

APPENDIX 7

COUNCIL PROCEDURE RULES

1. Council Meetings

- 1.1 The Council will decide when its meetings will take place. Details will be contained in a calendar of meetings which will be approved by the Council.
- 1.2 Meetings will be held at a time and a place (normally the Civic Offices) to be agreed by the Council. The Mayor, or the Council, can agree to hold a meeting at a different place or time.
- 1.3 At least 5 clear days (that is, not counting the day of the meeting and any days when the Council's main office is closed for business) before a meeting, a summons to attend specifying the time, date, place and business of the meeting will be provided to Members with the reports on the agenda. Notice of the meeting shall be published at least 5 clear days before the meeting. Failure to summons any Member shall not affect the validity of a meeting.
- 1.4 A Special Meeting can be called by resolution or by the Mayor, or five Members of the Council can ask the Mayor, by writing to the office of the Head of Business Improvement, Central Services and Partnerships, to call a special meeting. If the Mayor does not agree, then those Members can call the meeting by giving written notice to the Head of Business Improvement, Central Services and Partnerships. The Head of Business Improvement, Central Services and Partnerships, in consultation with the Mayor, may also call a Special Meeting.
- 1.5 Before the start and at the end of each meeting, Members and officers will stand or sit and indicate respect whilst the Mayor and the Deputy Mayor enter and leave the room.

2. Mayor, Deputy Mayor and Leader of the Council

- 2.1 At its Annual Meeting, the Council will first elect its Mayor, appoint its Deputy Mayor until the next Annual Council and appoint the Leader of the Council if no-one then holds that office.
- 2.2 The Mayor of the Council, or in his absence the Deputy Mayor (who will have the same powers and duties as the Mayor), will preside at meetings of the Council. Where both the Mayor and Deputy Mayor are absent, the Council will appoint another Member, other than a Member of the Cabinet, to chair the meeting, who will have the same powers and duties as the Mayor.

3. Committees

At its Annual Meeting, the Council will allocate powers and responsibilities to committees, and decide the number and size of each of those committees, and the appointment of members, chairs and vice chairs until the next Annual Council Meeting. The Council may at any time during the year alter those decisions. Appointments to committees other than Standards shall reflect the political composition of the Council in accordance with the rules set out at Annex 1 to this Appendix.

NOTE: Cabinet is not a committee of Council.

4. Quorum

No business shall be dealt with at a Council meeting if there are fewer than 15 Councillors present. Where the meeting has started, and the number of Councillors present is fewer than 15, the Mayor will adjourn the meeting. Where the Mayor does not give a date and/or time, all business not completed will be considered at the next meeting.

5. What the Council can decide

The Council will decide such matters as required by the law, and those matters set out in Part 3 of this Constitution.

6. Order of Business

Business shall be dealt with in the order in which it is set out in the agenda unless the Council decides otherwise.

7. Urgent Business

Business including communications or reports falling within the terms of reference of a non-Executive committee cannot be dealt with at a Council meeting unless it is included in the summons or unless the Mayor has agreed that it is urgent and cannot wait until the next Council meeting or the next meeting of the appropriate committee. The Mayor must give the reasons for urgency, which must be recorded in the minutes of the meeting.

8. Confirmation of Minutes

8.1 Minutes of the last Council meeting must be confirmed at the next ordinary or annual meeting of the Council.

8.2 Only matters relating to the accuracy of the minutes can be raised, which must be done by way of a proposal moved, seconded and voted upon. Where no issues are raised, or after the proposal has been dealt with, the Mayor shall sign the minutes.

8.3 Where in relation to any meeting the next meeting for the purpose 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 signing of minutes (note: this is a rule required by law).

8.4 The minutes of the Cabinet and all committees shall be reported to the Council for information or a decision where the committee did not have the power to act.

9. Matters for Decision by the Council

9.1 All matters for decision by the Council (except any notices of motion below and any urgent items) shall be included with the agenda.

9.2 When the item is reached on the agenda, the appropriate Cabinet Member or the Chair of the relevant committee or officer will, where appropriate, move the

recommendation or advice of the Cabinet or committee, or endorsement of a Cabinet or a committee decision. Another Member may second the motion and may reserve the right to speak until later in the debate.

10. Motions Moved Without Notice

A Member may move without notice any of the following motions and amendments:

- 10.1**
- (1) Appointment of a Chair of the meeting
 - (2) Motions relating to the accuracy of the minutes
 - (3) To vary the order of the agenda
 - (4) That a matter be referred or referred back to the Cabinet or a committee
 - (5) That a committee be appointed or a person be appointed to the Cabinet, a committee, a scrutiny panel or other body
 - (6) Adoptions of minute reports and recommendations of Cabinet, committees or officers and any consequent resolutions, provided that a 'starred' minute made under powers delegated by the Council may not be amended
 - (7) That leave be given to withdraw a motion
 - (8) Extending the time limit for speeches
 - (9) Amendments to motions
 - (10) Authorising the sealing of documents
 - (11) Suspending Rules of Procedure in accordance with Procedure Rule 24
 - (12) Motion to exclude the public from the meeting under Section 100A(4) of the Local Government Act 1972
 - (13) That a Member named by the Mayor for disorderly conduct not speak or leave the meeting
 - (14) Giving consent of the Council where the consent of the Council is required by these Procedure Rules.
- 10.2** Closure motions may be moved and seconded without comment.
- (1) That the Council proceed to the next business on the agenda. Unless the Mayor considers the matter has been insufficiently discussed he/she will immediately put the motion to a vote
 - (2) That the question be now put. Unless he/she considers there has been insufficient debate, the Mayor will put such a motion immediately to a vote and if it is passed, proceed directly to the rights of reply
 - (3) That the debate be now adjourned. Unless the Mayor considers the matter has not been and cannot be sufficiently discussed on this

occasion the Mayor will put such a motion immediately to the vote with no right of reply on this occasion

(4) That the Council do now adjourn.

11. Questions at Council Meetings

11.1 Member of the Council may ask the Mayor, the appropriate Cabinet Member or the Chair of a committee any question about a matter which the Council, the Cabinet or the committee has powers, duties or responsibilities

11.2 Questions other than those on a minute appearing on the Council agenda must be sent in writing to the Head of Business Improvement, Central Services and Partnerships at least 24 hours before the meeting

11.3 The Mayor may agree to take urgent questions where he considers that it has not been possible for a Member to give the required notice, provided that a copy of the question is given to the Head of Business Improvement, Central Services and Partnerships before the meeting starts

11.4 Questions will be asked and answered without discussion. In replying, the Member responding will use their reasonable endeavours to address the matters raised in the question. The Member responding may decline to answer any question or may:

- reply direct
- reply by reference to a publication; or
- reply by written answer with a copy to such other Members as the Council agrees; or
- refer the question to an appropriate committee or to the Cabinet

11.5 Following the answer to each question, the questioner may ask a concise and focussed supplementary question which relates to the subject matter of the initial question and answer. The Mayor may choose to disallow a supplementary question if, in his opinion, it is inappropriate or unduly lengthy. The Member answering the supplementary question will decide whether or not to reply

11.6 Where a question submitted under this Procedure Rule relates to a matter that appears on the agenda for that meeting, the question shall be put and answered in accordance with this Procedure Rule, at the start of the consideration of that matter

12. Notices of Motion

12.1 A notice of motion must relate to matters for which the Council has responsibility for which affect its area.

12.2 A motion not listed in Procedure Rule 10 must be in writing, signed by the Member(s) giving it and delivered to the office of the Chief Executive at least ten clear days (that is, not counting the day of delivery or the day of the meeting) before the meeting

12.3 The Chief Executive shall set out in the summons for every meeting of the Council all motions of which notice has been duly given in the order in which

they have been received, unless the Member has, in writing, either withdrawn it or stated a wish to move it at a later meeting

- 12.4** If a motion set out in the summons is not moved and seconded at the meeting, it shall be treated as withdrawn and shall not be moved without fresh notice
- 12.5** If the subject matter of any motion comes within the province of any committee or committees it shall, upon being moved and seconded, stand referred without discussion to such committee or committees (or to such other committee as the Council may determine) for consideration and report. However, the Mayor may allow the motion to be dealt with at the meeting at which it is brought forward if he/she considers it would be convenient and helpful to the Council to do so.
- 12.6** Every motion shall be relevant to some matter in relation to which the Council have powers or duties which affects the Borough
- 12.7** The Member who has moved the motion has the right to attend the meeting(s) of the committee(s) to which the motion is referred and to explain the motion.

13. Rules of Debate

The rules of debate to be followed at Council meetings are set out in Annex 2 to this Appendix.

14. Changing an Earlier Resolution

- 14.1** Subject to Rule 14.2, at a meeting of the Council, no motion or amendment shall be moved to change any resolution of the Council which was passed within the preceding six months or which is to the same effect as one which has been rejected within that period
- 14.2** Such a motion may be moved if:
- (a) it is recommended by the Cabinet or a committee; or
 - (b) notice of such motion has been given under Procedure Rule 12 and signed by at least 12 elected Members of the Council.

15. Voting

- 15.1** Voting will be by a show of hands
- 15.2** When before the vote, a Member asks for a recorded vote to be taken, and 12 other Members stand in their places to support the request, the vote will be recorded to show whether each Member voted for or against the motion or abstained
- 15.3** A recorded vote will not be taken if the vote has already begun to be taken by a show of hands
- 15.4** A Member may require, after a vote is completed, that the minutes of the meeting record how he/she voted or abstained
- 15.5** Where there are equal votes cast for a motion or amendment the Mayor or the person presiding will have a second or 'casting' vote.

16. Duration of Meeting

Any meeting of the Council which has sat continuously for 3 hours shall stand adjourned unless the majority of Members present, by vote, resolve to continue.

17. Public Access to Meetings

Members of the public (including the press) may attend all meetings subject only to the exceptions set out in the Access to Information Rules in Appendix 11.

18. Petitions

All petitions received are dealt with in accordance with the Council's petition scheme (Appendix 27).

19. Recording and Social Media

There shall be no recording of sound or pictures or still pictures in a Council meeting without the consent of the Mayor. Mobile phones shall be placed in silent mode and no calls shall be made or received in the meeting room during the meeting.

20. Disorderly Conduct and Disturbance

20.1 If the Mayor considers a Member's conduct to be disorderly, he may say that to the Council

20.2 Any Member may then move that the Member referred to in 20.1 above speak no more on that item and the motion if seconded shall be put and determined without discussion

20.3 If the Mayor considers that a Member's conduct continues to be disorderly, the Mayor shall either:

- (i) move that the Member leave the meeting and the motion shall be put and determined without seconding or discussion; or
- (ii) adjourn the meeting of the council for as long as the Mayor considers appropriate.

20.4 In the event of general disturbance the Mayor may without question adjourn the meeting for as long as he considers appropriate

20.5 If a member of the public interrupts the meeting, the Mayor may issue a warning and if the interruption continues, the Mayor may order removal of the person from the room and may order all or part of the room open to the public to be cleared.

21. Records of Attendance

Members attending a meeting shall sign their names on the attendance sheet provided.

22. Personnel Matters

22.1 Staff Establishment

Within the budget the Chief Executive shall from time to time determine the establishment of the Council and the terms and conditions of posts.

22.2 Recruitment, Selection and Induction

All vacancies shall be dealt with in accordance with the Council's approved Recruitment, Selection and Induction Code of Practice except where the Council determines otherwise.

22.3 Appointment/Dismissal of Head of Paid Service, Statutory Chief Officers and Deputy Chief Officers

The requirements of the Local Authorities (Standing Orders) (England) Regulations set out in part at Annex 3 to this Appendix will be followed.

23. Non-disclosable Pecuniary Interests or non-Pecuniary Interests

23.1 A Member with a non-disclosable pecuniary interest or a non-pecuniary interest (as defined in the Code of Conduct for Members (Appendix 18) in a matter who attends a meeting must disclose to that meeting the existence and nature of the interest before the matter is discussed or when the interest becomes apparent subject to the exemptions of the Code

23.2 Where a Member has such an interest, and a member of the public with knowledge of the relevant facts would reasonably regard it as so significant that it is likely to prejudice the Member's judgment of the public interest, they must withdraw from the meeting unless the public are allowed to speak, in which case the Member may speak but then leave.

24. Suspension, Variation and Revocation of the Rules of Procedure

24.1 The Council may resolve to amend or revoke any of these Procedural Rules except as set out at 24.4 following a recommendation of Cabinet

24.2 Except as above any motion to amend or revoke these Rules shall be adjourned without discussion to the next meeting of the Council unless the Mayor waives such adjournment

24.3 All of these Procedural Rules except as set out in 24.4 may be suspended by motion or notice or without notice if at least 30 Members are present. Suspension can only be for the duration of the meeting.

24.4 Rule 8.3 and 15.4 may not be amended, suspended or revoked as they are required by statute.

25. Confidentiality

All reports and other documents and all proceedings of the Council, the Cabinet, committees and sub-committees from which the public and press are excluded shall be treated as confidential unless and until they become public in the ordinary course of the Council's business or as required by the law. No Member may release such information on the basis it is required by the law without first consulting with the Head

of Business Improvement, Central Services and Partnerships. Disclosure in breach of the Council's rules will be a breach of the Code of Conduct (Appendix 18).

26. Rules of Procedure to be given to Members

A copy of the Constitution shall be made available to each Member of the Council as soon as practicable after their election. Subsequent amendments shall also be made available to them as soon as practicable after the amendment is made.

27. Interpretation of the Rules of Procedure

27.1 The ruling of the Mayor, or if not the Mayor the Chair of the meeting as to the meaning or application of any of the rules or as to any proceedings of the Council, Cabinet, a committee or sub-committee shall not be challenged at any Council meeting.

Updated Feb. 2015