a dispensation.

- 18.2 Subject to paragraph 19.3 where a member has a significant other interest in any business of the authority they must withdraw from the meeting room (including the public gallery) whenever it becomes apparent that the business is being considered.
- 18.3 A member with a significant other interest in any business of the authority may still attend that meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose. Immediately after making representations, answering questions or giving evidence the member must withdraw from the meeting room (including the public gallery) for the consideration and vote on the business.

19. Use of Media and Other Communication Methods

Subject to Rule 23, a person may report on or provide commentary on the proceedings of a meeting using any means for enabling persons not present to see or hear proceedings of a meeting as it takes place or later.

20. Exclusion Of The Public

- 20.1 The public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Part 4 of this Constitution or Rule 23 (disturbance by the public).

21. Councillors' Conduct

SPEAKING AT MEETINGS

- 21.1 When a Councillor speaks at Council, he/she must address the meeting through the Chairman and stand and address the Chairman.
- 21.2 If more than one Councillor wishes to speak, the Chairman will ask one to speak, and the other will refrain. Other Councillors must remain silent whilst a Councillor is speaking unless they wish to make a point of order or personal explanation.
- 21.3 When the *Chairman of the Council* stands during a debate any Councillor(s) then standing must sit down and the Council must be silent.

DISTURBANCE BY MEMBERS

- 21.4 If a Councillor is guilty of misconduct by persistently disregarding the ruling of the *Chairman of the Council*, or by behaving irregularly, improperly or offensively, or by deliberately obstructing business, any Councillor may move that the Councillor is not further heard. If seconded, the motion will be voted on without discussion.
- 21.5 If the Councillor continues to behave improperly after such a motion is carried, any Councillor may move either that the Councillor leave the meeting or that the meeting be adjourned for a specified period. If seconded, the motion will be voted on without discussion.
- 21.6 If there is a general disturbance making orderly business impossible, the *Chairman of the Council* may adjourn the meeting for as long as he or she thinks necessary.

22. Disturbance By Public

- 22.1 If a member of the public interrupts proceedings, the *Chair of the Council* will warn the person concerned and, if the interruption continues, will order the person's removal from the meeting room.
- 22.2 If there is a general disturbance in any part of the meeting room open to the public the *Chair of the Council* shall order that part to be cleared.

23. Suspension and Amendment of Council Procedure Rules

- 23.1 Any of the Council Procedure Rules to which this Rule applies may be suspended by motion on notice or without notice..23.2 Such a motion cannot be moved without notice unless at least one half of the whole number of Councillors of the Council are present.
- 23.3 Suspension can only be for the duration of the meeting from the point of resolution to the move in to private session.
- 23.4 This Rule applies to Rules 8 to 13, 16 and 17.

24. Application of Council Procedure Rules to Committees

- 24.1 Rules 5 to 8, 11.1(a) to (p), 12 to 15 and 19 to 24 apply to meetings of all groups and committees other than Cabinet.

25. Attendance at Committee Meetings by Members of the Council

- 25.1 A Member of the Council may, with the approval of the appropriate Chairman, attend any meeting of a Committee or Sub-Committee and, if so invited by the Chairman of that Committee or Sub-Committee, may speak but not vote on business before that meeting.
- 25.2 No Member of the Council shall attend any Standing Committee or Standing Sub-Committee or any other Committee, Sub-Committee or other body set up by the Council of which she/he is not a member whilst that Committee/Sub-Committee/Other body is exercising any function which, in the opinion of the Chief Executive, is engaged in interviewing candidates for any position with the Council or in existing appellate functions relation to appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct of any person employed by the Council.
- 25.3 In the event of any Committee or Sub-Committee deciding, in accordance with Access to Information Procedure Rules to exclude the public whilst any matter of a confidential or exempt nature is discussed, any Member of Council who is present who is not a Member of that Committee or Sub-Committee may remain unless the Committee or Sub-Committee ask him/her to leave or if he/she is precluded by any other Rule or Code of Conduct issue from remaining. In the case of Sub-Committee and Working Party meetings, which are not ordinarily open to the press and public, it shall similarly be open to the Sub-Committee or Working Party to ask a non-member to leave.

APPENDIX A

PROPORTIONALITY RULES

1. Eight working days in advance of the Annual Meeting of Council, the Chief Executive shall inform the Leader of each of the political groups showing what allocation of seats would, in the Chief Executive's opinion, best meet the requirements of section 15 of the Local Government and Housing Act.
2. Proposed nominations to Committees by the Political Groups must be given to the Chief Executive seven working days prior to the Annual Meeting of the Council, or as soon as practicable before the Annual Meeting.
3. In years where no District Council elections are held, the procedure outlined above will be followed. In election years, the notice will be sent by the Chief Executive as soon as practicable following the elections and the political parties to respond as soon as practicable in advance of the Annual Meeting.

BOLSOVER AND NE DERBYSHIRE DISTRICT

Council Procedure Rules

These rules set out how meetings of the Council and most committees will be conducted, for example who can speak, when and how proposals are debated.

1. Annual Council Meeting

TIMING AND BUSINESS

- 1.1 In a year when there is an ordinary election of *Councillors*, the annual meeting will take place within 21 days of the retirement of the outgoing *Councillors*. In any other year, the annual meeting will take place in March, April or May.

The annual meeting will:

- (a) elect a person to preside if the *Chairman of the Council* is not present;
- (b) elect the *Chairman of the Council*;
- (c) elect the *Vice Chairman of the Council*;
- (d) receive any declarations of interest;
- (e) approve the minutes of the last meeting;
- (f) receive any announcements from the *Chairman of the Council* and/or the *Chief Executive*;

- (g) elect the *Leader of the Council*;
- (h) receive the announcement of the appointment of the Deputy Leader and Members of the Executive / Cabinet;
- (l) consider any other business as set out in the notice of the meeting.

COMMITTEES AND OUTSIDE BODIES

- (j) appoint at least one *Scrutiny Committee* and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the *Council Meeting* nor are *Executive Functions*
- (k) decide the size and terms of reference for those committees;
- (l) decide the allocation of seats to political groups in accordance with the political balance rules set out in Appendix A;
- (m) receive nominations of *Councillors* to serve on each committee and outside body; and
- (n) appoint to those committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the [Executive / Cabinet](#);
- (o) agree the scheme of delegation set out in Part 3 of this Constitution; and
- (p) approve the financial threshold for Key Decisions.

2. Ordinary Meetings

2.1 Ordinary meetings of the Council will take place in accordance with the agreed calendar of meetings. Ordinary meetings will:

- (a) elect a person to preside if the *Chairman of the Council* or *Vice Chairman of the Council* is not present;
- (b) approve the minutes of the last meeting and sign them as a correct record;
- (c) receive any declarations of interest from Members;
- (d) receive any announcements from the *Chairman of the Council*, *Leader*, Members of the *Executive / [Cabinet](#)* or the *Chief Executive*;
- (e) receive any *Deputations* or consider petitions submitted in accordance with the Council's Petitions Scheme
- (f) receive any questions from, and provide answers to, the public;
- (g) receive any questions from Members of the Council;
- (h) deal with any business from the last Council meeting;
- (i) receive reports from the *Executive/[Cabinet](#)* and the Council's committees and receive questions and answers on any of those reports as required by law or specifically referred by those bodies;

- (j) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (k) consider motions on notice;
- (l) receive Minutes of Committees which have been previously circulated;
- (m) consider any business as required by statute; and
- (n) consider any other business specified in the summons to the meeting.

2.2 It is the right of Council at any ordinary or extraordinary meeting to establish or dissolve any board or committee (apart from Cabinet / Executive) or to review its size and terms of reference giving regards to existing rules around proportionality.

2.3 If a meeting of Council is to be cancelled before the notice and summons has been sent out, this is to be agreed with the Chairman and Vice Chairman of the Council and the Leader of the Council, or Deputy Leader in their absence.

2.4 No meeting of Council shall be cancelled if the notice and summons has already been sent out.

3. **Extraordinary Meetings**

3.1 The people or bodies listed below may require the *Chief Executive* to call Council meetings in addition to ordinary meetings:

- (a) the Council by resolution;
- (b) the *Chairman of the Council*;

- (c) the *Monitoring Officer*, or
- (d) the Chief Finance Officer; and
- (e) any five Members of the Council if they have signed a requisition presented to the *Chair of the Council* and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

3.2 When requested, the *Chief Executive* shall call a meeting of the Council unless he or she is of the opinion that the business to be discussed at the proposed meeting can conveniently wait until the next ordinary meeting of the Council.

3.3 No business may be conducted at an extraordinary meeting other than that specified in the resolution, request or requisition which led to it being called.

4. **Time and Place of Meetings**

4.1 All Council meetings will be in accordance with the agreed Meetings Schedule. or at such other time and/or place as may be determined by the Chairman or, in the Chairman's absence, the Vice-Chairman in advance of the summons to the meeting being despatched.

5. **Notice of Meetings**

5.1 The *Monitoring Officer* or other authorised officer will give notice to the public of the time and place of any meeting in accordance with the *Access to Information Procedure Rules*.

5.2 At least five clear working days before a meeting, the Monitoring Officer will send a summons signed by him/her by post or electronic mail to every Member of the Council or by leaving it at their usual place of residence. Members may provide details in writing of an alternative address or email to which he/she wishes summons to be sent to.

- 5.3 The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by any relevant reports.

6. **Chairman of Meeting**

- 6.1 The person presiding at a meeting of the Council may exercise any power or duty of the *Chairman of the Council*. Where these rules apply to meetings of boards or committees, references to the *Chairman of the Council* also include the chair of boards or committees.

7. **Quorum**

- 7.1 Subject to any specific statutory requirement, the quorum of a meeting will be one quarter of the whole number of members or three voting members, whichever is the greater.
- 7.2 If a quorum is not reached 15 minutes after the time appointed for the start of the meeting, the meeting will stand adjourned.
- 7.3 During any meeting if the person chairing the meeting counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the person chairing the meeting. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

8. Questions by the Public

8.1 General.

- d) Members of the public may ask questions of members of the [Cabinet/Executive](#) at ordinary meetings of the Council.
- e) Time allowed for questions and answers shall not, without the consent of the Council, exceed 15 minutes, or in the case of one questioner, 5 minutes.
- f) Questions and responses shall not be a matter for debate.

8.2 Notice of Questions.

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Monitoring Officer no later than midday seven clear working days before the day of the meeting. Each question must give the name and address of the questioner and must name the Member of the Council to whom it is to be put.

8.3 Number of Questions.

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

8.4 Scope of Questions.

The Monitoring Officer may reject a question if:

- (a) it is not about a matter for which the Council has a responsibility or which affects the district;
- (b) it is defamatory, frivolous or offensive;

- (c) it is substantially the same as a question which has been put at a meeting of the Council in the past six months;
- (d) it requires the disclosure of confidential or exempt information;
- (e) it breaches any procedure rule;
- (f) it relates to an item on the agenda for that Council meeting; or
- (g) it relates to a District Council planning application that is in the process of being determined.

If a question is rejected the person who submitted it will be notified in writing before the meeting and given the reasons for the rejection.

8.5 Record of Questions.

The Monitoring Officer will enter each question in a book open to public inspection and will immediately send a copy of the question to the member to whom it is to be put. Rejected questions will include reasons for rejection. Copies of all questions will be circulated to all members and will be made available to the public attending the meeting.

8.6 Order of Questions.

Questions will be asked in the order of which notice of them was received, except that the *Chairman of the Council* may group together similar questions.

8.7 Asking the Question at the Meeting.

The *Chairman of the Council* will invite the questioner to put the question to the member named in the notice. If a questioner who has submitted a written question is unable to be present, the question will not be dealt with.

8.8 Supplementary Question.

A questioner who has put a question in person may also put one brief supplementary question without notice to the member who has replied to his or her original question. A supplementary question must arise directly out of the original request or reply. The *Chairman of the Council* may reject a supplementary question on any of the grounds in rule 8.5 above or if the question takes the form of a speech.

8.9 Response

An answer may take the form of:

- d) a direct oral answer;
- e) where the desired information is in a council publication or another published work, a reference to that publication; or
- f) a written answer circulated later to the questioner.

8.10 Reference of Question to the *Executive / Cabinet* or a Committee.

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

9. **Questions By Councillors**

9.1 On Reports of the *Executive / Cabinet* or Committee.

A *Councillor* may ask the *Leader, Chairman of the Council* or a Committee Chairman questions without notice about an item in a report of the *Executive / Cabinet* or of that Committee when it is being considered.

9.2 Questions on Notice at Council Meetings.

Subject to rule 9.3, a *Councillor* may ask the *Chairman of the Council*, the *Leader*, any *Executive / Cabinet* Members or the *Chairman of* of any Committee a question about any matter in relation to which the Council has powers or duties or which affects the District.

9.3 Notice of Questions.

A Councillor may only ask a question under Rule 9.2 if either:

- (a) they have given at least seven clear working days notice in writing of the question to the Monitoring Officer; or
- (b) the question relates to urgent matters, they have the consent of the Councillor to whom the question is to be put and the content of the question is given to the Monitoring Officer by 9am on the day of the meeting.

9.4 Response.

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) a written answer circulated to the questioner.

9.5 Supplementary Question.

A Councillor asking a question under Rule 9.2 may ask one supplementary question without notice. A supplementary question must arise directly out of the original question or reply.

9.6 Number of Questions.

Questions on notice are limited to one per Councillor per meeting, plus one supplementary question.

9.7 Time for Questions.

There will be an overall time-limit of fifteen minutes on Councillors' questions with no extension of time and questions not dealt with in this time will be dealt with by written response.

9.8 Format of Questions.

Councillors must confine their contributions to questions and answers and not make statements or attempt to debate. The *Chairman of the Council* will decide whether a Councillor is contravening this rule and stop the Councillor concerned. The *Chairman of the Council's* ruling will be final.

10. Motions - on Notice

10.1 Notice.

Except for motions which can be moved without notice under Rule 11, written notice of every motion, signed by at least one Councillor, must be delivered to the Monitoring Officer not later than midday on the day seven clear working days before the date of the meeting. These will be entered in a book open to inspection by the public.

10.2 Scope.

Motions must be about matters for which the Council has a responsibility or which affect the area. The *Chairman of the Council* may, on the advice of the *Chief Executive*, refuse a motion which is illegal, scurrilous, improper or out of order.

10.3 Motions Set Out in the Agenda.

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

11. **Motions and Amendments - Without Notice**

11.1 The following motions and amendments may be moved without notice:

- (a) to appoint a *Chairman* of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the Minutes;
- (c) to change the order of business in the Agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a Committee or Councillor arising from an item on the summons for the meeting;
- (f) to receive reports and recommendations of Committees or officers and to make any decisions necessarily arising;
- (g) to withdraw a motion;

- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) to suspend a particular Procedure Rule;
- (n) to exclude the public in accordance with the Access to Information Procedure Rules;
- (o) not to hear a Councillor further or to require a Councillor to leave the meeting; (rules 22.2 and 22.3) and
- (p) to give the consent of the Council where its consent is required by this Constitution.

12. Rules Of Debate

12.1 No Speeches to be Made Until Motion Seconded.

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

12.2 Right to Require a Motion in Writing.

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

12.3 Secunder's Speech.

When seconding a motion or amendment, a Councillor may reserve his or her speech until later in the debate.

12.4 Content and Length of Speeches.

Speeches must be directed to the question under discussion or to a personal explanation or point of order. A Member presenting a report of the Cabinet or other Member Group or moving a motion, of which notice has been given under Rule 10, may speak for up to ten minutes. No other speech may exceed 5 minutes. The *Chair of the Council* may consent to extend the time limit on speeches.

12.5 When a Councillor May Speak Again.

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

- (a) to speak once on an amendment moved by another Councillor;
- (b) to move a further amendment if the motion has been amended since he or she last spoke;
- (c) if their first speech was on an amendment moved by another Councillor, to speak on the main issues (whether or not the amendment on which he or she spoke was carried);
- (d) to exercise a right of reply;

- (e) on a point of order; and
- (f) by way of personal explanation.

12.6 Amendments to Motions

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

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

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

12.7 Alteration of Motion

- (a) A Councillor may alter a motion of which he or she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.

- (b) A Councillor may alter a motion which he or she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

- (c) Only alterations which could be made as an amendment may be made.

12.8 Withdrawal of Motion.

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

12.9 Right of Reply

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

12.10 Motions Which may be Moved During Debate

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

- (a) to withdraw the motion;
- (b) to amend the motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;

- (h) to exclude the press and public in accordance with the access to information rules; or
- (i) that a Councillor be not further heard or to exclude the Councillor from the meeting (under rules 22.2 and 22.3).

12.11 Closure Motions

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

will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

12.12 Point of Order.

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

12.13 Personal Explanation.

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

13. Previous Decisions and Motions

13.1 Motion to Rescind a Previous Decision.

A motion to rescind a decision arising from a motion moved and adopted at a Council meeting within the past six months cannot be moved unless the notice of motion is signed by at least one third of all Councillors.

13.2 Motion Similar to one Previously Rejected.

A motion or amendment in similar terms to one which has been rejected at a Council meeting within the past six months cannot be moved unless notice of motion or amendment is given signed by at least one third of all Councillors.

Once a motion or amendment to which this Rule applies has been dealt with, no Councillor can propose a similar motion or amendment within the next six months.

14. Voting

14.1 Majority.

Unless this Constitution (or the law) provides otherwise any matter will be decided by a simple majority of those Councillors present and voting in the room at the time the question was put.

14.2 Chairman of the Council's Casting Vote.

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

14.3 Show of Hands.

Unless a recorded vote is demanded (under rule 14.4) the *Chairman of the Council* will take the vote by a show of hands, or if there is no dissent, by the affirmation of the meeting.

14.4 Recorded Vote.

If three Councillors present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

Where matters affecting the Council's budget or Council Tax are considered by Council then a recorded vote will take place as a matter of course.

14.5 Right to Require Individual Vote to be Recorded.

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

14.6 Voting on Appointments.

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

The number of votes each Member has is restricted to the number of vacancies to be filled.

15. **Minutes**

15.1 Signing the Minutes.

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

15.2 No Requirement to Sign Minutes of Previous Meeting at an Extraordinary Meeting.

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

15.3 Recording Attendance

An attendance register shall be circulated at each meeting of the Council and Members shall record their attendance at the meeting by signing the Register, and the names of Members attending the meeting will be recorded in the Minutes.

Any Member leaving a meeting before it's conclusion must first indicate to the Chairman thier intention to leave.

16. **Petitions**

16.1 The Council welcomes petitions and recognises that they are one way in which people can let us know their concerns. All petitions submitted under the Council's Petitions Scheme will receive an acknowledgement from the Council within 10 working days of receipt.

16.2 That acknowledgement will set out what the Council plans to do with the petition.

16.3 If a petition contains more than 700 / 1000 signatures it will be debated by the full Council unless it is a petition asking for a senior Council officer to give evidence at a public meeting. This means that the issue raised in the petition will be discussed at a meeting which all Councillors can attend.

16.4 The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting.

16.5 The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by Councillors for a maximum of up to 30 minutes.

16.6 The Council will decide how to respond to the petition at this meeting.

[Please refer to the Petition Scheme **appended to the Constitution** for full details.]

17. Deputations

- 17.1 *Deputations* may be received at any meeting of the Council following five clear working days written notice to the *Monitoring Officer*. They must be about matters for which the Council has a responsibility or which affect the area. The notice must be signed by at least five persons and set out the subject which the deputation wishes to raise and how it relates to the Council's functions or affects the area. The *Chair of the Council* may, on the advice of the *Chief Executive*, refuse a *Deputation* which is illegal, scurrilous, improper, out of order or relates to a specific planning application or relates to a matter on which there has been a previous similar deputation within the preceding six months.
- 17.2 A maximum of two *Deputations* only will be permitted at any meeting and they will be selected in the order notice is received. Only one *Deputation* will be permitted if the *Monitoring Officer* receives notice of a petition under Rule 16.
- 17.3 A *Deputation* may consist of up to five people, of whom no more than two may speak, except to answer Councillors' questions.
- 17.4 The *Deputation* may address the meeting for no more than five minutes and Councillors may then question the deputation for a further five minutes.
- 17.5 The relevant portfolio holder or appropriate Council member may, if he or she chooses, then address the meeting for up to three minutes.
- 17.6 No vote will be taken on a *Deputation*. A Councillor may propose that the subject matter be placed on the agenda of the next ordinary meeting of the relevant committee, such a motion to be moved and seconded formally and put without discussion. If no such motion is moved or carried, the *Deputation* will be referred to the relevant *Director* or *Assistant Director* who will respond to it in writing within 28 days.

18 Requirements for Members to Withdraw from Meetings

- 18.1 Where a member has a disclosable pecuniary interest in any business of the authority they must withdraw from the meeting room (including the public gallery)

whenever it becomes apparent that the business is being considered, unless the member has been granted a dispensation.

18.2 Subject to paragraph 19.3 where a member has a significant other interest in any business of the authority they must withdraw from the meeting room (including the public gallery) whenever it becomes apparent that the business is being considered.

18.3 A member with a significant other interest in any business of the authority may still attend that meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose. Immediately after making representations, answering questions or giving evidence the member must withdraw from the meeting room (including the public gallery) for the consideration and vote on the business.

19. Use of Media and Other Communication Methods

Subject to Rule 23, a person may report on or provide commentary on the proceedings of a meeting using any means for enabling persons not present to see or hear proceedings of a meeting as it takes place or later.

20. Exclusion Of The Public

210.1 The public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Part 4 of this Constitution or Rule 23 (disturbance by the public).

21. Councillors' Conduct

SPEAKING AT MEETINGS

21.1 When a Councillor speaks at Council, he/she must address the meeting through the Chairman and stand and address the Chairman.

- 21.2 If more than one Councillor wishes to speak, the Chairman will ask one to speak, and the other will refrain. Other Councillors must remain silent whilst a Councillor is speaking unless they wish to make a point of order or personal explanation.
- 21.3 When the *Chairman of the Council* stands during a debate any Councillor(s) then standing must sit down and the Council must be silent.

DISTURBANCE BY MEMBERS

- 21.4 If a Councillor is guilty of misconduct by persistently disregarding the ruling of the *Chairman of the Council*, or by behaving irregularly, improperly or offensively, or by deliberately obstructing business, any Councillor may move that the Councillor is not further heard. If seconded, the motion will be voted on without discussion.
- 21.5 If the Councillor continues to behave improperly after such a motion is carried, any Councillor may move either that the Councillor leave the meeting or that the meeting be adjourned for a specified period. If seconded, the motion will be voted on without discussion.
- 21.6 If there is a general disturbance making orderly business impossible, the *Chairman of the Council* may adjourn the meeting for as long as he or she thinks necessary.

22. Disturbance By Public

- 22.1 If a member of the public interrupts proceedings, the *Chair of the Council* will warn the person concerned and, if the interruption continues, will order the person's removal from the meeting room.
- 22.2 If there is a general disturbance in any part of the meeting room open to the public the *Chair of the Council* shall order that part to be cleared.

23. Suspension and Amendment of Council Procedure Rules

- 23.1 Any of the Council Procedure Rules to which this Rule applies may be suspended by motion on notice or without notice..24.2 Such a motion cannot be moved without notice unless at least one half of the whole number of Councillors of the Council are present.
- 23.3 Suspension can only be for the duration of the meeting from the point of resolution to the move in to private session.
- 23.4 This Rule applies to Rules 8 to 13, 16 and 17.

24. Application of Council Procedure Rules to Committees

- 24.1 Rules 5 to 8, 11.1(a) to (p), 12 to 15 and 19 to 24 apply to meetings of all groups and committees other than Cabinet.

25. Attendance at Committee Meetings by Members of the Council

- 25.1 A Member of the Council may, with the approval of the appropriate Chairman, attend any meeting of a Committee or Sub-Committee and, if so invited by the Chairman of that Committee or Sub-Committee, may speak but not vote on business before that meeting.
- 25.2 No Member of the Council shall attend any Standing Committee or Standing Sub-Committee or any other Committee, Sub-Committee or other body set up by the Council of which she/he is not a member whilst that Committee/Sub-Committee/Other body is exercising any function which, in the opinion of the Chief Executive, is engaged in interviewing candidates for any position with the Council or in existing appellate functions relation to appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct of any person employed by the Council.

25.3 In the event of any Committee or Sub-Committee deciding, in accordance with Access to Information Procedure Rules to exclude the public whilst any matter of a confidential or exempt nature is discussed, any Member of Council who is present who is not a Member of that Committee or Sub-Committee may remain unless the Committee or Sub-Committee ask him/her to leave or if he/she is precluded by any other Rule or Code of Conduct issue from remaining. In the case of Sub-Committee and Working Party meetings, which are not ordinarily open to the press and public, it shall similarly be open to the Sub-Committee or Working Party to ask a non-member to leave.

APPENDIX A

PROPORTIONALITY RULES

4. Eight working days in advance of the Annual Meeting of Council, the Chief Executive shall inform the Leader of each of the political groups showing what allocation of seats would, in the Chief Executive's opinion, best meet the requirements of section 15 of the Local Government and Housing Act.
5. Proposed nominations to Committees by the Political Groups must be given to the Chief Executive seven working days prior to the Annual Meeting of the Council, or as soon as practicable before the Annual Meeting.
6. In years where no District Council elections are held, the procedure outlined above will be followed. In election years, the notice will be sent by the Chief Executive as soon as practicable following the elections and the political parties to respond as soon as practicable in advance of the Annual Meeting.