

# West Berkshire Council Constitution

## Part 4

### Council Rules of Procedure

#### Document Control

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Author:	Moira Fraser – Democratic Services Manager		
Owning Service	Strategic Support		

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## 4.1 Council Meetings

Council meetings will be conducted in accordance with all relevant legislation including the relevant provisions of the Local Government Act 1972, Local Government and Housing Act 1989, the Local Government Act 2000 and the Localism Act 2011.

There are three different types of Council meeting:

- (a) Annual Meeting
- (b) Ordinary Meeting
- (c) Extraordinary Meetings.

The rules of procedure for each of these types of meetings is set out below.

## 4.2 Annual Meeting

In a year when there is an ordinary election of Councillors, the Annual Meeting will take place within twenty one days of the retirement of the outgoing Councillors. In any other year, the annual meeting will take place in ~~March, April or~~ May.

### 4.2.1 Order of Business - Annual Meeting

The order of business at the annual meeting of the Council shall be to:

- (a) elect a person to preside if the Chairman or Vice-Chairman is not present;
- (b) receive apologies for inability to attend the meeting;
- (c) elect the Chairman of Council;

***[Note: In accordance with Section 3 of the Local Government Act 1972, the Chairman shall, unless he/she resigns or becomes disqualified, continue in office until his/her successor becomes entitled to act as Chairman.]***

- (d) appoint the Vice-Chairman of Council;
- (e) approve the Minutes of the last meeting;
- (f) receive any declarations of interest;
- (g) receive any announcements from the Chairman;
- (h) elect the Strong Executive Leader for a four year term following the first ordinary election;
- (i) receive notification from the Executive Leader of the number of Members appointed to the Executive and the Leader to appoint Members to the Executive;
- (j) appoint all Committees the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Executive functions (see rule 4.2.2 – Appointments to Standing Committees);
- (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;
- (m) receive nominations of Councillors to serve on each Committee and outside body except where appointment to those bodies has been delegated by the Council;
- (n) appoint to those Committees and outside bodies except where appointment to those bodies has been delegated by the Council;
- (o) agree any amendments to the Scheme of Delegation and any amendments to the Constitution;
- (p) approve a programme of Ordinary Meetings of the Council for the year;
- (q) consider any business set out in the notice convening the meeting.

***[Note: No Public or Member Questions, Petitions or Motions may be dealt with at the Annual Meeting.]***

#### **4.2.2 Appointment to Standing Committees**

At the Annual Meeting of the Council or as soon as possible afterwards, the Council shall appoint the following Standing Committees:

- Licensing Committee
- Eastern Area Planning Committee
- Western Area Planning Committee
- District Planning Committee
- Overview and Scrutiny Management Commission
- Standards Committee
- Governance and Audit Committee
- Personnel Committee
- Appeals Panel

The Chairman of Council shall not be elected Chairman or Vice-Chairman of any Standing Committee during their period of office.

#### **4.2.3 Appointment of Other Committees**

At any time the Council may appoint such other Committees as are necessary to carry out the work of the Council.

#### **4.2.4 Dissolution**

The Council may at any time dissolve or alter the size of a Committee.

#### **4.2.5 Appointment of Members**

Where a seat on a Committee, Commission, Panel, Task Group or outside body has been allocated to a political group, the Head of Strategic Support may make an appointment to that seat in accordance with the wishes of the relevant political group.



#### 4.2.6 Sub-Committees

In these Rules of Procedure references to Committees shall include references to Sub-Committees unless the contrary is indicated.

During the course of a Municipal Year each Committee may appoint special Sub-Committees for purposes specified by the Committee and within its own terms of reference. Unless previously discontinued, each Sub-Committee shall cease at the same time as the Committee which appointed it.

Members of the Council may be appointed to serve on a Sub-Committee even though they are not members of the parent Committee.

### 4.3 Ordinary Meetings

Meetings for the transaction of general business shall be held on such days as the Council decides and as specified in the timetable of meetings.

#### 4.3.1 Order of Business - Ordinary Meetings

The order of business at an ordinary meeting of the Council shall be to:

- (a) elect a person to preside if the Chairman and Vice-Chairman are not present;
- (b) receive apologies for inability to attend the meeting;
- (c) approve the Minutes of the last meeting;
- (d) receive any declarations of interest from Members;
- (e) receive any announcements from the Chairman, Executive Leader, Members of the Executive or the Head of Paid Service;
- (f) deal with business expressly required by statute;
- (g) receive petitions;
- (h) receive written questions from and provide answers to the public in relation to any business of the Council ~~which in the opinion of the person presiding at the meeting is relevant to the business of the Council~~ as set out in the Scope of Questions at paragraph 4.12.3;
- (i) deal with any business from the last Council meeting;
- (j) receive reports from the Executive and the Council's Overview and Scrutiny Management Commission or its Sub-Committees and receive questions and provide answers on any of those reports;
- (k) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (l) receive any annual reports of the Overview and Scrutiny Management Commission;
- (m) consider any other business specified in the Summons to the meeting including consideration of proposals from the Executive in relation to the Council's Budget and Policy Framework and reports of the Overview and Scrutiny Management Commission for debate and any reports from Officers;
- (n) consider any Motions;

- (o) receive written questions from and provide answers to Members in relation to matters relating to the business of the Council [in accordance with paragraph 4.12.3 \(Scope of Questions\)](#).

## 4.4 Extraordinary Meetings

Extraordinary meetings may be convened by the Chairman of Council, the Monitoring Officer or by Members (providing that 25% of eligible Members of the Council present a signed requisition that there is a need to hold an Extraordinary Meeting of the Council). Such a meeting shall be called by the Chairman as soon as is practicably possible but not later than 15 working days from the date that the requisition is presented to the Chairman.

### 4.4.1 Order of Business - Extraordinary Meetings

The order of business at an extraordinary meeting shall be to:

- (a) elect a person to preside if the Chairman or Vice-Chairman is not present;
- (b) receive apologies for the inability to attend the meeting;
- (c) receive any declarations of interest from Members;
- (d) consider any business specified in the Summons to the meeting.

***[Note: No Public or Member Questions, Petitions or Motions may be dealt with at an Extraordinary Meeting.]***

## 4.5 Variation

With the exception of business specified in (a)–(g) of Rule 4.2.1, (a)-(f) of Rule 4.3.1 and (a)-(c) of Rule 4.4.1 above, the order of business may be varied:

- (a) at the discretion of the Chairman; or,
- (b) by a resolution passed on a Motion (which need not be in writing).

***[Note: In relation to (b) above items which are deemed to be of public concern can be discussed and debated earlier in the meeting.]***

## 4.6 Meetings of the Council

### 4.6.1 Adjustment to Dates

In the event that any adjustment to the date of a Council meeting is found to be necessary, the following procedure shall be adhered to:

- The appropriate Proper Officer should contact the Head of Strategic Support or Democratic and Electoral Services Manager to make them aware of the circumstances requiring a change of date.
- Communication should then be undertaken between the Proper Officer (or their representative) and the Group Leaders to articulate the need for the change of date.
- Should the Group Leaders not be available, the Deputy Group Leaders should then be the point of contact.

- The Group Leaders should be asked their views on the proposal. The resultant conversation needs to be recorded in writing, dated and timed. A copy should then be e-mailed to the Group Leaders and made available to the Head of Strategic Support or Democratic and Electoral Services Manager.
- Contact with the Chairman should then be made by the appropriate Proper Officer (or their representative) to articulate the need for the change of date. The Chairman will be given the views of the Group Leaders and will then make a decision on how to proceed.
- The result of that discussion will then be confirmed to the Group Leaders in writing and to the Head of Strategic Support or Democratic and Electoral Services Manager.

#### 4.6.2 Electronic Communication Devices

~~There shall be a ban on the inappropriate and unauthorised use of electronic communication devices at all meetings~~

~~Members are permitted to use electronic devices at Council meetings.~~

~~If Members wish to use these devices during meetings they should inform the Chairman who will make it clear to any members of the public attending that this activity is permissible. Members will need to consider whether using a device may distract them from participating and understanding information that is being shared at the meeting prior to a decision being made.~~

~~Councillors should however switch their mobile phone or other equipment to silent mode, so that no disruption is caused to proceedings. If, at a Council meeting, a Member's use of an electronic communication device is causing proceedings to be disrupted any Member may move that the Member should desist from using the device. If the motion is seconded it should be put to the vote without discussion.~~

~~Members wishing to record meetings will need to do so in accordance with Appendix A to Parts 4 (Council Rules of Procedure).~~

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#### 4.6.3 Quorum

The quorum of all Council meetings will be one quarter of the whole number of Members. During any meeting if the Chairman counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If the Chairman does not fix a date, the remaining business will be considered at the next ordinary meeting.

#### 4.6.4 Continuation of Meeting

Meetings of the Council should not normally continue past 10.00pm. If however the Chairman believes that business could be concluded by 10.30pm, a Motion under Rule 4.89.12 (Motions which may be Moved without Notice) must be moved and supported by a majority of those Members present. All meetings will conclude by 10.30pm at the latest.

#### **4.6.5 Council Summons**

The Head of Strategic Support will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules of Procedure (Part 8). The Head of Strategic Support will send a Summons by post or email to every Member of the Council, or leave it at their usual place of residence, at least five clear working days before a meeting, unless the meeting is convened at shorter notice as a matter of urgency. The Summons will give the date, time and place of the meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

***[Note: Clear working days do not include day of agenda despatch or day of meeting.]***

#### **4.6.6 Themed Debates**

Speakers from outside the Council may be invited to address the Council for themed debates.

#### **4.6.7 Absence of Chairman and Vice-Chairman**

If the Chairman and Vice-Chairman of Council are absent from a meeting of the Council, another Member of the Council chosen by the Members of the Council present shall preside.

#### **4.6.8 Powers of Chairman**

Any power or duty assigned to the Chairman of Council in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

### **4.7 Council Minutes**

#### **4.7.1 Approval**

The Chairman of Council shall move "that the Minutes of the meeting of the Council held on (date) be signed as a correct record".

#### **4.7.2 Accuracy**

Only the accuracy of the Council Minutes may be raised and this may only be done by a Motion which shall propose a change in wording. As soon as any such Motions have been dealt with the Chairman will sign the Minutes.

***[Note: Any amendments to the Minutes should be set out in the Minutes of the subsequent meeting and not marked on the original set of Minutes under discussion. However, if the Minutes are amended they should be annotated with the words "These Minutes have been amended".]***

#### **4.7.3 Signing Minutes**

Minutes shall be submitted to and signed at the next meeting of Council which is not an extraordinary meeting.

## **4.8 Petitions**

### **4.8.1 Scope of Petitions**

~~The Council welcomes petitions and recognises that they are one way in which people can let the Council know about their concerns. Council Officers.~~ Petitions will be dealt with in accordance with Appendix C to Part 13 of the Constitution (Procedure Rules for Dealing with Representations).

### **4.8.2 Notice of Petitions**

Where notice of a petition is given to the Head of Strategic Support by 10.00am seven clear working days before the meeting details will be included in the Summons or agenda.

### **4.8.3 Presentation of Petitions by Members of Council**

Members of Council who receive a petition from a member of the public can either:

- (a) present it at the appropriate meeting; or
- (b) pass it to the appropriate Officer.

Only Members of Council may present petitions to Council, and must do so by formally reading or summarising the petition, giving details of the number of signatures and stating its purpose. They must not otherwise address the Council unless the Chairman so consents.

The Chairman of Council will advise the Councillor presenting the petition as to where the petition will be referred. However, if the petition relates to a matter on the agenda for the meeting of Council at which it is presented it shall be dealt with at that meeting.

~~Members of the Council may present petitions directly to the Executive, a Committee, Commission or Sub-Committee and speak for up to five minutes on that petition. No further debate shall take place unless the relevant body receives a report on the matter.~~

Petitions relating to licensing or planning applications will normally be received by Officers during the Licensing or Planning consultation process. Petitions relating to a specific application under the Licensing Act 2003 or the ~~g~~Gambling Act 2005 must be submitted within the statutory consultation period if it is to be considered by the Sub-Committee determining the application.

## **4.9 Motions**

### **4.9.1 Scope of Motion**

Motions must relate to matters of concern to the District of West Berkshire.

### **4.9.2 Submission of Motion**

At any meeting of the Council except the Annual Meeting or an Extraordinary Meeting that does not appear in the timetable of meetings, a notice of Motion may be submitted under this Rule for consideration.

#### **4.9.3 Receipt of Motion**

Notice of every Motion, except those moved under Rule 4.9.12 (Motions which may be Moved without Notice), shall be submitted to the Head of Strategic Support by 10.00am, seven clear working days before the Council meeting to which it is to be submitted. The Notice of Motion should clearly indicate the name of the person(s) submitting it. A Motion may be delivered in writing, ~~by fax~~ or by electronic mail.

#### **4.9.4 Urgent Motion**

Subject to the consent of the Chairman of Council, a Motion may be considered by the Council if it is submitted to the Head of Strategic Support by 10.00am on the day of the meeting.

#### **4.9.5 Inclusion in Summons and Possible Amendments of Motion**

Motions submitted in accordance with Rule 4.9.3 (Receipt of Motions) will be included in the Summons for the next Council meeting in the order in which they are received (unless the person submitting the Motion requests it be withdrawn or considered at a later meeting) and may be:

- amended by the Head of Strategic Support for the purpose of clarification, in consultation with the person who submitted the Motion; or
- amended or withdrawn by the Chairman, after consulting the person who submitted the Motion, if it appears the wording is not in order or is framed in improper or unbecoming language.

#### **4.9.6 Record of Motion**

All Motions shall be dated, numbered and entered onto a database in the order in which they are received. The log may be inspected by Members and should be open to inspection by the public.

#### **4.9.7 Procedure at Council**

The Member who submitted the Motion or another Member nominated by them shall move the Motion "as stated in the Summons". If the Motion is not to be considered at that meeting the mover of the Motion will be permitted to speak on the Motion for a maximum of three minutes.

#### **4.9.8 Reference or Non-Reference to Committee**

Once moved and seconded the Chairman will indicate that the Motion will be dealt with in one of the following ways:

- be referred to the Executive without discussion, notwithstanding Rule 4.9.7 (Procedure at Council), for determination because the subject matter falls within their remit. A report will be included on the next Council agenda on the outcome of the decision;
- be referred to the appropriate Committee(s), Commissions or Sub-Committee(s) without discussion for consideration and report back to Council because the subject matter falls within their remit;

- unless the matter relates to an Executive function, be considered at the meeting because in the opinion of the Chairman the matter is urgent, of great local concern or such consideration would facilitate the discharge of business.

#### **4.9.9 Consideration of Referred Motion**

The Motion shall be considered at the next Executive meeting or special meeting (as appropriate), Committee(s), Commissions or Sub-Committee(s) unless the mover of the Motion requests in writing to the Head of Strategic Support that it be considered at a later meeting. The mover of the Motion shall receive a copy of the agenda for the meeting to which the Motion has been referred and shall be entitled to attend that meeting to explain the Motion.

#### **4.9.10 Abandonment of Motion**

If a Motion specified in the Summons is not moved it shall, unless postponed by consent of the Council, be treated as abandoned and shall not be moved without fresh notice.

#### **4.9.11 Mover of Motion ceasing to be a Member**

If the mover of a Motion ceases to be a Member of Council after the Motion has been formally moved and seconded, the seconder or any other Member may progress the Motion.

#### **4.9.12 Motions which may be moved without Notice**

The following Motions may be moved without notice:

- (a) To appoint a Chairman of the meeting if the Chairman and Vice-Chairman of Council are absent.
- (b) Motions relating to:
  - accuracy of Minutes;
  - closure or adjournment of the meeting;
  - order of or next business.
- (c) To refer any matter to the Executive or a Committee, or a Statutory Officer.
- (d) To appoint a Committee or Members of a Committee if it arises from an item mentioned in the Council Summons.
- (e) To receive minutes and reports and adopt recommendations of Committees and Officers and any consequential Motions.
- (f) To withdraw a Motion or amendment with leave of the Chairman.
- (g) To amend a Motion.
- (h) To extend the time limit for speeches.
- (i) To allow continuation of a meeting past 10.00pm.
- (j) To suspend a Procedure Rule in accordance with Rules 4.10.1 (Suspension Rules of Procedure) and 4.10.2 (Variation /Revocation of Rules of Procedure).

- (k) To exclude the press and public in accordance with the statutory provisions.
- (l) That the question be now put.
- (m) That a Member named under Rule 4.15. ~~1~~(Behaviour of MembersDisorderly Conduct) be not further heard or leave the meeting.
- (n) Giving consent of the Council where consent of the Council is required by these Rules of Procedure.
- ~~(o)~~ To allow a member of the public to speak in accordance with Rule 4.18.4 (Speaking).
- ~~(p)~~ That a Member named under Rule 4.6.2 (Electronic Communication Devices) be prevented from further using their electronic communication device at the meeting or leave the meeting.

***[Note: Any Procedure Rule may be suspended in accordance with Procedure Rules 4.9.12 (Motions which may be moved without notice) and 4.10.1 (Suspension Rules of Procedure) and 4.10.2 (Variation /Revocation of Rules of Procedure) provided the effect either individually or cumulatively is not to suspend all Procedure Rules.]***

#### **4.9.13 Motions on Expenditure or Revenue**

Any Motion which would materially increase expenditure, involves capital expenditure, or materially reduces the revenue of the Council, or involves the disposal of a significant asset, shall when seconded stand adjourned without discussion to the next meeting of the Executive, with a report back to the next ordinary meeting of the Council. This Rule does not apply to any Motion proposed at the Budget meeting of the Council.

### **4.10 Suspension, Variation and Revocation of Rules of Procedure**

#### **4.10.1 Suspension of Rules of Procedure**

With the exception of Rules 4.7.1 (Approval of Minutes) and 4.17.3 (Recording of Votes) any Procedure Rule may be suspended for any business at a meeting where its suspension is moved provided either:

- notice of Motion has been given; or
- at least one half of the whole number of members of the Council, Committee or Sub-Committee are present.

***[Note: See Rule 4.9.12 (Motions which may be moved without notice) above.]***

#### **4.10.2 Variation/Revocation of Rules of Procedure**

Except at an Annual Meeting of the Council any Motion to vary or revoke the Rules of Procedure shall when proposed and seconded stand referred without discussion to the next ordinary meeting of the Council.



## **4.11 Procedure for Reports at Council Meetings**

### **4.11.1 Executive Report**

The ~~Executive-Strong~~ Leader or relevant Member of the Executive shall present the report and move the recommendation requiring the Council's approval. Upon being seconded the matter is open for debate, and Members of the Council may make statements and ask questions of the Mover as appropriate. The Rules of Debate set out in Rule 4.13 will apply.

### **4.11.2 Committee Report**

The Chairman, or other Member, of the relevant Committee will present the report and move the recommendations requiring the Council's approval. Upon being seconded, the matter is open for debate and Members of the Council may make statements and ask questions of the Mover as appropriate. The Rules of Debate set out in Rule 4.13 will apply.

### **4.11.3 Reports for Information**

In the case of any reports submitted to the Council for information, a Member may ask the relevant Chairman or Executive Member a question or may make a statement lasting no longer than three minutes. The relevant Chairman or Executive Member is entitled to reply.

### **4.11.4 Confidentiality and Non-Disclosure of Reports**

Reports to Committees, Sub-Committees, Panels or Task Groups which are "not for publication" in accordance with the statutory provisions on the grounds that they contain confidential or exempt information shall be treated as confidential and shall not be disclosed by a Member or Officer of the Council unless the Committee, Sub-Committee, Panel or Task Group decides otherwise.

After the meeting of the Committee, Sub-Committee, Panel or Task Group the information shall continue to be treated as confidential except insofar as it ceases to be confidential by virtue of the statutory provisions or its inclusion in the Minutes of the meeting which are made available for public inspection.

### **4.11.5 Record of Opposition**

A Member may request that their opposition to a decision be recorded in the Minutes (see rule 4.17.3(Recording of Votes)).

## **4.12 Questions**

### **4.12.1 Public Written Questions**

Members of the public residing or working in the District, or their representative, may ask a question. The Chairman of Council will nominate an appropriate person to provide an answer if the questioner has not indicated from whom they would prefer to receive a response. Questions must relate to the business of the Council, be a matter for which the Council has responsibility or related to the wellbeing of West Berkshire. Such questions may only be asked at ordinary meetings of the Council.

Questions must be submitted in writing by post, ~~fax~~ or electronic mail to the Head of Strategic Support and must specify the name, address and contact telephone number of the person asking the question.

Questions that do not relate to an item for business for that meeting of Council must be submitted no later than 10.00am, seven clear working days before the meeting.

Questions relating to an item of business for that meeting of Council must be submitted no later than 10.00am, one working day before the meeting.

#### **4.12.2 Members' Written Questions**

Members may ask any Member of the Executive and any Chairman of a Committee of the Council any question relating to the business of the Council, a matter over which the Council has responsibility or relate to the wellbeing of the West Berkshire. Such questions may only be asked at ordinary meetings of the Council.

Questions indicating the name of the person submitting it, must be submitted in writing by post, ~~fax~~ or electronic mail to the Head of Strategic Support.

Questions must be submitted no later than 10.00am, seven clear working days before the Council meeting.

Subject to the consent of the Chairman of Council where a question relates to an urgent matter it may be considered by the Council if it is submitted to the Head of Strategic Support by 10.00am on the day of the meeting.

Councillors must confine their contributions to questions and answers and must not make statements or attempt to debate the matter. Where the Chairman feels that a Councillor is contravening this rule they will stop the Councillor concerned from speaking on this matter.

#### **4.12.3 Scope of Questions**

The Monitoring Officer or Head of Strategic Support may reject a question or a supplementary question if it is not about a matter over which the Council has responsibility, it is defamatory, frivolous, it is abusive, it is substantially the same as a question which has been put at a meeting of the Council in the past six months, it requires the disclosure of confidential or exempt information or relates to a licensing or planning application.

Where a question has been rejected a letter will be sent to the questioner setting out the reasons for the rejection.

#### **4.12.4 Written Questions concerning the Thames Valley Police Authority (TVPA) and Royal Berkshire Fire and Rescue Service (RBFRS)**

Subject to the Rules of Procedure on receipt, a Member may also ask the person nominated to the TVPA a question on the functions or performance of that Authority or one of the Council's representatives on the RBFRS a question in relation to the functions or performance of the RBFRS.

#### **4.12.5 Member and Public Written Questions - Procedure at Council**

Subject to Rule 4.12.9 (Multiple Member and Public Questions), questions shall be taken in order of receipt and shall be asked by saying 'I ask my question as set out in the Summons', and then answered without discussion.

Any Executive Member or Chairman may decline to answer a question or nominate another Member to answer a question on their behalf.

#### **4.12.6 Answers to Questions**

An answer may take the form of:

- (a) a direct oral answer;
- (b) a reference to a Council publication containing the desired information;
- (c) a written answer where a reply cannot conveniently be given orally or because of a lack of time.

The Chairman in consultation with the Monitoring Officer may reject any supplementary questions on any of the grounds in rule 4.12.3 (Scope of Questions).

#### **4.12.7 Supplementary Questions**

A person asking a written question may ask one supplementary question arising directly out of the answer given to the original question but the supplementary question shall be relevant to the original question and shall not introduce any new subject matter. For the avoidance of any doubt the Chairman will invite the questioner to ask a supplementary question if the questioner has one.

#### **4.12.8 Time Limit on Questions**

The time allowed for written and supplementary questions at any meeting shall not exceed thirty minutes for public questions or one hour for Members' questions or such longer period as the Chairman of Council may permit. Questions not answered within that period will receive a written reply.

#### **4.12.9 Multiple Member and Public Questions**

If any person(s) submit(s) more than one question at any meeting only their first question shall be asked and answered. If after all other questions have been asked and answered there is sufficient time available the Chairman of Council may ask the questioner(s) to ask their further question(s) in such order as the Chairman determines.

#### **4.12.10 Order of Questions**

The Chairman has the discretion to alter the order in which questions are asked.

**4.12.11 Absence of Questioner**

If a person who has submitted a question is not present when the question is called, the question may, with the consent of the Chairman of Council, be asked by any other person.

**4.13 Rules of Debate****4.13.1 Seconding**

A Motion or amendment shall not be discussed until it has been formally moved and seconded. When seconding a Motion or amendment, a Member may reserve his/her speech until a later period in the debate.

**4.13.2 Writing**

The Chairman of Council may require a Motion or amendment to be put into writing before it is discussed or voted upon.

**4.13.3 Standing**

Members shall, if able, stand when speaking and address the Chairman of Council. The Chairman shall decide the order of speakers if more than one Member wishes to speak.

**4.13.4 Speech Content**

Members shall direct speeches to the matter under discussion, a point of order or personal explanation.

**4.13.5 Speech Length**

Speeches shall not exceed five minutes, unless Council consents or another time limit is specified in these Procedure Rules.

**4.13.6 Closing Speeches**

Members exercising a right of speech under Rule 4.13.15 (Close of Debate) or reply at the end of a debate shall not introduce new matter.

**4.13.7 Amendments to Motions**

An amendment to a Motion must be relevant to the Motion and will either be:

- (a) to refer the matter to the Executive, Individual Portfolio Holder, a Committee, Commission or Statutory Officer for consideration or reconsideration unless the Chairman of the Council rules otherwise in the interests of expediency; or
- (b) to leave out words; or
- (c) to leave out words and insert or add others; or
- (d) to insert or add words as long as the effect of (b) to (d) is not to negate the Motion or to introduce a new subject matter.

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.

If an amendment is not carried, other amendments to the original Motion may be moved.

If the 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. The Chairman will read out the Substantive Motion before accepting any further amendments, or if there are none, put the Substantive Motion to the vote.

Any amendments considered to be substantive by the Section 151 Officer in relation to in year reports or motions which have a financial implication shall be the subject of discussions with and receive the approval of the Section 151 Officer in advance of the meeting to ensure that the amendment does not compromise the Council's financial position. In relation to the budget meeting, any substantive amendments proposed to the budget shall be submitted to the Council's Section 151 Officer at least three working days before the meeting. The Section 151 Officer will then add an opinion on the proposed amendment and will distribute to all Members of the Council the following working day.

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#### **4.13.8 Single Speech**

A Member shall speak only once on any Motion and/or amendment except:

- (a) to move or speak to a further amendment;
- (b) to move that the press and public be excluded;
- (c) to exercise a right of reply;
- (d) on a point of order or personal explanation; or
- (e) to move that the question be put.

#### **4.13.9 Minor Alteration to Motions or Amendments**

The proposer of a Motion may make a minor alteration to a Motion with the consent of the seconder and with the consent of the Council. The Council's consent will be sought by the Chairman of the meeting. Only alterations which could be made as an amendment may be made.

#### **4.13.10 Withdrawal of Motion or Amendment**

A Motion or amendment may be withdrawn by the proposer if the seconder and the Council consent. The Council's consent will be sought by the Chairman of the meeting. Unless consent is refused, no Member may then speak on the Motion or amendment.

#### **4.13.11 Acceptance of Other Motions**

When a Motion is under debate no other Motion shall be moved except:

- (a) to withdraw the motion;
- (b) to amend the Motion;
- (c) to adjourn the meeting to a specified time and place;
- (d) to adjourn or postpone the debate to a specified time and place;
- (e) to proceed to the next business;
- (f) to put the question immediately to the vote;

- (g) that the meeting continue past 10pm (see rule 4.6.4 (Continuation of Meeting));
- (h) not to hear a Member further;
- (i) to exclude the press and public;
- (j) that a Member shall immediately leave the meeting.

#### **4.13.12 Closure Motions**

At the conclusion of a speech of another Member, a Member may move without comment that:

- (a) the debate be adjourned;
- (b) the meeting be adjourned;
- (c) the Council proceed to the next business; or
- (d) the question be put.

#### **4.13.13 Seconding of Closure Motion**

Should the Closure Motion be seconded, the Chairman of Council shall proceed as follows if in their opinion the question before the meeting has been sufficiently discussed:

- in the case of a Motion under (a) to (c) in rule 4.13.12 (Closure Motions) above, invite the mover of the original Motion to reply and then put the Closure Motion to the vote; or
- in the case of a Motion under (d) in rule 4.13.12 (Closure Motions) above, put the closure Motion to the vote.

#### **4.13.14 Carrying of Closure Motion**

Should the Closure Motion be carried, the question before the meeting shall (subject to the rights of speech or reply) be put to the vote or be deemed to be disposed of or the meeting or debate shall stand adjourned as the case may be.

#### **4.13.15 Close of Debate**

At the close of the debate on the original or substantive Motion, the undermentioned shall have the right of speech or reply in the following order:

- the Secunder, if he/she has not already spoken;
- the relevant Executive Member or Chairman of the appropriate Committee if he/she has not already spoken;
- the mover of the original Motion.

If an amendment is moved, the undermentioned shall have the right of speech or reply at the close of the debate on the amendment in the following order:

- the relevant Executive Member or Chairman of the appropriate Committee if he/she has not already spoken;

- the mover of the amendment;
- the mover of the original Motion who shall not otherwise speak on the amendment.

#### **4.13.16 Points of Order/Explanation**

A Member may rise and shall:

- be heard immediately on a point of order, relating to an alleged breach of a Procedure Rule or statutory provision . The Councillor must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Chairman on the matter will be final.
- be heard when the Chairman decides it is relevant, on a point of personal explanation, concerning some material part of a preceding speech by them in the present debate which appears to have been misunderstood. The ruling of the Chairman on the matter will be final.

#### **4.13.17 Respect for Chair**

If the Chairman of Council stands during a debate any Member then standing shall resume their seat and the Council shall be silent.

#### **4.13.18 Officers' Advice**

The Chairman of Council may request the Chief Executive or appropriate Officer to speak by way of explanation of or to draw the attention of the Council to any legal, technical or administrative matters.

### **4.14 State of the District Debate**

#### **4.14.1 Calling of Debate**

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

#### **4.14.2 Form of Debate**

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

#### **4.14.3 Results of Debate**

The results of the debate will be disseminated as widely as possible within the community and to agencies and organisations in the district and considered by the Executive Leader in proposing the Budget and Policy Framework to the Council.

### **4.15 Behaviour of Members**

#### **4.15.1 Disorderly Conduct**

If, at a meeting of Council, a Member:

- persistently disregards the ruling of the Chairman of Council; or
- behaves irregularly, improperly or offensively; or

- wilfully obstructs the business of Council;
- any Member may move:
- that the Member named not be heard any further;
  - that the Member named shall leave the meeting; and
  - if the Motion is seconded, it be put to the vote without discussion.

#### **4.15.2 Suspension of Sitting**

If there is a general disturbance or if the named Member or member of the public continues to misbehave after a Motion under Rule 4.9.12 (Motions which may be Moved without Notice) has been carried and orderly business is prevented, the Chairman of Council may adjourn the meeting for as long as they consider necessary.

### **4.16 Rescinding an Earlier Resolution**

#### **4.16.1 Six Months Rule**

A Motion may not be moved to rescind a decision made at a meeting of the Council within the preceding six months unless notice of the Motion is given under Rule 4.9 (Motions) and is signed by at least one-quarter of all Members of Council. See Rule 4.16.3 (Committee Decision) below.

#### **4.16.2 Rejected Motion**

A Motion or amendment in similar terms to one that has been rejected at a meeting of the Council in the past six months cannot be moved.

#### **4.16.3 Committee Decision**

A Committee or Sub-Committee may, by a majority of those voting, rescind a decision that it has previously made.

### **4.17 Voting**

#### **4.17.1 Method of Voting**

Voting shall be by show of hands. Unless the Constitution or the law provides otherwise any matter will be decided by a simple majority of those present and permitted to vote on the matter at the time the question is put.

#### **4.17.2 Chairman's Casting Vote**

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

#### **4.17.3 Recording of Votes**

A record of how a vote is or votes are cast (as the case may be) will be made if:

- before a vote is taken any Member requests that the vote be recorded and three other Members support that request by standing in their places. In these circumstances the Monitoring Officer or his/her representative will call the name of each Member present and each Member will respond for or against the Motion or abstaining;



- immediately after a vote has been taken any Member requests that their vote for or against or their abstention be recorded.

## **4.18 Press and Public**

### **4.18.1 Admission**

The press and public shall be permitted to attend meetings of Council unless excluded under provisions contained in Part 1 Schedule 12A of the Local Government Act 1989 and in accordance with Part 8 of the Access to Information Rules of Procedure.

### **4.18.2 Exclusion of Employee**

During any discussion on the appointment, promotion, dismissal, salary, conditions of service or conduct of a Council employee, the employee shall not be present except to make representations on his/her own behalf either personally or by or with such representatives as the Council may agree to receive.

### **4.18.3 Removal**

If a member of the public interrupts the proceedings at any meeting the Chairman may, after warning, order their removal from the Council meeting. If there is a general disturbance the Chairman shall order that the part of the room open to the public be cleared.

### **4.18.4 Speaking**

Members of the public may only speak at a meeting if the Council so resolves when asking a question in accordance with these Rules of Procedure.

### **4.18.5 Televising and Sound Recording of Meeting**

The televising and sound recording of meetings will be permitted in accordance with the protocol relating to this matter. The protocol can be found at Appendix A to Part 4.

## Appendix A

# Code of Practice Relating to Televising and Sound Recording of Meetings

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The televising or sound recording of meetings of the Council, Executive, Committees or Commissions will be permitted, subject to the Code of Practice set out below:

1. Requests for permission to film or take sound recordings should be submitted 24 hours before the start of the meeting to the Head of Strategic Support and may be refused if it is considered that the meeting room is not of an adequate size or because of reasons specified by the Head of Strategic Support.
  2. The Head of Strategic Support shall consult the Chairman or Vice-Chairman of the meeting regarding a request to film or record a meeting.
  3. Filming or recording will only be permitted for a public purpose.
  4. Television crews or persons undertaking sound recording shall comply with the requests of the Head of Strategic Support or his/her representatives as to arrangements for filming and recording.
  5. No filming or recording will be permitted, and persons present for those purposes will be required to leave the meeting, if a resolution is passed under Section 100A of the Local Government Act 1972 excluding the press and public from the meeting.
  6. Filming or recording of a member of the public will only be permitted if the Executive, Committee, Commission, etc agrees.
  7. Filming or sound recording must not cause any nuisance or interfere with any electronics or with the conduct of the meeting.
  8. No link will be permitted to the Council's sound recording equipment, neither may any equipment be placed on tables within the area occupied by Members or Officers.
- If there is a breach of this Code of Practice, the Chairman may at his or her discretion, after a warning, order that no further sound recording or filming shall take place during the meeting.

## Appendix A

### Protocol Relating to Televising and Sound Recording of Meetings

The televising or sound recording of the Council's public meetings, namely, the Council, Executive, Planning Committees, Licensing Committee, Governance and Audit Committee, Personnel Committee, and Overview and Scrutiny Management Commission, will be permitted, subject to the Protocol set out below. This is in accordance with guidance issued by the Department for Communities and Local Government in July 2013.

1. Requests for permission to take visual or sound recordings should be submitted 3 clear working days before the date of the relevant meeting to the Head of Strategic Support.

2. The Head of Strategic Support shall advise the relevant Chairman or Vice-Chairman of the meeting of the request to record a meeting whether in audio or visual format.

3. Audio or Visual recordings will only be permitted for a public purpose.

4. Television crews or persons undertaking sound recording shall comply with the requests of the Head of Strategic Support or their representative as to arrangements for recording.

5. No audio or visual recording will be permitted, and persons present for those purposes will be required to leave the meeting, if a resolution is passed under Section 100A of the Local Government Act 1972 excluding the press and public from the meeting.

6. Members of the public who have given notice of their wish to speak at any public meeting shall be advised of the request to record the meeting and shall be able to decide to "opt out" of being recorded. This information will be relayed to the person wishing to record the meeting.

7. The Chairman shall be advised of any "objections to being recorded by members of the public speaking and shall ensure that before debate commences on any item the meeting and public attending are absolutely clear about who can and cannot be recorded.

8. Recording must not cause any nuisance or interfere with any electronics or with the conduct of the meeting. In this situation the Chairman may ask for the person recording the meeting to cease this activity at any time.

9. No link will be permitted to the Council's sound recording equipment, neither may any equipment be placed on tables within the area occupied by Members or Officers.

10. If there is a breach of this Protocol, the Chairman may at his or her discretion, after a warning, order that no further sound recording shall take place during the meeting.