

## **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 Meeting of Council**

#### **TIMING AND BUSINESS**

1.1 In a year when there is an ordinary election of Councillors, the Annual Meeting of Council 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.

1.2 The annual meeting will:

- (a) elect a person to preside if the Chairman or 'Chair' of the Council is not present;
- (b) elect the Chair of the Council;
- (c) appoint the Vice Chair of the Council;
- (d) receive any declarations of interest;
- (e) approve the minutes of the last meeting;
- (f) receive any announcements from the Chair of the Council and/or the Head of Paid Service;
- (g) elect the Leader of the Council in the year of the District Council elections only;
- (h) receive the announcement of the appointment of the Deputy Leader and Members of the Cabinet;
- (i) 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 to this Section;
- (m) receive nominations of Councillors to serve on each committee and outside body; and

## SECTION 10a – COUNCIL PROCEDURE RULES

- (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 Cabinet.
- (o) agree the scheme of delegation set out in Section 15 of this Constitution.
- (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 or Chair of the Council or Vice Chair of the Council is not present;
- (b) approve the minutes of the last meeting and the Chairman will sign them as a correct record;
- (c) receive any declarations of interest from Members;
- (d) receive any announcements from the Chair of the Council, Leader, Members of the Cabinet or the Head of Paid Service;
- (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 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) 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 the Cabinet) 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 Chair and Vice Chair of the Council and the Leader of the Council, or Deputy Leader in their absence.

## SECTION 10a – COUNCIL PROCEDURE RULES

### **3. Extraordinary Meetings**

- 3.1 The people or bodies listed below may require the Monitoring Officer in consultation with the Head of Paid Service to call Council meetings in addition to ordinary meetings:
- (a) the Council by resolution;
  - (b) the Chairman of the Council;
  - (c) the Head of Paid Service;
  - (d) the Monitoring Officer;
  - (e) the Chief Finance Officer (Section 151 Officer); and
  - (f) any five Members of the Council if they have signed a requisition presented to the Chairman of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.
- 3.2 When requested, the Monitoring Officer in consultation with the Head of Paid Service 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.<sup>1</sup>
- 3.4 Questions and Motions may be included on the agenda for Extraordinary Meetings if such Questions and Motions were the subject of the formal request for the Extraordinary Meeting.

### **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 Chair's absence, the Vice-Chair in advance of the summons to the meeting being despatched.
- 4.2 Council meetings will be subject to a limit of 3 hours with the Chair having the right to extend beyond this where considered appropriate.

### **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

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<sup>1</sup> This does not restrict the agenda to one item of business.

## SECTION 10a – COUNCIL PROCEDURE RULES

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. Chair of Meeting**

- 6.1 The person presiding at a meeting of the Council may exercise any power or duty of the Chair of the Council. Where these rules apply to meetings of boards or committees, references to the Chair 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. If the meeting remains inquorate, 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 at ordinary meetings of the Council. Members of the Public are limited to:
- Those on the Electoral Role.
  - Those who are Council Tax payers.
  - Those who pay NNDR.
  - 16 and 17 year olds who live in the District or attend school in the District.
- (b) Time allowed for questions and answers shall not, without the consent of the Chair, exceed 15 minutes, or in the case of one questioner, 5 minutes.
- (c) Questions shall not be unduly lengthy and less than 200 words.
- (d) Questions and responses shall not be a matter of debate.

## SECTION 10a – COUNCIL PROCEDURE RULES

### 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 twelve 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;
- (g) it relates to a planning application that is in the process of being determined by the District Council; or
- (h) it relates to an ongoing complaint currently being considered by the District Council.

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 publish questions on the Council's website. When a question is received the Monitoring Officer will send it to the Member to who 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 and on the Council's website.

### 8.6 Order of Questions.

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

## SECTION 10a – COUNCIL PROCEDURE RULES

### 8.7 Asking the Question at the Meeting.

The Chair of the Council will invite the questioner to put the question to the member named in the notice.

### 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 Chair of the Council may reject a supplementary question on any of the grounds specified under 'Scope of Questions', 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 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 Cabinet or the appropriate board or Committee. Once seconded, such a motion will be voted on without discussion.

## 9. **Questions by Councillors**

### 9.1 On Reports of the Cabinet or Committee.

A Councillor may ask the Leader, the Chair of the Council or a Committee Chair, questions without notice about an item in a report of the 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 Chair of the Council, the Leader, any Cabinet Members or the Chair any Committee a question about any matter in relation to which the Council has powers or duties or which affects the District which is not, in the opinion of the Monitoring Officer, illegal; scurrilous; improper; or out of order.

### 9.3 Notice of Questions.

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

## SECTION 10a – COUNCIL PROCEDURE RULES

- (a) submitted the question in writing to the question to the Monitoring Officer no later than midday twelve clear working days before the day of the meeting; 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 9 am on the day of the meeting.
- (c) details of questions submitted by Councillors on notice will be circulated to Cabinet immediately after the deadline has passed.

### 9.4 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;
- (g) it relates to a planning application that is in the process of being determined by the District Council; or
- (h) it relates to an ongoing complaint currently being considered by the District Council.
- (i) where the text of the question contains substantially incorrect factual statements and the questioner refuses to amend the text of the question.

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.

### 9.5 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.

### 9.6 Supplementary Question.

## SECTION 10a – COUNCIL PROCEDURE RULES

A Councillor asking a question under Rule 9.2 (Questions on Notice at Council Meetings) may ask one supplementary question without notice. A supplementary question must arise directly out of the original question or reply.

### 9.7 Number of Questions.

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

### 9.8 Time for Questions.

There will be an overall time limit of fifteen minutes on Councillors' questions. At the Chairman's discretion this may be extended. Questions not dealt with in this time and any extension of time will be dealt with by written response.

### 9.9 Format of Questions.

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

### 9.10 Withdrawal of Questions.

A question which has been accepted and published may be withdrawn by the Member who asked it provided that they indicate this in writing to the Monitoring Officer and the Member to which the question has been asked not later than 10am on the day of the meeting.

## **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 the proposer of the motion, must be delivered to the Monitoring Officer not later than midday on the day twelve clear working days before the date of the meeting. These will be published on the Council's website. There is a limit of one motion, per Councillor, per meeting. Details of motions submitted by Councillors on notice will be circulated to the Cabinet immediately after the deadline has passed.

### 10.2 Scope

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

The Monitoring Officer will reject any motion which seeks to change Council's Policy or the Council's Constitution. Such a motion will be directed to the appropriate Scrutiny or other Committee.

## SECTION 10a – COUNCIL PROCEDURE RULES

The Monitoring Officer will reject any motion which recommends the Council to make a decision in relation to a Cabinet function or to change a Cabinet decision. Such a motion will be referred to Cabinet for consideration.

The Monitoring Officer may reject a motion if:

- (a) it is not about a matter for which the Council has a responsibility or which affects the District;
- (b) it is substantially the same as a motion which has been put at a meeting of the Council in the past six months;
- (c) it requires the disclosure of confidential or exempt information;
- (d) it relates to an item on the agenda for that Council meeting;
- (e) it relates to a planning application that is in the process of being determined by the District Council;
- (f) it relates to an ongoing complaint currently being considered by the District Council; or
- (g) it is in any other way premature;
- (h) the motions contains more than one topic and the topics are unrelated;
- (i) the proposed motion is longer than 300 words.
- (j) where the text of the motion contains substantially incorrect factual statements and the proposer refuses to amend the text of the motion.

The Chair of the Council may, on the advice of the Head of Paid Service, 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.

### 10.4 Changes to the Constitution

- (a) No motions to change any part or parts of the Constitution can be accepted for debate at a Council meeting until they have been considered by Standards Committee. Such a motion will stand deferred until Standards Committee has considered it. If no Standards Committee is due to meet within 30 days, an extraordinary Standards Committee will be called within 30 days of the motion being submitted.
- (b) No changes can be made to the Constitution as part of a Council debate on any motion. Such a motion or part motion will be referred to the Standards Committee in accordance with 10.4 (a).

## SECTION 10a – COUNCIL PROCEDURE RULES

### 10.5 Change in Policy

- (a) No motions to change Council Policy can be accepted for debate at a Council meeting until they have been considered by the relevant Scrutiny Committee and Cabinet or if the policy is a regulatory one such as Planning or Licensing policy, the change has been considered by the relevant regulatory committee.

### 10.6 Alternative Budget Proposal

Prior to moving a motion or amendment in Council proposing an alternative budget to the proposals of the Cabinet, a Councillor must in advance of the meeting seek the views of the Section 151 Officer. A failure to do so will result in the motion being rejected by the Chair.

The motion must contain sufficient detail within it to justify the proposal. The Chair will take the advice of the Statutory Officers in determining this.

## **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;

## SECTION 10a – COUNCIL 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**

The Secunder has the right to speak on a motion, when seconding it.

#### **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:

## SECTION 10a – COUNCIL PROCEDURE RULES

- (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) above 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 Chair 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. "Friendly amendments" will be dealt with in this way, where the motion proposer agrees the proposed change.
- (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.

## SECTION 10a – COUNCIL PROCEDURE RULES

- (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
- (g) to exclude the press and public in accordance with the access to information rules
- (h) 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 Chair 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 Chair of the Council thinks the item has been sufficiently discussed, he or she will put the procedural

## SECTION 10a – COUNCIL PROCEDURE RULES

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 Chair 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.
- (e) When a motion that the debate be now adjourned is carried, the discussion shall be resumed at the next meeting, when the Member who moved its adjournment shall be entitled to speak first.<sup>2</sup>

### 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 the 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 of Council.

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

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<sup>2</sup> Members may use the term 'defer', however in the context of a debate commenced this is classed as 'adjournment'.

## SECTION 10a – COUNCIL PROCEDURE RULES

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 Chair of the Council's Casting Vote

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

### 14.3 Voting by Roll Call

Unless a recorded vote is demanded (under rule 14.4) the Chair of the Council will take the vote by roll call of those present, 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 setting of 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 Chair of the Council will sign the minutes at the next suitable meeting. The Chair 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

## SECTION 10a – COUNCIL PROCEDURE RULES

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

The appropriate officers will circulate an attendance register 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 its conclusion must first indicate to the Chair their 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 1,000 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 Head of Paid Service, refuse a Deputation which is illegal, scurrilous, improper, out of order or relates to a specific planning

## SECTION 10a – COUNCIL PROCEDURE RULES

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 Strategic Director or Head of Service 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 18.3 below and paragraph 11 (d) of the Code of Conduct, 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**

- 19.1 Subject to Rule 22, 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**

## SECTION 10a – COUNCIL PROCEDURE RULES

- 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 22 (disturbance by the public).

### **21. Councillors' Conduct**

#### Speaking at Meetings

- 21.1 When a Councillor speaks at Council, firstly they should announce their name and Ward or Cabinet Portfolio (if more appropriate), and he/she must address the meeting through the Chairman. Whilst there is no requirement, Councillors are permitted to stand to address Council should they wish to do so.
- 21.2 If more than one Councillor wishes to speak, the Chair 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 Chair 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 Chair 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.

## SECTION 10a – COUNCIL PROCEDURE RULES

23.3 Suspension can only be for the duration of the meeting from the point of resolution to the move in to private session.

### **24. Attendance at Committee Meetings by Members of the Council**

24.1 A Member of the Council may, with the approval of the appropriate Chair, attend any meeting of a Committee or Sub-Committee and, if so invited by the Chair of that Committee or Sub-Committee, may speak but not vote on business before that meeting.

24.2 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 he/she is not a member whilst that Committee/Sub-Committee/Other body is exercising any function which, in the opinion of the Head of Paid Service, is engaged in interviewing candidates for any position with the Council or in existing appellate functions in relation to appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct of any person employed by the Council.

24.3 In the event of any Committee, Sub-Committee or meeting of Cabinet deciding in accordance with the 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, Sub-Committee or Cabinet may remain unless the Committee, Sub-Committee or Cabinet 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.

### **25. Application of Council Procedure Rules to Committees**

Rules 4 to 7, 11 to 15 and 18 to 24 apply to meetings of all groups and committees.

## SECTION 10a – COUNCIL PROCEDURE RULES

### Appendix A

#### Proportionality Rules

1. Eight clear working days in advance of the Annual Meeting of Council (or in advance of any meeting of the Council which considers proportionality), the Monitoring Officer shall inform the Leader of each of the political groups showing what allocation of seats would, in the Monitoring Officer'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 Monitoring Officer seven clear working days prior to the Annual Meeting of the Council, or as soon as practicable before the Annual Meeting.

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 Monitoring Officer as soon as practicable following the elections and the political parties to respond as soon as practicable in advance of the Annual Meeting.